

# WASHOE COUNTY AIR POLLUTION CONTROL REGULATIONS

6/12/72

## GENERAL DEFINITIONS

### 010.000 DEFINITIONS:

Except as otherwise specifically provided in these Regulations and except where the context otherwise indicates, words used in these Regulations are defined as follows:

010.005 "Air Contaminant" means any substance or gas discharged into the atmosphere, but excluding uncombined water.

010.010 "Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants, or any combination thereof, in sufficient quantities and of such characteristics and duration, which are, or may tend to be, injurious to human health and welfare, plant or animal life, or property, or that interfere with the comfortable enjoyment of life or property or the conduct of business.

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010.011 "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate, hours of operation, or both) and the most stringent of the following:

- A. Applicable standards as set forth in 40CFR, Parts 60 and 61;
- B. The applicable State Implementation Plan limitation; or
- C. The emission rate specified as a permit condition.

010.014 "Asphalt" includes any dark-brown to black cementitious material of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

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010.015 "Atmosphere" means the air that envelops or surrounds the earth and includes all spaces outside of buildings, stacks, or exterior ducts.

010.020 "Board of Health" means the District Board of Health of Reno, Sparks and Washoe County created pursuant to N.R.S. 439.370.

010.025 "BTU - British Thermal Unit" means the quantity of heat required to raise the temperature of one pound of water one degree fahrenheit at or near its point of maximum density (39.1° F).

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010.028 "Cold cleaner" includes any batch loaded, non-boiling solvent degreaser.

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- 010.030 "Combustion Contaminants" means particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- 010.035 "Combustible Refuse" means any waste other than liquid and gases, which can be consumed by combustion.
- 010.040 "Commercial Fuel Oil" means a liquid or liquefiable petroleum product normally produced, manufactured, used or sold for the purpose of creating useful heat.
- 010.045 "Condensed Fumes" means minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination or chemical reaction, when these processes create air borne particles.
- 010.050 "Control Equipment" means any equipment or contrivance or any combination thereof which has the function of controlling the emissions from a process, fuel-burning or refuse-burning equipment and thus reduces the creation of, or the emission of air contaminants into the atmosphere or both.
- 010.055 "Control Officer" means the person that has been designated to enforce the Air Pollution Control Regulations.

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010.057 "Conveyorized degreaser" means any continuously loaded, conveyorized solvent degreaser, either boiling or non-boiling.

010.059 "Cut-back Asphalt" includes any asphalt which has been liquified by blending with petroleum solvents (dilvents) or which has been produced directly from the distillation of petroleum.

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- 010.060 "District Health Officer" means the person appointed by the District Board of Health to administer activities of the Washoe County District Health Department in matters directly pertaining to health, disease, sanitation, and other matters directly relating thereto.
- 010.065 "Dusts" means minute solid particles released into the atmosphere by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, land leveling, or any combination thereof.
- 010.070 "Emission" means the act of passing into the atmosphere an air contaminant or a gas stream which contains air contaminant; or the material so passed to the atmosphere.

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- 010.071 "Freeboard height" means:
  - (a) For cold cleaning tanks, the distance from the top of the solvent or solvent drain to the top of the tank.
  - (b) For vapor degreasing tanks, the distance from the solvent vapor - air interface to the top of the basic degreaser tank.
- 010.072 "Freeboard ratio" means the freeboard height divided by the width of the degreaser.

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- 010.075 "Fuel" means any form of combustible matter - solid, liquid, vapor or gas, excluding combustible refuse.
- 010.080 "Fuel Burning Equipment" means any device used for the burning of fuel for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with any other materials.
- 010.085 "Garbage" means putrescible animal or vegetable waste.
- 010.090 "Gas" means matter which has no definite shape or volume.

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010.091 "Gasoline" includes any petroleum distillate having a Reid vapor pressure of 4 pounds per square inch or greater.

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010.095 "Health District" means a health district created pursuant to N.R.S. 439.370 and includes all the incorporated cities and unincorporated areas of Washoe County, Nevada.

010.100 "Hearing Board" means five members appointed by the Board of Health pursuant to N.R.S. to perform the functions set forth in the Nevada Revised Statutes and these Regulations.

010.105 "Incinerator" (a) Multiple-Chamber Incinerator is 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 walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. In addition, there shall be an approved auxiliary burner in the primary and secondary combustion chambers, and an approved flue gas washer on all new installations providing the nearest property line is within 100 feet of the incinerator. (b) Pathological Incinerator is any multiple chambered incinerator used to dispose of pathological wastes, wet garbage and other high moisture content materials and must incorporate solid hearth construction, with drying shelves for wet wastes and auxiliary heating units to insure temperatures of 1400° F to 1800° F, for not less than 0.3 seconds.

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010.106 "Lowest Achievable Emission Rate" means, for any source, that rate of emission based on the following, whichever is the most stringent:

- A. The most stringent emission limitation which is contained in the implementation plan for any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or
- B. The most stringent emission limitation which is achieved in practice by such class or category of source.

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## 010.106 (CONTINUED)

"Lowest Achievable Emission Rate; as applied to a major modification, means the lowest achievable emission rate for the new and modified facilities within the source. In no event may the application of this term permit a proposed new or modified facility to emit any pollutant in excess of the amount allowed under the applicable New Source Performance Standards or National Emission Standards For Hazardous Air Pollutants.

010.107 "Major Emitting Facility Or Major Stationary Source" means one of the following depending upon location:

B. Non-attainment areas:

Any stationary facility or source which directly emits, or has the potential to emit, 100 tons or more per year of any air pollutant (including any fugitive emissions).

010.108 "Major Modification" means any physical change, operational change or addition to a stationary source which increases the potential emission rate of any air pollutant (including any pollutant not previously emitted and taking into account any accumulated increases in potential emissions occurring at the source since the time of the last construction approval issued to the source pursuant to these regulations, and regardless of any emission reductions achieved elsewhere in the source) over the following amounts:

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010.108 (CONTINUED)

- A. 100 tons or more per year for attainment pollutants emitted from any source category identified in Section 010.107 (1) of these regulations:
- B. 250 tons or more per year for attainment pollutants emitted from any other type of source; or
- C. 100 tons or more per year of any non-attainment pollutant.

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010.110

"Mist" means a suspension of any finely divided liquid in any gas or in the atmosphere.

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010.116

"Non Attainment Area" for any air pollutant means an area which is shown by air monitoring data or which is calculated by air quality modeling (or other methods determined by the Control Officer to be reliable) to exceed any national ambient air quality standard.

010.117

"Non Attainment Pollutant" means any pollutant which causes an area to be designated as a non-attainment area and which is either being emitted in a non-attainment area or has a significant ambient impact on a non-attainment area.

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010.120 "Nuisance" means anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

010.125 "Odor" means that property of an air contaminant that affects the sense of smell.

010.130 "Opacity" means that property of a substance tending to obscure vision and is measured in terms of percent obscuration.

The relationship between opacity and Ringelmann number is:

Ringelmann No.	Opacity %
1	20%
2	40%
3	60%
4	80%
5	100%

010.135 "Open Fire" means burning of any combustible refuse wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.

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010.136 "Open top vapor degreaser" means any batch loaded, boiling solvent degreaser.

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010.140 "Particulate Matter" means any material, except uncombined water, that exists in a finely divided form as a liquid or solid.

010.145 "Pathological Waste" means human and animal remains, consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds and similiar sources.

5/5/06

010.117 "PELLET STOVE" means a solid fuel-burning device designed to heat the interior of a building. It is a forced draft heater with an automatic feed which supplies appropriately sized feed material or compressed pellets of wood, or other biomass material to the firebox. (Revised 2/23/06)

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010.148 "Penetrating Prime Coat" means any low-viscosity liquid asphalt which may be applied to an absorbent surface to prepare it for paving with an asphalt concrete.

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010.149 "Penetrating Seal Coat" includes any low-viscosity liquid asphalt which may be applied to a new road surface in order to seal it against water penetration or which may be applied to an old road surface to renew flexibility lost due to aging.

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010.150 "Person" means any individual, firm, association, organization, partnership, business trust, public or private corporation, company, department or bureau of the state, municipality or any officer, agent or employee thereof, or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties.

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010.151 "Potential to emit" means the maximum capacity to emit a pollutant in the absence of any air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential to emit shall be based on the maximum annual rated capacity of the source unless the source is subject to enforceable permit conditions which limit the operating rate, hours of operation, or both. Enforceable permit conditions on the type or amount of materials burned or processed may be used in determining the potential emission rate of a source.



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- 010.155 "Process Weight" means 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 as part of the process weight, but liquid and gaseous fuels and combustion air will not.
- 010.160 "Process Weight Rate" means the total process weight divided 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.
- 010.165 "Ringelmann Chart" means the chart published by the U.S. Bureau of Mines on which are illustrated graduate shades of grey or black for the use in estimating the light obscuring capacity of smoke.

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010.166 "Significant Ambient Impact" means an increase in the ambient concentrations of non-attainment pollutants in a non-attainment area which is equal to or greater than the following amounts:

POLLUTANT	AVERAGING TIME				
	ANNUAL	24-HOUR	8-HOUR	3-HOUR	1-HOUR
SO <sub>2</sub>	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>	- - -	25 ug/m <sup>3</sup>	- - -
TSP	1.0 " "	5 " "	- - -	- - -	- - -
NO <sub>2</sub>	1.0 " "	- - -	- - -	- - -	- - -
CO	- - -	- - -	0.5 mg/m <sup>3</sup>	- - -	2 mg/m <sup>3</sup>

No significant levels are applicable for hydrocarbons or photochemical oxidants.

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- 010.170 "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material present in sufficient quantity to be observable or, as a suspension in gas of solid particles in sufficient quantity to be observable.
- 010.175 "Source" means any physical arrangement, condition, or structure which may emit air contaminants.

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010.1751 "Source Registration" means any source that emits air contaminants and is required to be registered. Such sources are of the following general categories:

- A. Any fuel burning equipment capable of producing 2 million British thermal units of heat input per hour, either singly or in the aggregate;
- B. Incinerators;
- C. Stationary storage tanks with more than 40,000 gallons capacity for petroleum products have a Reid vapor pressure of 1.5 pounds per square inch or greater;
- D. Processes or process equipment capable of processing 50 pounds or more of material per hour;
- E. Hazardous material processes regardless of extent of emissions;
- F. Dry cleaning plants;
- G. Degreasing operations; and
- H. Spray paint booths.

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010.180 "Stack or Chimney" means any flue, conduit, or duct arranged to conduct an effluent to the open air.

010.185 "Standard Conditions" means when applied to gases, a gas temperature of 60 degrees fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

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010.197 "Volatile organic compound" includes any carbon compound except carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, or methane which has a vapor pressure greater than 0.1 millimeters of mercury at standard conditions.

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## GENERAL PROVISIONS

020.005

### BOARD OF HEALTH - POWERS AND DUTIES

The Board of Health shall:

- A. Adopt rules and regulations or amend existing rules and regulations, to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the Health District in order to control air pollution.
- B. Make such determinations and issue such orders as may be necessary to implement the provisions of these standards.
- C. Establish ambient air quality standards.
- D. Institute proceedings to prevent continued violation of any order issued by the Board of Health, Hearing Board, or Control Officer and to enforce these Regulations.
- E. Require access to records relating to emissions which cause or contribute to air pollution.
- F. Apply for and receive grants or other funds or gifts from public or private agencies.
- G. Cooperate and contract with other governmental agencies, including state and Federal Government.
- H. Conduct investigations, research and technical studies consistent with the general purposes of the Nevada Revised Statutes.
- I. Establish such emission control requirements as may be necessary to prevent, abate, or control air pollution.
- J. Require the registration of air pollution sources together with a description of the processes employed, fuels used, nature of emissions and other information considered necessary to evaluate the pollution potential of a source.
- K. Prohibit, regulate, or control as specifically provided in Chapters 030.005 through 030.020, the installation, alteration or establishment of any equipment, device or other article capable of causing air pollution.
- L. Issue or deny all variance petitions after due consideration of the recommendations of the Hearing Board.
- M. Require the submission of preliminary plans and specifications and other information as the Board deems necessary to process permits.
- N. Enter into and inspect at any reasonable time any premise containing an air contaminant source or a source under construction for purposes of ascertaining the state of compliance with these regulations.
- O. Hold hearings for purposes of implementing these Regulations.
- P. Review recommendations of the Hearing Board and take such additional evidence as the Board of Health deems necessary or remand to the Hearing Board for such evidence as the Board of Health may direct.
- Q. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.

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## 020.005 (CONTINUED)

- S. Specify the manner in which incinerators may be constructed and operated.
- T. Delegate all powers except subchapter A, C, F, O and R to the Control Officer or his representatives as may be necessary to implement these regulations.
- U. Appoint by resolution of the Board of Health an Air Pollution Control Hearing Board consisting of five (5) members who are not employees of the State or any political subdivision of the State. One (1) member of the Hearing Board shall be an attorney admitted to practice law in Nevada, and one (1) member shall be a professional engineer registered in Nevada.
- V. Institute in a court of competent jurisdiction legal proceeding to compel compliance with these Regulations and the Nevada Statutes pertaining to the emission of air contaminants into the atmosphere within the territorial limits of the Health District.

**Modifications of Actions**

The Board of Health may in granting a variance impose appropriate conditions upon an applicant and may revoke the variance for failure to comply.

**Board Actions**

Upon making the determinations required by Chapter 020.030 the Board of Health may issue a cease and desist order. The order may be conditional and require a person to refrain from the particular act, unless certain conditions are met. However, no order of the Board of Health shall restrict or otherwise limit the type of design of equipment to be used in reducing the release of air contaminants, except equipment used to dispose of combustible refuse.

All decisions of the Board of Health shall become effective not less than thirty (30) days after they are issued, unless:

- A. A rehearing is granted, which will have the effect of staying the decisions.
- B. It is determined that an emergency exists which justifies an earlier effective date.

020.010

**INJUNCTIVE RELIEF**

Upon the failure or refusal of a person to comply with a cease and desist order of the Board of Health, an action may be filed in the Second Judicial District Court of the State of Nevada to restrain and enjoin the persons from engaging in further acts violating such order.

020.015

## JUDICIAL REVIEW

Any person aggrieved by a decision of the District Board of Health, pursuant to Chapters 010.000 through 040.075 inclusive and Chapters 050.015 through 050.025 inclusive, or the Hearing Board, pursuant to Chapters 060.005 through 060.060, may petition the Second Judicial District Court for review. The review shall be trial de novo.

If such person wishes to petition the Second Judicial Court in the manner prescribed herein, he shall submit a written notice of his intent to petition said District Court to the District Health Officer within thirty (30) days after the decision of either the District Board of Health or the Hearing Board has been filed with said District Health Officer.

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020.025

#### CONTROL OFFICER - POWERS AND DUTIES

The Control Officer, or his designated agent, shall enforce and have the power and authority in his name, or in the name of the Board of Health, to enforce the provisions of these Regulations and the policies of the Board of Health in relation thereto: to issue a Notice of Violation or Citation if he has reasonable cause to believe that a person is violating these Regulations; to issue a warning and give any violator an opportunity to correct the cause of the violation before the filing of a formal complaint, or, in the event the Control Officer has served upon the violator a Notice of Violation and said violator has not corrected the violation within a reasonable time, to request the District Attorney or other proper agency, person or prosecuting authority in Washoe County to institute a criminal action against the violator, or request the Board of Health to institute abatement proceedings against said violator.

The Control Officer at any reasonable time may require from any person such information or analyses as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by any source of such air contaminants, and type or nature of control equipment in use, and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the Control Officer may designate an authorized agent to make an independent study and report as to the nature, extent, quantity, and degree of any air contaminants which are or may be discharged from the source. An authorized agent so designated is authorized to inspect any article, machine, equipment, or other contrivance necessary to make the inspection and report.

The Control Officer may require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Control Officer has reason to believe that an emission in excess of that allowed by the Air Pollution Regulations is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Control Officer shall be given a copy of the test results in writing and signed by the person responsible for the tests.

The Control Officer may conduct tests of emissions of air contaminants from any source. Upon request of the Control Officer the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and scaffolding and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

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020.035

**VIOLATIONS OF REGULATIONS**

Whenever the Control Officer, or his designee, believes that a Regulation for the prevention, abatement or control of air pollution has been violated, he shall cite or cause written notice to be served upon the person or persons responsible for the alleged violation either by registered or certified mail or personally.



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020.040

**NOTICE OF VIOLATION**

The Notice of Violation shall specify:

- A. The regulation alleged to be violated; and
- B. the facts alleged to constitute the violation.

The notice may include an order to take corrective action within a reasonable time, which may be specified. Such an order becomes final unless, within 10 days after service of the notice, a person named in the order requests a hearing before the Hearing Board.

Without the issuance of an order pursuant to the above paragraph, or if corrective action is not taken within the time specified:

- A. The Control Officer may notify the person or persons responsible for the alleged violation to appear before the Hearing Board.
- B. The Control Officer may refer the case to the District Attorney's Office for misdemeanor prosecution.
- C. The District Board of Health may initiate proceedings for recovery of the appropriate penalty, as per Chapter 020.050.

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020.045

**CITATION**

The Citation shall specify:

- A. The regulation alleged to be violated.
- B. The facts alleged to constitute the violation.
- C. The time and place alleged violator shall appear before the Justice of the Peace.

Appearance before the Justice of the Peace shall terminate with a fine being imposed or a trial date and bail being set. If the plea is not guilty the District Attorney's Office shall prepare a formal criminal complaint. If the alleged violator fails to appear at the scheduled time and place the Justice of the Peace may issue a bench warrant or the District Attorney's Office may file a criminal complaint followed by the service of a subpoena by the Washoe County Sheriff's Office.

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.020.050

### ADMINISTRATIVE FINES

- A. Any person found by the District Board of Health to have violated any provision of these Regulations, other than Chapters 020.065, 050.005 and 050.010, shall pay an administrative fine determined and levied by the District Board of Health in an amount not to exceed \$5000.00 for each offense.
- B. For the purposes of levying an administrative fine, each day of violation of any provision of these Regulations shall constitute a separate offense.
- C. Prior to levying an administrative fine for each violation of any provision of these Regulations, the District Board of Health shall first consider the facts and/or evidence establishing such violation by one or more of the following methods:
  1. Hearing and receiving evidence of such violation from the Control Officer if the person responsible has not appeared at or requested a hearing before the Hearing Board.
  2. Reviewing and receiving evidence of such violation as contained in the transcript or record of proceedings before the Hearing Board, at which proceeding evidence of such violation was presented to said Hearing Board. If the Board of Health, after reviewing the recommendation of the Hearing Board, decides to receive additional evidence or remand the case to the Hearing Board to receive and record additional evidence, the same considerations for taking and receiving evidence as are contained in these Regulations shall apply on any such rehearing.
  3. Hearing and receiving evidence of such violation from any person, public official, or representative of the District Board of Health, provided the person charged with committing such violation shall be provided an opportunity to present evidence in his defense before said Board, after being given reasonable notice, not less than seven days, of the hearing of the charges against him.
- D. For the purpose of determining whether or not a violation of these Regulations has occurred, the District Board of Health shall base its decision on evidence commonly relied upon by reasonable and prudent men in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Documentary evidence may be received in the form of authenticated copies or excerpts, if the original is not readily available, and on request, an aggrieved party shall be given an opportunity to compare the copy with the original if such is available. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though its matter was not covered in the direct examination, and impeach any witness regardless of which party first was called into testify, and rebut the evidence against him. The District Board of Health may take notice of judicially cognizable facts and generally recognized technical or scientific facts within said Board's specialized knowledge. All decisions of the District Board of Health respecting administrative fines shall be in writing or stated in the official minutes of said Board, and a proper notice of such decision shall be forwarded to the aggrieved party at his last known mailing address.
- E. The Board of Health shall levy administrative fines, as provided for in these Regulations, in accordance with the following schedule:
  1. First violation;
    - (a) Chapters 040.035 and 040.040 (by individual resident) ... \$25.00.
    - (b) Chapters 040.005 and 040.030 (for incinerators and fugitive dust) ... \$50.00.
    - (c) Chapters 040.010, 040.015 and 040.020 (for stack emissions and process weight) ... \$100.00.
    - (d) Chapter 030.010 (Permit to Operate) ... \$100.00.
    - (e) Chapters 050.015 through 050.025 (Mobile Equipment and Emissions) ... \$25.00.

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2. Second violation within 365 day period;

(a) Fine levied will be double the amount of first violation.

3. Third violation within 365 day period;

(a) Fine levied will be double the amount of the second violation.

4. In the case of four or more violations in any 365 day period, the fine may be that which is deemed appropriate by the Board of Health in an amount not to exceed \$5000.00 for such offense.

F. Any person aggrieved by an order issued pursuant to this chapter is entitled to judicial review as provided in Chapter 020.015 of these Regulations.

G. Nothing contained in Chapter 020.050 of these Regulations shall be construed as limiting the authority of the Board of Health to take other appropriate remedies as are provided in these Regulations.

H. Increased fines for second, third or fourth violations involving mobile equipment or stationary sources must be concerned with the same equipment or source and not total violations received by a person.

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020.055 INJUNCTIVE RELIEF

In addition to any remedy at law hereunder, the Control Officer may apply to a court of competent jurisdiction for any other equitable and injunctive relief to enforce compliance with, or to restrain violations of any provision of these Regulations, or to any regulation or rule made and adopted pursuant thereto.

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020.055 Confidential Information

- A. As used in this section "confidential information" means information or records which:
1. Relate to quantities or dollar amounts of production or sales;
  2. Relate to process or production unique to the owner or operation; or
  3. If disclosed, would tend to affect adversely the competitive position of the owner or operator.
- B. The emission of an air contaminant which had an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by the United States Environmental Protection Agency cannot be certified as being confidential.
- C. Any information, except information on emission data, received by the Hearing Board, or the Control Officer which is certified to the recipient as

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confidential by the owner or operator disclosing the information shall, unless the owner expressly agrees to its publication or availability to the public, be used only:

- 1. In the administration or formulation of air pollution controls;
- 2. In compiling or publishing analyses or summaries relating to the condition of the outdoor atmosphere which do not identify any owner or operator or reveal any confidential information; or
- 3. In complying with Federal statutes, rules and regulations.

D. This section does not prohibit the use of confidential information in prosecution for the violation of any air pollution control statute, ordinance or regulation.

E. A person who discloses or knowingly uses confidential information in violation of this section is guilty of a misdemeanor, and shall be liable in tort for any damages which may result from such disclosure or use.

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020.060

**INTERFERENCE WITH PERFORMANCE OF DUTY**

It shall be unlawful for any person to interfere or impede the Control Officer or his designee in the performance of his duty in his investigation of a suspected air pollution violation, or refuse to permit him to perform this duty by refusing entrance to the premises or property.

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**020.070 SAMPLING AND TESTING**

The Control Officer or Board of Health may require any person to conduct, or have conducted, testing to determine compliance with these Regulations. The Control Officer may, at his option, witness such tests. All information gathered during a testing operation will be provided to both parties.

Testing to determine the quantity of emissions shall be under taken by generally recognized methods of measurement, and at such a point or points as to represent the actual discharge into the atmosphere; except that these may be modified or adjusted by the Control Officer to suit specific sampling conditions or needs based upon good practice, judgement and experience.

The costs of tests shall be paid by the owner or person using such installation. The Control Officer may conduct separate or additional tests of an installation on behalf of the District at the District's expense. Sampling holes, safe scaffolding and pertinent allied facilities, but not instruments and sensing devices, as needed shall be requested in writing by the Control Officer and provided by and at the expense of the owner of the installation at such points as the Control Officer requests. The owner or user of such property shall provide a suitable power source to the point of testing so that sampling instruments can be operated as required.

Any results or information obtained will be treated as confidential according to Chapter 020.065 of these regulations.



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020.080

**CIRCUMVENTION**

It is unlawful for any person to build, erect, install, or use, or cause to be built, erected, installed or used, any article, machine, equipment or other contrivance, the use of which without resulting in a reduction in the total release of air contaminants into the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Regulations concerning air pollution as adopted by the District Board of Health. This Chapter shall not apply to the cases in which the only violation is of Chapter 040.056 of these Regulations.

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020.085 UPSET, BREAKDOWN OR SCHEDULED MAINTENANCE

Operation of any plant or equipment so as to cause emissions of air contaminants in excess of limits set by these Regulations, which is a direct result of upset conditions or breakdown or is a direct result of the shutdown of such equipment for scheduled maintenance, is not a violation of these Regulations, provided;

- A. The occurrence, and expected duration, has been reported to the Control Officer at least twenty-four (24) hours before any scheduled maintenance, and the scheduled maintenance is performed where possible during times specified by the Control Officer as favorable for atmospheric ventilation, or;
- B. The occurrence has been reported to the Control Officer as soon as reasonable possible in the case of an upset breakdown, but in no case more than two (2) hours after the occurrence; and
- C. Repairs are made with maximum reasonable effort, including use of off-shift labor, overtime, or work periods of non-operation; and
- D. In the event of emission of air contaminants of a nature or in quantities which would endanger public health or safety, such emission is stopped entirely or reduced to harmless levels as soon as possible; and
- E. Upsets or breakdowns do not occur with such frequency that careless, marginal, or unsafe operation is indicated.

6/12/72

020.090

REGISTRATION OF SOURCES

Registration Requirements

Except as provided in subchapter 020.090 (exceptions), any person who causes, lets, permits, suffers or allows the emission of air contaminants, whether or not limits are established by these Regulations for emission of such contaminants, shall file with the Control Officer, on forms provided by him, the following information:

- A. Location of the source;
- B. Size and height of outlets;
- C. The process employed;
- D. The fuel or fuels used;
- E. The nature, rate and duration of emissions; and
- F. Any information relevant to possible air pollution as specified by the Control Officer.

Date of Registration

Emission sources existing on the date these Regulations become effective, shall within 30 days there after request registration forms from the Control Officer and within 30 days from receipt of such forms, return the completed forms to the Control Officer.

Change in Status

Each person subject to these regulations shall maintain such registration in current status by registering with the Control Officer if any substantial change is made affecting the information on file furnished in compliance with these Regulations.

Exceptions

The following sources of emission of air contaminants shall be exempt from the registration provisions of this Chapter:

- A. Internal combustion engines installed in mobile equipment units, or any engine used solely as a standby source of motor power.
- B. Aircraft not otherwise included under above subchapter A.
- C. Natural gas fired or liquefied petroleum gas fired or oil fired equipment (burning No. 1 and No. 2 fuel oil) furnaces, boilers, water heaters or steam generators, having not over 350,000 B.T.U.'s per hour total input.

6/12/72

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020.095 SEVERABILITY

If any provision of these regulations or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

7/24/79

ATTACHMENT B  
SOURCE REGISTRATION AND OPERATION

030.000 Sources - General

It is unlawful for any person to:

- A. Construct any new stationary sources;
- B. Make any major modifications to any existing stationary source; or
- C. Operate any new or existing stationary source, within the meaning of these regulations without first submitting a registration application to the Control Officer and obtaining an Authorization to Construct, a Permit To Operate or both such Authorization and Permit.

7/24/79

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030.005. No local government authority within the Health District may issue a building permit to any person who wishes to operate, construct, establish, or relocate or modify any stationary source which requires an Authority to Construct or Permit to Operate until the Authority to Construct or Permit to Operate has been issued by the Control Officer.

7/24/79

- 030.010 The Control Officer shall not issue an Authority to Construct or Permit to Operate if the registration application, engineering data or any other documentation submitted by the applicant shows, or the Control Officer determines, that the source:
- A. Cannot meet the requirements of, or be operated in compliance with, Federal, State or local regulations;
  - B. Will prevent the attainment or maintenance of State or National Ambient Air Standards; or
  - C. Will cause a violation of the approved State Implementation Plan.

7/24/79

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030.015 When assessing a major stationary source, the Control Officer shall publish, in a newspaper of general circulation, the public availability of his analysis and his intent to issue or deny an Authority to Construct or Permit to Operate. The notice shall solicit public comment for a 30 day period.



7/24/79

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030.025 REGISTRATION APPLICATION

- A. Application for registration shall be made on forms furnished by the Control Officer.
- B. A separate application is required for each source. One registration is sufficient for those sources requiring both an Authority to Construct and a Permit To Operate.
- C. Each application must contain, as a minimum:
  1. Name and address of business.
  2. Nature of Business;
  3. Name of contact person;
  4. Site information, including flow diagrams, description of site, and all emission points;
  5. Nature and quantity of emissions on an hourly, daily or annual basis;
  6. Facilities or process equipment to be constructed or modified and the control equipment or control measures to be utilized;
  7. Operating times, temperatures, fuels or other pertinent information;
  8. Such other information or documentation requested by the Control Officer as necessary to determine compliance with all requirements and standards;
  9. Signature of a responsible person of the firm or business; and
  10. A \$10.00 plan review fee.

The information shall be sufficient in scope to enable the Control Officer to make any determination pursuant to the requirements of Section 030.010 of these regulations.

7/24/79

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- D. Operators of new or existing single sources emitting 50 tons or more of total contaminants per year shall:
1. Submit a plan for curtailment of operations in the event that ambient levels of contaminants approach or reach those stated in the Emergency Episode Plan (Sections 060.005 et. seq. of these regulations)
  2. Keep accurate records concerning emissions and make such records available to the Control Officer upon request.
- E. In case of a dispute, the Control Officer may require that the application and reports be certified by a licensed professional engineer as to the accuracy of the technical information concerning equipment of the applicant shall be given under oath or upon information and belief that statements made in the application are truthful, accurate or correct.
- F. Any change or alteration to the plans, equipment or process affecting the emissions from any new or existing source shall be reported to the Control Officer and shall be approved prior to implementation.

7/24/79

030.030 The acceptance of a Registration Application or the issuance of an Authority to Construct by the Control Officer does not constitute acceptance or approval of the operation of any article, machine, equipment, facility, property or process listed on the application. Not until all requirements are met and until the Control Officer ascertains that the actual operation is in compliance with all applicable Federal, State and Local standards and emission limitations will be source be deemed approvable and a Permit to Operate be issued.

7/24/79

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030.110 New equipment or changes in processes capable of becoming a new source of air pollution or increasing present emission levels must be provided with the control capability necessary to meet all emission standards and requirements; specified in these Regulations and any additional requirements specified by the Control Officer in issuing the Authority to Construct or Permit to operate.

7/24/79

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030.115 Before issuance of an Authority to Construct, an applicant for any new major stationary source or major modification shall conduct such continuous ambient air quality monitoring and air quality modeling as the Control Officer deems necessary to determine the effect which emissions from the source or modification may have on air quality in any area which may be affected by such emissions. The applicant must also demonstrate

the following, depending upon the nature of the pollutants:

1. The source or modification must not cause or contribute to a violation of any national or state ambient air quality standards;
5. The source or modification must not cause a significant ambient impact on any non-attainment area. If the source does cause significant ambient impact on a non-attainment area, the provisions of Part B below shall apply to such source.

B. Requirements for non-attainment pollutants:

1. The source or modification must comply with the lowest achievable emission rate for such type of source;
2. By the time the source or modification is to commence operation, total allowable emissions from existing sources in the region, and from the proposed source, must be less than the total emissions from existing sources before commencement of operation;
3. The owner or operator of the source or modification shall demonstrate that all major stationary sources owned or operated by him in the State which are subject to emission limitations are in compliance, with all applicable emission limitations and standards;

4. For major sources of non-methane hydrocarbons or carbon monoxide, an analysis must be performed of at least two alternate sites and of all feasible alternative sizes for the facility, production processes, and environmental control techniques. This analysis must demonstrate that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

Since major facility definition and requirements vary depending upon State and EPA area designations, a map (Appendage 2) is included to facilitate the determination of which requirements must be met.

7/24/79

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- 030.120 If at any time prior to issuing a Permit To Operate the Control Officer determines that the proposed construction, installation, or alteration or establishment of the source;
- A. Will not be in accordance with the provisions of the plans, specifications and other design criteria submitted with the Registration Application; or
  - B. Is being done before receiving an Authority to Construct;

It shall be considered a violation of these regulations and, in addition to a Notice of Violation, the Control Officer may issue a Stop Work Order prohibiting the construction, installation or alteration or establishment of the source.

7/24/79

030.1201 A person served with a Stop Work Order shall immediately stop all activities specified in the Stop Work Order. Service of the Stop Work Order shall be done in the manner outlined in Section 020.030.



7/24/79

030.205 A person shall not cause, suffer or allow the operation of any equipment or process requiring a Registration Application, except those specifically exempted by these Regulations, without a valid permit therefore issued by the Control Officer.

7/24/79

030.210 A Permit To Operate will be issued when the Control Officer determines:

- A. All registration requirements have been fulfilled;
- B. The source can be operated in compliance with all local, State and Federal regulations;
- C. The source will not interfere with the attainment or maintenance of the Ambient Air Quality Standards; and
- D. The proper fees have been paid.

7/24/79

030.215 Nothing contained herein exempts any person in control of or responsible for any article, machine, structure or process for which a Permit To Operate has been issued pursuant to these Regulations from the responsibility of complying with the Regulations, with all applicable control strategies contained in the approved State Implementation Plan which limit, either directly or indirectly, the emission of air contaminants into the atmosphere and with all National, State and local Ambient Air Quality Standards.

030.218

#### DEMONSTRATION OF COMPLIANCE

The Control Officer may require the operator of a source to provide any applicable data to demonstrate compliance with the conditions of the Permit to Operate. Such data submission requirements may include, but would not be limited to, graphs, charts or other records of items such as plant operational temperatures, plant production levels, continuous stack monitor outputs, plant operating hours, equipment engineering and design specifications or chemical product consumption. Requested data must be provided in a timely manner, as specified by the Control Officer. Failure to provide this data as requested by the Control Officer constitutes a violation of the conditions of the Permit to Operate, and the affected source would be subject to a citation under these regulations, suspension of their Permit to Operate or both.

030.230

RECORD KEEPING (Amended 9/23/92)

The Control Officer may require any holder of a Permit to Operate to keep adequate records concerning contaminant emissions for any equipment or process for which the permit was issued. All permittees operating add-on emissions control equipment will maintain records sufficient to legally demonstrate that the equipment has operated in compliance with all applicable Federal, State and District regulations. The permittee shall also record any times or occasions when the emissions control equipment is not in operation due to equipment failure, maintenance or any other reason.

030.235

#### REQUIREMENTS FOR SOURCE SAMPLING AND TESTING

To determine the exact quantity and effect of emissions produced by stationary sources, the Control Officer may require source stack testing, or other types of source testing including, but not limited to, mass balance types of analysis, be made by the operator. Alternatively, and after consultation with the permittee, the Control Officer may require that testing be reviewed and overseen by an independent third party of the Control Officer's selection to insure the quality and accuracy of the test results. The Control Officer may also require other types of pollutant impact analysis, including but not limited to, epidemiological testing of persons who may be affected by the operations of the source, risk assessment determinations, source or receptor modeling and off-site ambient pollutant level monitoring. Completion of testing may be required prior to the issuance or continuance of a permit to operate. The Control Officer may require that all costs of any testing required under this section be borne by the operator or source owner.

7/24/79

030.245

A Permit To Operate is not transferable, by operation of law or otherwise, from one location to another, or from one piece of equipment or process to another but may be transferred from one person to another upon approval of the Control Officer and payment of \$10.00 transfer fee. The new permit holder is entitled to use the permit until expiration at no further cost. It is unlawful to deface, alter, forge, counterfeit, or falsify any Permit To Operate issued by the Control Officer.

7/24/79

030.250 Permits to Operate are subject to suspension or revocation for violation of these Regulations. If the Control Officer determines that a permittee is in violation, or has had two or more written violations in a 365 day period, he may serve upon the permittee, at the address given on the Registration Application, through personal service or certified mail, a Notice of Suspension or Revocation of a Permit to Operate, setting forth in detail the violations charged. The suspension or revocation becomes final and effective 10 days after service of the written notice and the Permit To Operate shall thereupon be surrendered to the Control Officer unless the permittee files with the Hearing Board, in writing, within 10 days of receipt of the notice of suspension or revocation, an appeal from the action of the Control officer. The filing of an appeal stays the suspension or revocation pending the decision of the District Board of Health. The Hearing Board shall meet to hear the appeal no later than 30 days after receiving the appeal.



7/24/79

030.300 FEE AND FEE SCHEDULE

Federal, State, municipal governments and their political subdivisions or other public districts are exempt from paying plan Review and Permit To Operate fees.

7/24/79

030.305 PLAN REVIEW FEES

030.3051 New, existing or modified sources - - - - \$10.00.

7/24/79

## 030.310 PERMIT TO OPERATE; Schedule of Fees

Except as otherwise provided in Section 030.3105, Permit TO Operate fees are based on a \$10.00 administrative fee plus \$10.00 for each 1.75 pounds of contaminants emitted to the atmosphere for every 24 hours of operation. The schedule of fees shown below assumes average emission rates and normal operational hours. If it is verified in the Registration application that those figures are not applicable, the Control Officer shall reevaluate the fee in accordance with the declaration contained in the application.

## A. Compliance Statements

Sources subject to Part 70 permits shall submit a statement of compliance signed by a responsible official. The annual compliance statement shall be due each year on the anniversary of the date of issuance (or more frequently if required in an applicable requirement). The compliance statement shall address each term or condition of operation on an item by item basis. The compliance statement shall contain the following:

1. Identification of each term or condition of operation that is the basis for certification.
2. The compliance status of the facility with respect to each term or condition of operation and a statement that the operator will continue to comply with such requirements.
3. Whether the compliance with each term or condition of operation was continuous or intermittent.
4. The method(s) used for determining the compliance status of the source including a description of monitoring, record keeping and reporting requirements, and test methods.
5. For any term or condition of operation for which the source is not in compliance, the source must submit a compliance schedule and a narrative description of how the source will achieve compliance with such requirements as described in 030.970 (B) of these regulations.
6. For any source for which the Control Officer has established requirements for progress reports on compliance schedules, the source must provide these progress reports in a timely manner and address dates milestones and other activities that have been specified by the Control Officer. The progress report shall also include the dates on which any milestones were achieved and an explanation of any dates or milestones that were not or are not expected to be met, why they were not met and any corrective actions to be taken as a result.
7. Any other specific information needed to determine compliance as required by the Control Officer.
8. A certification of the truth, accuracy and completeness of the compliance statement by a responsible official.
9. Any additional requirements as may be specified pursuant to sections 114(a) and 504(b) of the Act.

All Statements of compliance must be made in writing to both the EPA Administrator as well as to the Control Officer. Failure to submit a statement of compliance in a timely manner may result in citation, penalties, suspension or revocation of the Part 70 permit.

7/24/79

030.3101 FUEL BURNING EQUIPMENT

Any article, machine, equipment or other contrivances in which fuel is burned, with the exception of incinerators, shall be assessed a permit fee based upon the designed fuel consumption of the article, machine, equipment or contrivance expressed in thousands of British Thermal Units per hour using gross heating values of the fuel. All such contrivances located on a single premise shall be aggregated for the purpose of determining the fee.

1000 BRITISH THERMAL UNITS PER HOUR

1. 2000 to 5000	- - - - -	\$ 20.00
2. 5000 to 15,000	- - - - -	45.00
3. 15,000 or more	- - - - -	110.00

030.3102 INCINERATORS

RATED CAPACITY, IN POUNDS PER HOUR

1.	Less than 100	-----	\$ 10.00
2.	100 to 200	-----	20.00
3.	200 to 500	-----	45.00
4.	500 to 1000	-----	85.00
5.	1000 or more	-----	110.00

7/24/79

030.3103 STORAGE TANKS

The fee for stationary tanks, reservoirs or other containers of more than 40,000 gallons capacity containing any liquid have a Reid vapor pressure of 1.5 pounds per square inch or greater under conditions of storage is - - - - - \$100.00

7/24/79

030.3104 PROCESSES

Any process or process equipment that emits contaminants into the atmosphere shall be assessed an operating fee based on actual weight of contaminants emitted. If actual weight of emissions is unknown, the fee will be based on the process weight rate (Section 040.020).

PROCESS WEIGHT PER HOUR

1.	50 to 500 pounds per hour input	-----	\$ 25.00
2.	500 to 1000	-----	45.00
3.	1000 to 10,000	-----	140.00
4.	10,000 to 50,000	-----	450.00
5.	50,000 or more	-----	690.00



5/5/06

PROHIBITED EMISSIONS

040.005 **VISIBLE AIR CONTAMINANTS** (Revised 2/23/06)

A. Except as otherwise provided, it is unlawful for any person to discharge, or cause to be discharged, into the atmosphere from any stationary source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:

1. As dark or darker in shade as that designated as No.1 on the Ringelmann Chart;  
or
2. Of any opacity equal to or greater than that shade designated as No. 1 on the Ringelmann Chart. (See Section 010.106).

Where the presence of uncombined water, such as water vapor or water droplets, is the only reason for failure of an emission to meet the above limitations, they shall not apply. The burden of proof which establishes the application of this paragraph shall be upon the person seeking to come within its provisions.

[B. Regulation text incorporated into Section 040.051 C.4 by DBOH 6/19/02]

6/12/72

040.010 PARTICULATE MATTER

Except as otherwise provided in Chapter 040.020 and Chapter 040.030, it is unlawful for any person to discharge or cause to be discharged, into the atmosphere from any source, particulate matter in excess of 0.15 grains per cubic foot of gas at standard conditions.

6/12/72

040.015

## SPECIFIC CONTAMINANTS

It is unlawful for any person to discharge, or cause to be discharged, into the atmosphere any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

- A. Sulfur compounds calculated as sulfur dioxide ( $\text{SO}_2$ ): 0.2 percent, by volume.
- B. Combustion contaminants: 0.15 grains per cubic foot of gas calculated to 12 percent of carbon dioxide ( $\text{CO}_2$ ) at standard condition. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide.

6/12/72

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040.020

**DUST AND FUMES**

It is unlawful for any person to discharge, or cause to be discharged, in any one (1) hour from any source whatsoever, dust or fumes in total quantities in excess of the amount shown in the following table:

To use the following table, take the process weight per hour as such is defined in this Section. Then find this figure in the Table, opposite which is the maximum number of contaminants which may be discharged into the atmosphere in any one (1) 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 1500 pounds by 3, giving a process weight per hour 500 pounds. The table shows that "A" may not discharge more than 1.77 pounds in any one (1) hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharged may be interpolated.

6/12/72

**040.025      EXCEPTIONS**

The provisions of Chapter 040.005 through and including Chapter 040.020 do not apply to open fires set pursuant to obtaining a permit.

8/5/02

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AMENDMENTS TO THE WASHOE COUNTY  
DISTRICT BOARD OF HEALTH REGULATIONS  
GOVERNING AIR QUALITY MANAGEMENT

**SECTION 040.030**

**DUST CONTROL**

Adopted by the District Board of Health on July 26, 2002

Effective September 15, 2002

**Section A -- General**

1. Purpose
2. Applicability

**Section B -- Definitions**

1. Access Road
2. Bulk Material
3. Bulk Material Handling, Storage, and/or Transporting Operation
4. Carry-Out/Trackout
5. Control Measure
6. Disturbed Surface Area
7. Dust Control Implement
8. Dust Control Permit
9. Dust Generating Activity
10. Dust Suppressant
11. Freeboard
12. Fugitive Dust
13. Fugitive Emissions
14. Gravel Pad
15. Grizzly
16. Haul Truck
17. Motor Vehicle
18. Off-Road Vehicle
19. Owner and/or Operator
20. Open Areas and Vacant Lots
21. Optimum Moisture Content
22. Pave
23. Public Roadways
24. Silt
25. Trackout Control Device
26. Unpaved Haul/Access Road
27. Unpaved Parking Lot
28. Unpaved Road
29. Wind-Blown Dust
30. Work Site

**Regulation 040.030, DUST CONTROL**

**July 18, 2002**

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**Section C – Standards**

- 1. **Visible Emissions Prohibition**
- 2. **Stabilization Requirements for Fugitive Dust Sources**
  - a. **Unpaved Parking Lot/Staging Areas**
  - b. **Unpaved Haul/Access Road**
  - c. **Open Area and Vacant Lot or Disturbed Surface Area**
  - d. **Open Storage Piles**
- 3. **Dust Control Permit Requirements**
  - a. **Elements of a Dust Control Permit**
  - b. **Dust Control Permit Revisions**
  - c. **Project Information Sign**
  - d. **Exemptions**
- 4. **Work Practices**
  - a. **Bulk Material Hauling Off-Site onto Paved Public Roadways**
  - b. **Spillage, Carry-Out, Erosion, and/or Trackout**
  - c. **Exemptions**

**Section D – Administrative Requirements**

- 1. **Dust School Attendance**

**Section E – Compliance and Records**

- 1. **Compliance Determination**
  - a. **Visible Emissions Observations**
  - b. **Stabilization Observations**
    - (1) **Unpaved Parking Lots**
    - (2) **Unpaved Haul/Access Roads**
    - (3) **Open Areas and Vacant Lot or Disturbed Surface Area**
- 2. **Recordkeeping**
- 3. **Record Retention**



040.030 DUST CONTROL (Amended 12/88, 12/15/93, 11/16/94, Revised 05/22/02, 07/26/02)

**SECTION A - GENERAL**

1. **PURPOSE:** To limit particulate material emissions into the ambient air from any property, operations or activities that may serve as a fugitive dust source. The effect of this regulation shall be to minimize the amount of PM10 emitted into the ambient air as a result of the impact of human activities by requiring measures to prevent, reduce, or mitigate particulate matter emissions.
2. **APPLICABILITY:** The provisions of this regulation shall apply to, but are not limited to, the following dust generating activities:
  - a. Dismantling or demolition of buildings;
  - b. Public or private construction;
  - c. Mining;
  - d. Processing of sand, gravel, rock or dirt;
  - e. Operation of machines or equipment;
  - f. Operation and use of unpaved parking facilities;
  - g. Operation and use of livestock arenas;
  - h. Operation and use of horse arenas;
  - i. Operation of feed lots;
  - j. Operation and use of raceways for animals or motor vehicles;
  - k. Motor vehicle/off road motor vehicle use on vacant land; or
  - l. Unpaved roads in the PM10 non-attainment area.
3. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped.

SECTION B - DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Access Road. Any public or private road open to travel.
2. Bulk Material. Any material, including but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, dirt, mud, demolition debris, cotton, trash, cinders, pumice, saw dust, feeds, grains, fertilizers, and dry concrete, which are capable of producing fugitive dust at any location.
3. Bulk Material Handling, Storage, and/or Transporting Operation. The use of equipment, haul trucks, and/or motor vehicles, such as but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, which are capable of producing fugitive dust at any location.
4. Carry-Out/Trackout. Any and all bulk materials that have adhered to and agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires) and that have fallen onto a paved public roadway.
5. Control Measure. A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures may include but are not limited to:
  - a. Paving.
  - b. Pre-wetting.
  - c. Applying dust suppressants.
  - d. Stabilizing with vegetation, gravel, re-crushed/recycled asphalt or other forms of physical stabilization.
  - e. Limiting, restricting, phasing and/or rerouting motor vehicle access.
  - f. Reducing vehicle speeds and/or number of vehicle trips.
  - g. Limiting use of off-road vehicles on open areas and vacant lots.
  - h. Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved public roadways.
  - i. Using dust control implements appropriately.

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- j. Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved public roadway to control carry-out and trackout.
  - k. Keeping open-bodied haul trucks in good repair, so that spillage may not occur from beds, sidewalls, and tailgates.
  - l. Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.
6. Disturbed Surface Area. A portion of the earth's surface (or material placed thereupon) which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust.
7. Dust Control Implement. A tool, machine, equipment, accessory structure, enclosure, cover, material or supply, including an adequate readily available supply of water and its associated distribution/delivery system, used to control fugitive dust emissions.
8. Dust Control Permit. A written plan describing control measures for a specific project.
9. Dust Generating Activity. Any activity capable of generating fugitive dust.
10. Dust Suppressant. Water, hygroscopic material, solution or water and chemical surfactant, foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited for ground surface application by the U.S. Environmental Protection Agency (EPA) or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.
11. Freeboard. The vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, and back of a cargo container area.
12. Fugitive Dust. The particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this regulation, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, or from piledrivers. It does not include emissions from process and combustion sources that are subject to the specific requirements as listed in "Prohibited Emissions" of these regulations.

13. Fugitive Emissions. Emissions of any pollutants, including fugitive dust, which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening. (Amended 7/28/93)
14. Gravel Pad. A layer of washed gravel, rock, or crushed rock which is at least one inch or larger in diameter, maintained at the point of intersection of a paved public roadway and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site.
15. Grizzly. A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.
16. Haul Truck. Any fully or partially open-bodied, self-propelled vehicle including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.
17. Motor Vehicle. A self-propelled vehicle for use on the public roads and highways of the State of Nevada, including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.
18. Off-Road Vehicle. Any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.
19. Owner and/or Operator. Any person who owns, leases, operates, controls, or supervises a dust generating activity subject to the requirements of this regulation.
20. Open Areas and Vacant Lots. For the purpose of this regulation, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.
  - a. An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.
  - b. A subdivided residential, industrial, institutional, governmental, or commercial lot, which contains no approved or permitted buildings or structures of a temporary or permanent nature.
  - c. A partially developed residential, industrial, institutional, governmental, or commercial lot.

21. Optimum Moisture Content. Water content at which soil can be compacted to the maximum dry weight by modified compacted effort using ASTM Method D1557 for Optimum Soil Content/Maximum Density.
22. Pave. To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete payment, chip seal, or rubberized asphalt).
23. Public Roadways. Any roadways that are open to public travel regardless of ownership.
24. Silt. Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.
25. Trackout Control Device. A gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved roadway, that controls or prevents vehicular trackout.
26. Unpaved Haul/Access Road. Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.
27. Unpaved Parking Lot. Any area that is not paved and that is used for parking, maneuvering, or storing motor vehicles.
28. Unpaved Road. Any road or equipment path that is not paved. For the purpose of this regulation, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.
29. Wind-Blown Dust. Visible emissions from any disturbed surface area, which are generated by wind action alone.
30. Work Site. Any property upon which any dust generating activities occur.

#### SECTION C - STANDARDS

1. **VISIBLE EMISSIONS PROHIBITION:** The owner and/or operator of a source engaging in dust generating activities shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour.
2. **STABILIZATION REQUIREMENTS FOR FUGITIVE DUST SOURCES:**
  - a. **Unpaved Parking Lot/Staging Areas:** The owner and/or operator of any unpaved parking lot or staging area shall not allow visible fugitive dust

emissions for a period or periods accumulating more than 5 minutes in any hour, and either:

- (1) Shall not allow silt loading equal to or greater than  $0.33\text{oz}/\text{ft}^2$ ; or
- (2) Shall not allow the silt content to exceed 8 percent.

b. **Unpaved Haul/Access Road:** The owner and/or operator of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour, and either:

- (1) Shall not allow silt loading equal to or greater than  $0.33\text{oz}/\text{ft}^2$ ; or
- (2) Shall not allow the silt content to exceed 6 percent.

c. **Open Area and Vacant Lot or Disturbed Surface Area:** The owner and/or operator of an open area and vacant lot or any disturbed surface area on which no activity is occurring shall meet at least one of the following standards:

- (1) Maintain a visible crust;
- (2) Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;
- (3) Maintain a flat vegetative cover (i.e., attached [rooted] vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50 percent;
- (4) Maintain a standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominate vertical orientation) that is equal to or greater than 30 percent;
- (5) Maintain a standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 10 percent and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements;
- (6) Maintain a percent cover that is equal to or greater than 10 percent for non-erodible elements; or

(7) Comply with a standard of an alternative test method upon obtaining the written approval from the Control Officer and the U.S. Environmental Protection Agency.

d. Open Storage Piles: All open storage piles shall be stabilized by utilizing at least one of the following standards:

- (1) Maintain a visible crust;
- (2) Cover or tarp to prevent visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour;
- (3) Adequate moisture to control fugitive dust or apply water to maintain a soil moisture content at a minimum of 12 percent, as determined by ASTM Method D2216-98, or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM Method D1557-91 (1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70 percent of the optimum soil moisture content;
- (4) Stabilize material in the stockpile using a palliative for compliance as described in Sections E.1.b.(3).i and E.1.b.(3).ii of this Rule;
- (5) An alternate control measure approved in writing by the Control Officer and the U.S. Environmental Protection Agency.

3. DUST CONTROL PERMIT REQUIREMENTS: The owner and/or operator of a dust generating activity shall apply for and obtain a Dust Control Permit prior to commencement of the dust generating activity. In the Dust Control Permit application, the owner and/or operator shall designate a person responsible for compliance with the "District Board of Health Regulations Governing Air Quality Management." Failure to comply with the provisions of an approved Dust Control Permit shall be deemed a violation of this Rule.

a. ELEMENTS OF A DUST CONTROL PERMIT: The Dust Control Permit shall describe all control measures to be implemented before, after, and while conducting any dust generating activity, including weekends, after work hours, and on holidays.

b. DUST CONTROL PERMIT REVISIONS:

- (1) If the Control Officer determines that an approved Dust Control Permit has been followed, yet fugitive dust emissions from any given fugitive dust source still exceed the standards of Section C of this Rule, then the Control Officer shall issue a written notice to the owner and/or operator of such source explaining such determination. The owner and/or operator of such source shall make written revisions to the Dust Control Permit. These revisions shall be made in consultation with the Control Officer and be submitted within three working days of receipt of the Control Officer's written notice. The Control Officer, upon request, may extend such time period. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Permit, such owner and/or operator must still comply with all requirements of this Rule.
- (2) The owner and/or operator of a dust generating activity shall provide written notification to the Control Officer upon change of ownership and/or responsibility for said Dust Control Permit. The approved Dust Control Permit shall then apply to the new owner and/or operator for all or a portion of the site in which ownership and/or responsibility is stipulated.

c. **PROJECT INFORMATION SIGN:** The owner and/or operator of a dust generating activity subject to Section C.3 of this Rule shall comply with the following project information sign requirements:

- (1) The project information sign shall be constructed at the main entrance and be visible to the public at all construction sites;
- (2) Shall meet the project information sign criteria listed in the Dust Control Permit application; and
- (3) Shall remain in place for all phases of the project.

d. **EXEMPTIONS:**

- (1) The following dust generating activities shall be exempt from Sections C.3.a, C.3.b, and C.3.c of this Rule:
  - i. Dust generating activities requiring a Washoe County Air Quality Management Division stationary source Permit to Operate as specified in Rule 030.200;
  - ii. Dust generating activities less than one (1) acre in size;
  - iii. Playing on a ballfield; and



- iv. Landscape maintenance. For the purpose of this Rule, landscape maintenance does not include grading, trenching, or any other mechanized surface disturbing activities.
- (2) The Control Officer may exempt the following dust generating activities from the Project Information Sign requirements of Section C.3.c of this Rule:
- i. One unit residential projects;
  - ii. Projects which take less than two weeks to complete;
  - iii. Line projects (i.e., pipelines, cable access lines, etc.); and
  - iv. Other projects deemed appropriate by the Control Officer.
4. **WORK PRACTICES:** When engaged in the specific activities listed in Subsections a and b, the owner/operator of a source shall comply with the following work practices, in addition to any approved control measures in the applicable Dust Control Permit or Permit to Operate, to minimize fugitive dust emissions associated with haul trucks.
- a. **Bulk Material Hauling Off-Site Onto Paved Public Roadways:**
- (1) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment floor, sides, and/or tailgate.
  - (2) At least one of the following control measures.
    - i. Cover all haul trucks with a tarp or other suitable closure; or
    - ii. Bulk materials must contain enough moisture and/or dust suppressant to prevent fugitive dust emissions during transport; or
    - iii. Load all haul trucks such that the freeboard is not less than six (6) inches.
- b. **Spillage, Carry-Out, Erosion, and/or Trackout:**
- (1) Install and maintain a suitable trackout control device that controls and prevents trackout and removes particulate matter from tires and

the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site at all exits onto a paved public roadway.

- (2) Clean-up spillage, carry-out, erosion, and/or trackout on the following time schedule:
  - i. At the end of the day, when spillage, carry-out, erosion, and/or trackout extend beyond the project boundaries; or
  - ii. Immediately at any time during the day if trackout is creating visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour.
  
- c. **EXEMPTIONS:** The Control Officer may exempt the following work practices from Section C.4 of this Rule:
  - (1) Construction, maintenance, and/or repair of paved roadways; and
  - (2) Application of de-icing and traction materials for wintertime driving safety as specified in Rule 040.031, Street Sanding Operations.

**SECTION D – ADMINISTRATIVE REQUIREMENTS**

- 1. **DUST SCHOOL ATTENDANCE:** Upon the issuance of a Notice of Violation Citation for Sections C.1, C.2, or C.4 of this Rule upheld by the Board of Health, the person causing the dust generation shall attend the next available “Dust School” as provided by the Air Quality Management Division of the District Health Department. Failure to attend the “Dust School” shall constitute another violation of the regulations along with the appropriate penalty as specified in Section 020.040 of the District Regulations.

**SECTION E – COMPLIANCE AND RECORDS**

- 1. **COMPLIANCE DETERMINATION:** To determine compliance with this Rule, the following test methods shall be conducted.
  - a. **Visible Emissions Observations:**
    - (1) Visible emissions shall be determined by observations of visible emissions conducted in accordance with U.S. Environmental Protection Agency Reference Method 22 using an observation period of not less than 5 minutes in any hour.
  
  - b. **Stabilization Observations (Test Methods Text in Appendix A):**

- (1) Unpaved Parking Lots
  - i. Test Methods of Unpaved Roads and Unpaved Lots.
- (2) Unpaved Haul/Access Roads
  - i. Test Methods for Stabilization for Unpaved Roads and Unpaved Parking Lots.
- (3) Open Areas and Vacant Lot or Disturbed Surface Area: One of the test methods listed below.
  - i. Test Methods for Stabilization – Visible Crust Determination.
  - ii. Test Methods for Stabilization – Determination of Threshold Friction Velocity (TFV).
  - iii. Test Methods for Stabilization – Determination of Flat Vegetative Cover.
  - iv. Test Methods for Stabilization – Determination of Standing Vegetative Cover.
  - v. Test Methods for Stabilization – Rock Test Method.

2. RECORDKEEPING:

- a. Any person who conducts dust generating activities subject to Section C.3 of this Rule shall maintain daily records demonstrating compliance with Section C of this Rule.
  - (1) The Dust Control Permit shall be kept on the specific job site and made available to the Control Officer immediately upon request.
  - (2) Daily records shall be made available to the Control Officer immediately upon request.
- b. Any person who conducts dust generating activities exempt from Section C.3 of this Rule shall maintain daily records demonstrating compliance with Sections C.1, C.2, and C.4 of this Rule.
  - (1) Daily records shall be made available to the Control Officer immediately upon request.

3. **RECORD RETENTION:** Daily records required by Section E.2 of this Rule shall be retained for at least one (1) year following termination of the dust generating activity.

8/5/02

**040.031 Street Sanding Operations****Section A - General**

1. **Purpose**
2. **Applicability**

**Section B - Definitions**

1. **Anti-icing**
2. **Base Sanding Amount**
3. **De-icing**
4. **Durability Index**
5. **Hardness Index**
6. **Materials**
7. **Percent Fines**
8. **Sanding Event**

**Section C - Standards**

1. **De-icing Sand Specifications**

**Section D - Administrative Requirements**

1. **Submission of plan to show reduction in amount of de-icing material applied.**

**Section E - Compliance and Records**

1. **Annual submission of report regarding sanding operations.**

8/5/02

**SECTION A - GENERAL**

1. **PURPOSE:** To reduce the amount of sanding material placed on the roads during storm events. The effect of this rule shall be to reduce the amount of  $PM_{10}$  entrained into the ambient air as a result of the roads drying out and vehicles traveling over the sand.
2. **APPLICABILITY:** The provisions of this regulation shall apply to persons and governmental agencies that apply materials to provide increased traction or de-icing of public paved roads, driveways or parking lots located within Washoe County and south of Township 22N.

**SECTION B - DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

1. **Anti-icing.** Anti-icing strategies involve applying salt or other chemicals to pavements before snow and ice bond to the road. The salt/chemicals are usually applied in solution form and lower the freezing point of water so roads stay wet, or slushy, longer before turning to ice.
2. **Base Sanding Amount.** The average amount of street sanding material applied per lane mile driven by maintenance trucks during snow and ice removal operations. The base sanding amount was estimated in pounds per lane mile based on the usage data of each agency during the 1998-1999 winter season.
3. **De-icing.** De-icing involves applying salt or other chemicals combined with sand to increase traction on roads after the snow and ice have created a bond with the road.
4. **Durability Index.** The materials resistance to breaking down as defined by American Association of State Highway and Transportation Officials (AASHTO) T-210 or Caltrans Test 229.
5. **Hardness Index.** The percent loss of weight as determined using "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", as defined by the American Association of State Highway and Transportation Officials (ASSHTO) T-96.
6. **Materials.** Natural geologic material, including sand, but excluding sodium chloride rock salt and other de-icing chemicals, used to provide increased traction or de-icing on roadways.

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- 7. ***Percent Fines.*** The percent material passing a specified sieve size as determined by the American Society for Testing Materials' (ASTM) "Standard Method for Sieve Analysis of Fine and Course aggregates", designation C136-84a.
- 8. ***Sanding Event.*** The operation of equipment for the application of street sanding materials to a public road network each time an application of materials is necessary for traction control and de-icing.

**SECTION C - STANDARDS**

- 1. ***DE-ICING SAND SPECIFICATIONS:*** no person or governmental agency shall supply for use or place any materials upon any *public paved* road, driveway, or parking lot, which does not meet the following requirements:
  - a. Durability *Index* must be greater than 75.
  - b. The *Hardness Index* must be less than 33%.
  - c. The content of material smaller than 100 mesh sieve must not exceed 4.0 percent *finer* by weight.
  - d. The content of material smaller than 200 mesh sieve must not exceed 2.5 percent *finer* by weight.

**SECTION D - ADMINISTRATIVE REQUIREMENTS**

- 1. ***DE-ICING MATERIAL APPLICATION:*** Any governmental agency or any person who contracts with such governmental agency for the purpose of applying street sanding materials for traction control in the District shall submit a plan to reduce the amount of sanding material applied as compared to the base sanding amount.
  - a. The plan must be approved by the Control Officer, and must consist of an implementation schedule describing the methods to be used to reduce the amount of sanding material applied compared to the base sanding amount by:
    - 1.) At least twenty (20) percent during the winter season of 2002-2003;
    - 2.) At least thirty-five (35) percent during the winter season of 2003-2004;
    - 3.) At least fifty (50) percent by the winter season of 2004-2005.
  - b. The plan must be submitted to the Control Officer by April 1, 2002.

8/5/02

**SECTION E – COMPLIANCE AND RECORDS**

1. ***Any governmental agency or any person who contracts with such governmental agency for de-icing/sanding activities within the District shall complete a report and submit it to the Control Officer no later than June 30 of each year, with the following information:***
  - a. ***The total number of lane miles that sanding materials are applied for traction control in the agencies' jurisdiction per sanding event.***
  - b. ***The total amount of sanding material, salt, and other de-icing or anti-icing agents used during the past winter season.***
  - c. ***Verification that a laboratory independent of the supplier tested the material used, and proof that the material met the requirements specified in Section 040.031.C.***
  - d. ***The number and dates of sanding events.***
  - e. ***Any additional lane miles where sanding materials were applied as a result of requests by law enforcement agencies.***



8/5/02

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**040.032 Street Sweeping Operations (new Section)**

**Section A - General**

- 1. Purpose**
- 2. Applicability**

**Section B - Definitions**

- 1. Certified Street Sweeping Equipment**
- 2. Materials**
- 3. Routine Street Sweeping**
- 4. Sanding Event**
- 5. Sweeper Deployment**

**Section C - Standards**

- 1. Certified Street Sweepers**
- 2. Maintenance of Sweepers**
- 3. Sanding Event Sweeping**
- 4. Routine Street Sweeping**

**Section D - Administrative Requirements**

- 1. Certified Street Sweeper verification**

**Section E - Compliance and Records**

- 1. Annual submission of report regarding street sweeping operations.**

8/5/02

**SECTION A - GENERAL**

1. **PURPOSE:** *To expedite the sweeper deployment after a sanding event, and to improve the efficiency with regards to particulate emissions of the street sweeping equipment used to clean public roads. The effect of this rule shall be to reduce the amount of  $PM_{10}$  entrained into the ambient air as a result of the roads drying out and vehicles traveling over the sand that remains on the roads.*
2. **APPLICABILITY:** *The provisions of this regulation shall apply to street sweeping of public roads by a governmental agency or any person who contracts with such governmental agency, if:*
  - a. *The public paved road is located within Washoe County and south of Township 22N;*
  - b. *It is routine street sweeping and part of the agency's best management practices for keeping roads in its network swept; and*
  - c. *The street sweeping is necessary to clean up the material applied during a sanding event for traction control.*

**SECTION B - DEFINITIONS:** *For the purpose of this regulation, the following definitions shall apply.*

1. **Certified Street Sweeping Equipment.** *A sweeper that has been certified by the California South Coast Air Quality Management District as meeting the Rule 1186 sweeper certification procedures and requirements for  $PM_{10}$  efficient sweepers.*
2. **Materials.** *Natural geologic material, including sand, but excluding sodium chloride rock salt and other de-icing chemicals, used to provide increased traction or de-icing on roadways.*
3. **Routine Street Sweeping.** *It is street sweeping that is regularly performed by a governmental agency or any person who contracts with such governmental agency to keep the public roads clean. It is not ancillary sweeping performed related to construction activities, or enhanced sweeping necessary because of the application of sanding material for traction control.*

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4. **Sanding Event.** *The operation of equipment for the application of street sanding materials to a public road network each time an application of materials is necessary for traction control and de-icing.*
5. **Sweeper Deployment.** *The operation of street sweepers after a sanding event not inclusive of routine street sweeping.*

**SECTION C – STANDARDS:** *Any governmental agency and/or its contractor subject to the requirements of this regulation shall:*

1. **CERTIFIED STREET SWEEPERS:** *Purchase or lease street sweepers used to perform sweeping after a sanding event or routine street sweeping that are considered certified street sweeping equipment, if the contract date or purchase or lease date is February 1, 2002 or later.*
2. **MAINTENANCE OF SWEEPERS:** *Operate and maintain the certified street sweeping equipment in accordance with the manufacturer's specifications.*
3. **SANDING EVENT SWEEPING:** *After a sanding event, clean all streets where sanding materials have been applied for traction control as expeditiously as weather and road conditions permit after the application of the sanding material.*
  - a. *Beginning November 1, 2003, the District will define expeditiously as within four (4) days from the last sanding event or as soon as weather and road conditions permit.*
4. **ROUTINE STREET SWEEPING:** *Routinely sweep streets not related to a sanding event a minimum once per month, or more frequently as defined by the agency as their best management practices for street sweeping.*

**SECTION D – ADMINISTRATIVE REQUIREMENTS**

1. *Upon request of the Control Officer any governmental agency and /or its contractor shall provide proof to verify that any street sweeper acquired was certified street sweeping equipment at the time of purchase.*

8/5/02

**SECTION E – COMPLIANCE AND RECORDS**

1. ***Any governmental agency or any person who contracts with such governmental agency for street sweeping activities within the District shall complete a report and submit it to the Control Officer no later than June 30 of each year with the following information regarding sweeper deployment:***
  - a. ***Dates - List each date necessary to complete all lane miles where sanding materials were applied, or until there is another sanding event.***
  - b. ***Number of sweepers.***
  - c. ***Number of lane miles swept on each date.***
  - d. ***Type of equipment used (recorded as a percentage of lane miles swept per type of sweeper).***
  - e. ***Major equipment malfunctions, if any.***

6/12/72

040.035 OPEN FIRES

It is unlawful for any person to burn, or cause to be burned, any combustible refuse in any open fire within the Health District, excluding fires for food preparation and recreation with designated campgrounds and parks and those set forth in Chapter 040.040 except for the following, and then only when a burning permit has been issued by the Control Officer or his designee:

- A. When such fire is set for the purpose of the prevention of a fire hazard, declared by a Public Fire Chief or his designee, which cannot be abated by any other alternate means.
- B. When such fire is set for the instruction of public or private employees in the methods of fighting fires.
- C. When such fire is set in the course of any agricultural operation in the growing of crops, such as burning of weeds to clear irrigation ditches, canals, laterals.
- D. When such fire is set in the course of recreational outing or event by an organization, such as homecoming bonfires.
- E. When such fire in the opinion of the Control Officer is necessary.
- F. When such fire is set for the purpose of removing weeds from empty lots during a sixty (60) day period specified each year by the Public Fire Chief or his designee. During this sixty day period, permits may be issued by the Fire Department, with a copy to the Control Officer, provided the following stipulations are met.
  - 1. The premises are inspected by the Fire Department and they declare a fire hazard exists which cannot be abated by any other practical method, as determined by the Public Fire Chief or his designee.
  - 2. The premises are cleared of any combustible refuse other than weeds.
  - 3. The permittee is required to maintain adequate combustion during burn to prevent emission of smoke as prohibited by these Regulations.

These exceptions shall not be effective when the Control Officer determines that:

- 1. The inversion base is 1500 feet or less above the valley floor (6000 feet mean sea level).
- 2. The inversion will hold throughout the day.
- 3. A public nuisance will be created.

Nothing in these Regulations shall prohibit or require a burning permit for the use of, at private residences, barbecue pits, grills, or outdoor fireplaces for the preparation of food for human consumption.

6/12/72

040.040

**BURNING PERMIT CONDITIONS**

A copy of the burning permit must be available at the site of each burn. All conditions stipulated on the permit itself and those additional ones imposed by the Control Officer must be strictly followed. Any violation of these conditions will have the effect of voiding the permit and subject the user to the actions stated in Chapters 020.055, inclusive.

6/12/72

## 040.045 REFUSE DISPOSAL

**Refuse Burning - Prohibited**

Within the Lake Tahoe Basin, Sun Valley water District, and within three (3) miles of any city limits it is unlawful to burn, or cause to be burned, any combustible refuse except in an approved multiple chambered incinerator (described in Chapter 010.105) or in equipment found by the Control Officer, in advance of such use, to be equally effective for the purpose of air pollution control.

**Refuse Burning - Acceptable**

In those areas of the Health District not set forth above, combustible refuse may be burned without a burning permit from this office provided:

- A. Fires are contained in suitable structures or equipment, excluding pits and holes in the ground, that restrict size of the fire.
- B. Contemplated structures or equipment meet all fire and safety codes for area.
- C. Fires do not create a public nuisance or fire hazard.

6/12/72

040.050 INCINERATOR EMISSIONS

No person shall cause, suffer, allow, or permit the discharge into the atmosphere from any multiple chambered incinerator, or approved incinerator, any visible air contaminants for a period or periods aggregating more than one (1) minute in any one hour which is:

- A. As dark or darker in shade than that designated as No. 1 on the Ringelmann Chart; or
- B. of an opacity to or greater than an air contaminant designated as No. 1 on the Ringelmann Chart.



040.051

**WOOD-BURNING DEVICES**

(Amended 9/23/98; Revised 6/19/02, Effective 1/1/03; Revised 2/23/06, 8/22/13; Revised and Renamed 5/26/16)

**SECTION A – GENERAL:**

1. **PURPOSE:** To limit particulate matter emissions and other pollutants discharged into the ambient air from wood-burning devices (devices) by:
  - a. Setting emission standards and certifying devices;
  - b. Requiring removal of devices that are not EPA-certified upon property transfer;
  - c. Restricting materials that can be burned; and
  - d. Limiting the number of devices that are not deemed low-emitting.
2. **APPLICABILITY:** The provisions of this regulation apply to any:
  - a. Person who advertises, except when restrictions are noted, sells, offers for sale or resale, supplies, installs, or transfers any wood-burning devices within the Health District;
  - b. Person that completes, or allows the completion of any:
    - (1) escrow transaction;
    - (2) title change on a residential property;
    - (3) title change on a commercial property that contains a wood-burning device.
  - c. Person that operates a wood-burning device within the Health District.

**SECTION B – DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

1. Antique wood stove. Means a wood stove built before 1940 that has an ornate construction and a current market value substantially higher than a common wood stove manufactured in the same time period.
2. Certificate of Compliance. Means a permit issued for a specific location by the Control Officer for a wood-burning device deeming the device EPA-certified and in compliance in accordance with this regulation.
3. Commercial Property. Means any structure used to conduct business including public or private offices, retail, industrial, institutional, or multi-unit residential having more than four dwelling units.
4. Cook Stove. Means a wood stove installed in the kitchen, which is primarily designed for cooking and has a stovetop and an oven. It may also be equipped with gas burners. This wood stove is exempt from the emission standards and requirements of **Section 040.051**.

5. Development. Means a group of multifamily dwelling structures built on a parcel of land with common amenities. Examples of a development include but are not limited to: condominiums, apartments, and townhouses. (Adopted 5/23/90).
6. EPA-Certified. Means a wood-burning device that has been certified in accordance with current standards adopted by the U.S. EPA (40 CFR 60, subpart AAA and subpart QQQQ).
7. Fireplace. Means an open hearth or fire chamber or similarly prepared place in which a fire may be made and that is built in conjunction with a chimney. It may have doors, provided they are not designed with gaskets, air intake controls or other modifications, which create an air starved operating condition. Wood-burning devices initially classified as a wood heater may not be modified to meet the fireplace definition. (Amended 11/16/94).
8. Garbage. Means putrescible animal or vegetable waste.
9. Hydronic Heater. Means a wood-burning device designed:
  - a. to burn primarily wood but may also be equipped to burn biomass such as corn or wood pellets;
  - b. not to be located inside structures ordinarily occupied by humans; and
  - c. to heat spaces or water by the distribution through pipes of a fluid, typically water, heated in the device.
10. Low-emitting device. Means a wood-burning device certified by the manufacturer, to meet an emission rate of 1.0 gram or less of particulate matter per hour.
11. Notice of Exemption (NOE). Means a form approved by the Control Officer, containing the notarized signatures of both the buyer and seller, attesting to the fact that the previously occupied residential or commercial property:
  - a. does not have any wood-burning device;
  - b. has a fireplace that does not have doors that are gasketed to make the device airtight; or
  - c. had an uncertified wood stove removed from the property prior to sale.
12. NSPS. Means New Source Performance Standards. Section 111 of the Clean Air Act authorizes the EPA to develop technology based standards, which apply to specific categories of stationary sources. These standards are referred to as New Source Performance Standards (NSPS) and are found in 40 CFR 60. The NSPS apply to new, modified and reconstructed affected facilities in specific source categories, such as New Residential Wood Heaters (40 CFR 60, subpart AAA) and New Residential Hydronic Heaters and Forced-Air Furnaces (40 CFR 60, subpart QQQQ).
13. Particulate Matter (PM). Means any material, except uncombined water such as water vapor and water droplets, which exists in a finely divided form as a solid or liquid at reference conditions..
14. Pellet Stove. Means a wood-burning device designed to heat the interior of a building. It is a forced draft heater with an automatic feed, which supplies appropriately sized feed material or compressed pellets of wood, or other biomass material to the firebox.

15. Removed or Removal. Means a wood-burning device is physically taken off the real property. Furthermore, the device shall not be stored at any other location on the real property or elsewhere within the Health District without the approval of the Control Officer.
16. Residential Property. Means any structure used as a dwelling including mobile, manufactured, single, multifamily homes of four or fewer units, and/or land with outbuildings, including but not limited to, barns, sheds, and garages.
17. Seasoned Wood. Means firewood with a moisture content not exceeding 20%.
18. Smoke. Means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material present in sufficient quantity to be observable or, as a suspension in gas of solid particles in sufficient quantity to be observable.
19. Wood-Burning Device (device). Means a device that burns wood, or any other solid fuel that contains wood. The device is used for aesthetic or space-heating purposes including, but not limited to, a fireplace, wood stove, pellet stove, or hydronic heater.
20. Stack or Chimney. Means any flue, conduit, or duct arranged to conduct any smoke, air contaminant or emission to the atmosphere.
21. Treated Wood. Means wood of any species that has been chemically impregnated, painted, or similarly modified.
22. Uncertified. Means a wood-burning device that cannot be verified as meeting the current standards adopted by the U.S. EPA (40 CFR 60, subpart AAA and subpart QQQQ) and/or does not appear on the Washoe County Health District Official List of Certified.
23. Waste Petroleum Products. Means hydrocarbon-based or contaminated materials.
24. Wood Heater. Means an enclosed, wood-burning-appliance capable of and intended for residential space heating or space heating and domestic water heating. These devices include, but are not limited to, adjustable burn rate wood heaters, single burn rate wood heaters, and pellet stoves. Wood heaters may or may not include air ducts to deliver some portion of the heat produced to areas other than the space where the wood heater is located. Wood heaters include, but are not limited to:
  - (1) Free-standing wood heaters – Wood heaters that are installed on legs, on a pedestal or suspended from the ceiling. These products generally are safety listed under UL-1482, UL-737 or ULC-S627.
  - (2) Fireplace insert wood heaters – Wood heaters intended to be installed in masonry fireplace cavities or in other enclosures. These appliances generally are safety listed under UL-1482, UL-737 or ULC-S628.
  - (3) Built-in wood heaters – Wood heaters that are intended to be recessed into the wall. These appliances generally are safety listed under UL-1482, UL-737, UL-127 or ULC-S610.
25. Wood Stove. Means a(n):
  - a. former name for one of the devices currently defined as a wood heater;

- c. prefabricated, zero clearance fireplace or a fireplace heat form with doors or other accessories, which cause the fireplace to function as a wood heater; or
- d. wood heater inserted in a fireplace.

Wood stoves do not include open masonry fireplaces, barbecue devices, portable fire\_pits, gas-fired fireplaces or cook stoves. (Revised 9/23/98).

## SECTION C – STANDARDS:

### 1. PARTICULATE MATTER EMISSION STANDARDS:

The following emission standards apply to the following new devices manufactured, imported into the United States, and/or sold at retail on or after May 15, 2015, per U.S. EPA Standards of Performance for New Residential Wood Heaters (40 CFR 60, subpart AAA) and New Residential Hydronic Heaters and Forced-Air Furnaces (40 CFR 60, subpart QQQQ).

#### a. Wood Heaters

(1) Step 1 Emission Limits - effective May 15, 2015 through May 14, 2020:

(a) 4.5 grams of PM per hour.

(2) Step 2 Emission Limits - effective May 15, 2020

a) 2.0 grams of PM per hour (if tested using crib wood); or

(b) 2.5 grams of PM per hour (if tested using cord wood, with approved method).

#### b. Hydronic Heater

(1) Step 1 Emission Limits - effective May 15, 2015 through May 14, 2020:

(a) 0.32 pounds of PM per million BTU heat output (weighted average), with a cap of 18 grams per hour for individual test runs.

(2) Step 2 Emission Limits - effective May 15, 2020

(a) 0.10 pounds of PM per million BTU heat output for each burn rate; or

(b) 0.15 pounds of PM per million BTU heat output for each burn rate (if emissions are tested using cordwood, with approved method).

The old NSPS limits of 7.5 grams or less of PM per hour continue to apply to existing wood stoves until they are either replaced with EPA-certified wood heaters or when the property changes ownership.

If the U.S. EPA adopts a more stringent emission standard, that emission standard supersedes the standard in this section and becomes effective for all new devices on the date that the U.S. EPA standard becomes effective.

2. LIMITATION ON NUMBER OF WOOD-BURNING DEVICES:

a. Wood Heater

(1) New Installations:

- (a) Only EPA-certified wood heaters shall be installed on any residential or commercial property located within the Health District.
- (b) The number of EPA-certified wood heaters to be installed on any residential or commercial property for which a building or set-up permit is issued shall not exceed one on a parcel of one or more acres.

(2) Existing Property:

Installation of additional wood-burning device is prohibited in existing residential or commercial properties, unless it is a low-emitting device as defined in **Section B.10**.

(3) Existing Wood-burning Device(s):

- (a) Upon the transfer or conveyance of any residential or commercial property, each wood heater that is uncertified shall be removed or replaced with an EPA-certified wood heater, or other low-emitting device, prior to the completion of any:
  - (i.) escrow transaction; and/or
  - (ii.) title change.

Rendering a device inoperable is not acceptable in lieu of removal.

- (b) The Control Officer, on a case-by-case basis, may approve an exemption from **Section C.3.a.** for an antique wood-stove. Persons requesting the exemption must provide proof that the wood stove is an antique wood stove, as defined in **040.051.B.1**.

(4) Renovation/Remodel:

- (a) If a residential or commercial property is undergoing a renovation/remodel that requires the temporary relocation of the wood heater(s), and there is no change of ownership, the existing wood heater(s) may be:
  - (i) re-installed; or
  - (ii) replaced with EPA-certified wood heater(s).

- (b) Additional wood heaters are prohibited in accordance with the limitations set forth in **Section C.2.a.(1)** of this regulation.

b. Fireplace

(1) New Installations:

- (a) Installation of any fireplace is prohibited on any residential or commercial property located within a particulate matter or carbon monoxide non-attainment area as defined in 40 CFR 81.329.
- (b) The number of fireplaces to be installed on any residential or commercial property for which a building or set-up permit is issued shall not exceed one on a parcel of one or more acres located outside of a particulate matter or carbon monoxide non-attainment area as defined in 40 CFR 81.329, and no such fireplaces shall be installed on parcels less than one acre.

(2) Existing Property:

Installation of additional fireplaces is prohibited in existing residential or commercial properties.

(3) Existing Devices:

- (a) Upon the transfer or conveyance of any residential or commercial property, existing fireplace(s) are exempt from removal to avoid potentially compromising the structural integrity of the building prior to the completion of any:
  - (i) escrow transaction; and/or
  - (ii) title change.

(4) Renovation/Remodel:

- (a) If a residential or commercial property is undergoing a renovation/remodel, and there is no change of ownership, the existing fireplace(s) can only be replaced with EPA-certified wood heater(s).
- (b) In the event that an incident occurred beyond the owner's control that renders the residential or commercial property uninhabitable, and the property is being rebuilt and not changing ownership, the damaged fireplace(s) may be replaced with EPA qualified fireplace(s) similar in capacity to the damaged fireplace(s).
- (c) Additional fireplaces are prohibited in accordance with the limitations set forth in Section C.2.b.(1) of this regulation.

c. Hydronic Heater

(1) New Installations:

- (a) Only EPA-certified hydronic heaters as defined in Section C.1.b. of this regulation shall be installed on any residential or commercial property located within the Health District.
- (b) The number of EPA-certified hydronic heaters to be installed on any residential or commercial property for which a building or set-up permit is issued shall not exceed one on a parcel of forty (40) or more acres located outside of a particulate matter or carbon monoxide non-attainment area as defined in 40 CFR 81.329.
- (c) Any additional wood-burning device(s) to be installed on any residential or commercial property that contains an EPA-certified hydronic heater must be low-emitting as defined in Section B.10 of this regulation.

(2) Existing Property:

Installation of any hydronic heater is prohibited on existing residential or commercial properties.

(3) Existing Devices:

- (a) Upon the transfer or conveyance of any residential or commercial property, existing hydronic heater(s) that are uncertified shall be removed or replaced with EPA-certified or low-emitting hydronic heater(s) prior to the completion of any:
  - (i) escrow transaction; and/or
  - (ii) title change.

Rendering a hydronic heater inoperable is not acceptable in lieu of removal.

(4) Renovation/Remodel:

- (a) If a residential or commercial property is undergoing a renovation/remodel that requires the temporary relocation of the hydronic heater(s), and there is no change of ownership, the existing hydronic heater(s) may be:
  - (i) re-installed; or
  - (ii) replaced with qualified hydronic heater(s) that meet(s) EPA standards.
- (b) New or additional hydronic heaters are prohibited in accordance with the limitations set forth in Section C.2.c.(1) of this regulation.

3. **VISIBLE EMISSIONS:** No person may permit emissions from the stack or chimney of a wood-burning device to exceed an opacity reading no greater than 20% for a period or periods aggregating more than three (3) minutes in any one-hour period. Emissions created during a fifteen (15) minute start-up period are exempt. All other provisions in this regulation, including the prohibition on burning fuels specified in Section C.4 or the curtailment of burning during pollution alerts in Section E.7, apply during all modes of operation, including startup.
4. **PROHIBITED FUELS:** A person shall not cause or allow any of the following materials to be burned in a wood-burning device:
  - a. asphaltic products;
  - b. books and magazines;
  - c. garbage;
  - d. paints;
  - e. colored/wrapping paper;
  - f. plastic;
  - g. rubber products;
  - h. treated wood;
  - i. waste petroleum products;
  - j. fuel wood that is not seasoned;
  - k. coal; or
  - l. any other material not intended by a manufacturer for use as a fuel in a solid fuelwood-burning device.
5. **CONDITIONS FOR SELLING WOOD:** A person selling wood for use in a wood-burning device shall comply with the following:
  - a. Seasoned wood (wood with a moisture content of 20 percent or less) may be sold for immediate use in a wood-burning device.
  - b. Wood with a moisture content of greater than 20 percent may be sold with a disclosure of the excessive moisture content and a recommended seasoning period to obtain a moisture content of 20 percent or less.

#### **SECTION D – ADMINISTRATIVE REQUIREMENTS:**

1. No local government authority within the Health District may issue a building permit to any person to install:
  - a. an uncertified wood-burning device;
  - b. an EPA-certified wood-burning device or a low-emitting device without receiving a Certificate of Compliance from the Control Officer.
2. **WOOD-BURNING DEVICE INSPECTORS:** A person may be approved by the Control Officer to inspect and certify that wood heaters are currently EPA-certified.
  - a. To obtain approval, an application shall be submitted to the Control Officer. Approval will be issued upon satisfactory completion of an initial training course provided and set forth by the Control Officer with payment of the fee established by the Board of Health. Annual



approval may be renewed upon meeting all the requirements of the Control Officer and payment of the renewal fee.

- b. An approved inspector shall report the result of each inspection on a form provided by the Control Officer after the fee established by the Board of Health is paid. The approved inspector shall indicate:
    - (1) whether the residential property contains any wood-burning device;
    - (2) the number of wood-burning devices that are EPA-certified;
    - (3) the number of wood-burning devices that are not EPA-certified.
3. EXISTING WOOD-BURNING DEVICES AND CHANGE OF OWNERSHIP: Prior to the completion of any escrow transaction, and/or title change on any residential or commercial property, the current property owner shall obtain either a Certificate of Compliance or a Notice of Exemption:
- a. The Control Officer shall issue a Certificate of Compliance:
    - (1) within fourteen (14) calendar days after receipt of a completed inspection report from an approved Wood-burning Device Inspector, unless:
      - (a) the report indicates that a wood-burning device is uncertified<sup>7</sup>. In which case, the device must be removed from the property and re-inspection performed by an approved Wood-burning Device Inspector before a Certificate of Compliance can be issued.
      - (b) the Control Officer fails to act within the fourteen (14) calendar day period. After such time, any escrow transaction and/or title change that requires a Certificate of Compliance may be completed in lieu of issuance of said Certificate.
  - b. A Notice of Exemption shall be submitted to the Control Officer within fourteen (14) calendar days after the close of escrow and/or title change, if:
    - (1) the residential or commercial property does not contain a wood-burning device.
    - (2) an uncertified wood-burning device has been removed from any residential or commercial property prior to the close of escrow and/or title change. The removal of any uncertified wood-burning device is subject to a verification inspection for a period not to exceed 30 calendar days from the date of close of escrow.

The buyer and seller of any residential or commercial property shall observe any disclosure statements supplied by the real estate agents relating to the requirement under this regulation for the inspection of any wood-burning device.

## SECTION E – COMPLIANCE AND RECORDS:

1. The installation of any wood-burning device without a Dealer's Affidavit of Sale shall constitute a major violation and be subject to civil or criminal penalties.
2. LIMITATIONS OF SALE:
  - a. New wood-burning devices to be sold shall be in compliance with the emission standards set forth in **Section C.1.** of this regulation.
  - b. New wood-burning devices sold at retail shall have a permanent label indicating they are certified to meet emission limits in **Section C.1.** of this regulation.
3. DEALERS AFFIDAVIT OF SALE:
  - a. A person who sells a wood-burning device for use within the Health District shall report the sale to the Control Officer within thirty (30) calendar days from the date of sale on the form provided by the Control Officer.
  - b. The form shall be provided by the Control Officer after the person pays the fee established by the Board of Health for that form.
  - c. Any person who fails to notify the Control Officer of the sale of a wood-burning device will be subject to penalties.
4. CERTIFICATE OF COMPLIANCE: A Certificate of Compliance issued pursuant to this section:
  - a. remains valid until the property is transferred or conveyed to a new owner or 270 calendar days, whichever comes sooner.
  - b. does not constitute a warranty or guarantee by the approved inspector or the Control Officer that the wood-burning device meets any other standards of operation, efficiency, or safety, except the emission standards contained in these regulations.
5. FALSIFICATION OF INFORMATION: Any person who falsifies any information associated with a:
  - a. Wood-burning Device Inspection;
  - b. Certificate of Compliance;
  - c. Notice of Exemption; or
  - d. Dealer's Affidavit of Salewill be subject to penalties.
6. VIOLATION OF VISIBLE EMISSIONS OR PROHIBITED FUELS STANDARDS: A person who violates Sections **C.3.**, **C4.**, or **C.5.** of this regulation shall be issued a warning for the first violation and shall be provided information on proper wood-burning techniques. Subsequent violations would be subject to penalties.

7. CURTAILMENT OF BURNING DURING POLLUTION ALERTS: If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in **Section 050.001.C**, operation of any wood-burning device shall be suspended in accordance with the requirements of **Section 050.001.C**.

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**WOOD STOVE/FIREPLACE INSERT EMISSIONS**

(Amended 9/23/98; Revised 6/19/02, Effective 1/1/03; Revised 2/23/06)

**SECTION A – GENERAL**

1. **PURPOSE:** To limit particulate matter emissions and other pollutants discharged into the ambient air from solid fuel burning devices by:
  - a. Setting emission standards and certifying devices;
  - b. Requiring removal of devices that are not certified;
  - c. Restricting materials that can be burned; and
  - d. Limiting the number devices that are not deemed low emitting.
2. **APPLICABILITY:** The provisions of this regulation apply to any:
  - a. Person that advertises, except when restrictions are noted, sells, offers to sell, or installs any wood stove within the Health District;
  - b. Person that completes, or allows the completion of any:
    - (1) escrow transaction; and/or
    - (2) title change on a residential property.
  - c. Person that operates a solid fuel burning device within the Health District.
  - d. New installations of solid fuel burning devices within the Health District.

**SECTION B – DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

1. Antique wood stove. Means a wood stove built before 1940 that has an ornate construction and a current market value substantially higher than a common wood stove manufactured in the same time period.
2. Certified. Means a solid fuel burning device has been certified in accordance with current standards adopted by the U.S. EPA, the State of Oregon, the State of Colorado and/or appears on the Washoe County District Health Department Official List of Certified Wood Stoves; Ref. 40 CFR, Part 60; Oregon Administrative Rules, Chapter 340, Division 21; Colorado Revised Statute, Regulation No. 4. (As noted also in **Section 010.0255**).
3. Certificate of Compliance. A permit issued for a specific location by the Control Officer for a solid fuel burning device deeming the device certified in accordance with this regulation.
4. Cook Stove. Means a wood stove installed in the kitchen, which is primarily designed for cooking and has a stovetop and an oven. It may also be equipped with gas burners. This wood stove is exempt from the emission standards and requirements of **Section 040.051**. (As noted also in **Section 010.045**).

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5. Development. Is a group of multifamily dwelling structures built on a parcel of land with common amenities. Examples of a development include but are not limited to: condominiums, apartments, and townhouses. (Adopted 5/23/90). (As noted also in **Section 010.047**).
6. Fireplace. Means an open hearth or fire chamber or similarly prepared place in which a fire may be made and which is built in conjunction with a chimney. It may have doors, provided they are not designed with gaskets, air intake controls or other modifications, which create an air starved operating condition. Wood-burning devices initially classified, as a wood heater (As noted also in **Section 010.200**) may not be modified to meet the fireplace definition. (Amended 11/16/94). (As noted also in **Section 010.063**).
7. Garbage. Means putrescible animal or vegetable waste. (As noted also in **Section 010.072**).
8. Low emitting. Devices that are considered low emitting include but are not limited to:
  - a. All propane or natural gas-fired devices;
  - b. Pellet stoves;
  - c. Specific models of wood stoves or other solid fuel burning devices that meet a certified emission rate of 1 gram/hour or less of particulate matter; and
  - d. Masonry Heaters that are certified by Colorado Revised Statute, Regulation 4.
9. Notice of Exemption (NOE). A form approved by the Control Officer, containing the notarized signatures of both the buyer and seller, attesting to the fact that the previously occupied residential property:
  - a. Does not have any Solid Fuel Burning Device;
  - b. Has a fireplace only that does not have doors that are gasketed to make the device airtight; or
  - c. Had an uncertified wood stove removed from the residential property prior to sale.
10. Pellet Stove. Means a solid fuel burning device designed to heat the interior of a building. It is a forced draft heater with an automatic feed which supplies appropriately sized feed material or compressed pellets of wood, or other biomass material to the firebox. (As noted also in **Section 010.117**).
11. Removed or Removal. Means a solid fuel burning device is physically taken off the real property. Furthermore, the device must not be stored at any other location on the real property or elsewhere within the Health District without the approval of the Control Officer.
12. Residential Property. Means any structure used as a dwelling including mobile, manufactured, single and multifamily homes and/or land with outbuildings including but not limited to barns, sheds, and garages.
13. Seasoned Wood. Means firewood with a moisture content not exceeding 20%.

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14. Smoke. Means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material present in sufficient quantity to be observable or, as a suspension in gas of solid particles in sufficient quantity to be observable. (As noted also in **Section 010.136**).
15. Solid Fuel Burning Device (device). Means a device that burns wood, or any other nongaseous or non-liquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes including but not limited to a fireplace, wood stove, or pellet stove.
16. Stack or Chimney. Means any flue, conduit, or duct arranged to conduct any smoke, air contaminant or emission to the atmosphere. (As noted also in **Section 010.140**).
17. Treated Wood. Means wood of any species that has been chemically impregnated, painted, or similarly modified.
18. Uncertified. Means a wood stove that cannot be verified as meeting the certified standards and/or does not appear on the Washoe County District Health Department Official List of Certified/Exempt Wood Stoves. (As noted also in **Section 010.145**).
19. Waste Petroleum Products. Means hydrocarbon based or contaminated materials.
20. Wood Heater. Means an enclosed wood burning appliance capable of, and intended for space heating, domestic water heating or indoor cooking and has an air-to-fuel ratio of less than 35 to 1 in the low burn cycle. It also must have a usable firebox volume less than twenty (20) cubic feet, weigh less than 800 kilograms and have a minimum burn rate less than five (5) kilograms per hour. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a wood heater, must meet the emission standards if they meet the criteria in the above definition with those accessories in place. (As noted also in **Section 010.200**).
21. Wood Stove. For purposes of this regulation may be a:
- a. wood heater;
  - b. pellet stove;
  - c. prefabricated zero clearance fireplace or a fireplace heat form with doors or other accessories which cause the fireplace to function as a wood heater; or
  - d. wood heater inserted in a fireplace.

Wood stoves do not include open masonry fireplaces, barbecue devices, portable firepits, gas-fired fireplaces or cook stoves. (Revised 9/23/98) (As noted also in **Section 010.205**).

#### SECTION C – STANDARDS:

1. **PARTICULATE MATTER EMISSION STANDARD:** The particulate matter emission standard is 7.5 grams or less of particulate matter per hour for a non-catalytic appliance or 4.1 grams or less of particulate matter per hour for a catalytic appliance. If the U.S. Environmental Protection Agency adopts a wood stove/fireplace emission standard, which is more stringent, that emission standard

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supersedes the standard in this section and becomes effective on the date that the U.S. Environmental Protection Agency standard becomes effective.

2. CERTIFICATION: A wood stove shall be considered certified for purposes of these regulations as defined in **040.051.B.2**.
3. EXISTING DEVICES:
  - a. Upon the transfer or conveyance of any residential property, currently installed or existing wood stove(s) that are uncertified must be removed or replaced with certified or low emitting device(s), prior to the completion of any:
    - (1) escrow transaction; and/or
    - (2) title change on a residential property.

Rendering a device inoperable is not acceptable in lieu of removal.
  - b. The Control Officer on a case-by-case basis may approve an exemption from **Section 040.051.C.3.a** for an antique wood stove. Persons requesting the exemption must provide proof of antiquity.
  - c. RENOVATION/REMODEL: If a residential property is undergoing a renovation/remodel, and not changing ownership, the existing wood stove(s) may be moved and re-installed, or the same type of fireplace(s) may be re-built. New or additional solid fuel burning devices are prohibited in accordance with the limitations set forth in **040.051.C.7** of this regulation.
4. VISIBLE EMISSIONS: No person may permit emissions from the stack or chimney of a solid fuel burning device to exceed an opacity greater than that shade designated as No. 2 on the Ringelmann Chart for a period or periods aggregating more than three (3) minutes in any one hour period. Emissions created during a fifteen (15) minute start-up period are exempt.
5. PROHIBITED FUELS: A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:
  - a. asphaltic products;
  - b. books and magazines;
  - c. garbage;
  - d. paints;
  - e. colored/wrapping paper;
  - f. plastic;
  - g. rubber products;
  - h. treated wood;
  - i. waste petroleum products;
  - j. fuel wood that is not seasoned;
  - k. coal; or
  - l. any other material not intended by a manufacturer for use as a fuel in a solid fuel burning device

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6. **CONDITIONS FOR SELLING WOOD:** A person selling wood for use in a solid fuel burning device shall comply with the following:
- a. Seasoned wood (wood with a moisture content of 20 percent or less) may be sold for immediate use in a wood burning device.
  - b. Wood with a moisture content of greater than 20 percent may be sold with a disclosure of the excessive moisture content and a recommended seasoning period to obtain a moisture content of 20 percent or less.
7. **LIMITATION ON NUMBER OF SOLID FUEL BURNING DEVICES:**
- a. **New Installations:** The number of certified wood stoves or fireplaces installed on any property for which a building or set-up permit is issued shall not exceed one per acre.
  - b. **Existing Property:** In dwelling units or commercial/public facilities existing on the effective date of this regulation, installation of additional solid fuel burning devices is prohibited.
  - c. The above limitations do not apply to devices that are defined as low emitting (**Section B.8.** of this regulation).

**SECTION D – ADMINISTRATIVE REQUIREMENTS:**

1. No local government authority within the Health District may issue a building permit to any person to install an uncertified, or U.S. EPA exempt wood stove.
2. **WOOD STOVE INSPECTORS:** A person may be approved by the Control Officer to inspect and certify that wood stoves are currently, or have been in the past, certified per **Section 040.051**.
  - a. To obtain approval, an application must be submitted to the Control Officer. Approval will be issued upon satisfactory completion of all requirements set forth by the Control Officer and payment of the fee established by the Board of Health. Annual approval may be renewed upon meeting all the requirements of the Control Officer and payment of the renewal fee.
  - b. An approved inspector shall report the result of each inspection on a form provided by the Control Officer after the fee established by the Board of Health is paid. The approved inspector must indicate:
    - (1) Whether the residential property contains any solid fuel burning device;
    - (2) The number of wood stoves which are certified;
    - (3) The number of wood stoves which are not certified.



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3. EXISTING WOOD STOVES AND CHANGE OF OWNERSHIP: In order to complete any escrow transaction, and/or title change on any residential property, the current property owner must obtain either a Certificate of Compliance or a Notice of Exemption:
- a. The Control Officer shall issue a Certificate of Compliance if:
    - (1) An inspection report from an approved Wood Stove Inspector is submitted that demonstrates the residential property contains allowable wood burning devices.
      - i. If the report indicates that a wood stove is uncertified, the wood stove must be removed from the residential property and re-inspection by an approved inspector is required.
    - (2) The Control Officer shall issue a Certificate of Compliance not later than seven (7) working days after receipt of a completed inspection report from an approved Wood Stove Inspector.
      - i. If the Control Officer fails to act within the seven (7) working day period, any escrow transaction and/or title change that requires a Certificate of Compliance may be completed in lieu of issuance of said Certificate.
  - b. A Notice of Exemption shall be submitted to the Control Officer within ten (10) working days after the close of escrow and/or title change, if:
    - (1) The residential property does not contain a wood stove.
    - (2) The residential property contains any solid fuel burning device that is to be removed before the close of escrow and/or title change, then the Notice of Exemption can not be submitted until the solid fuel burning device is removed from the property.

The buyer and seller of any residential property shall observe any disclosure statements supplied by the real estate agents relating to the requirement under this regulation for the inspection of any wood stove.

#### SECTION E – COMPLIANCE AND RECORDS

- 1. DEALERS AFFIDAVIT OF SALE
  - a. A person who sells a wood stove within the Health District must report the sale to the Control Officer within thirty (30) days from the date of sale on the form provided by the Control Officer.
  - b. The form shall be provided by the Control Officer after the person pays the fee established by the Board of Health for that form.
  - c. Any person who fails to notify the Control Officer of the sale is subject to the penalties set forth in **Section 020.040**.

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2. CERTIFICATE OF COMPLIANCE: A Certificate of Compliance issued pursuant to this section:
  - a. Remains valid until the residential property is transferred or conveyed to a new owner or nine (9) months, whichever comes sooner.
  - b. Does not constitute a warranty or guarantee by the approved inspector or the Control Officer that the wood stove meets any other standards of operation, efficiency or safety, except the emission standards contained in these regulations.
3. FALSIFICATION OF INFORMATION: Any person who falsifies any information associated with a:
  - a. Wood Stove Inspection;
  - b. Certificate of Compliance;
  - c. Notice of Exemption; or
  - d. Dealer's Affidavit of Sale

is subject to the penalties set forth in **Section 020.040**, and may be subjected to the applicable penalties prescribed by law for perjury. The revocation of the Control Officer's approval to conduct wood stove inspections or revocation of a Certificate of Compliance may also be a result.
4. VIOLATION OF VISIBLE EMISSIONS OR PROHIBITED FUELS STANDARDS: A person who violates **Sections C.4, C.5 or C.6** of this regulation shall be issued a warning for the first violation, and shall be provided information on proper wood burning techniques. Subsequent violations would be subject to the penalties set forth in **Section 020.040**.
5. CURTAILMENT OF BURNING DURING POLLUTION ALERTS: If the concentrations of an air containment reach or are predicted to reach levels that constitute a Stage 1 alert as defined in **Section 050.005**, operation of any Solid Fuel Burning Device shall be suspended in accordance with the requirements of **Section 050.015.A.5**.

AMENDMENTS TO THE WASHOE COUNTY  
DISTRICT BOARD OF HEALTH REGULATIONS  
GOVERNING AIR QUALITY MANAGEMENT

**SECTION 040.051 WOODSTOVE/FIREPLACE INSERT EMISSIONS**

Proposed new regulations are shown in bold *italics* colored blue

Deletions are shown as red ~~strikethrough~~

Proposed to the District Board of Health on August 22, 2013

6/12/72

**040.060      SULFUR CONTENT OF FUEL**

It is unlawful for any person to burn, or cause to be burned, within the District at any time, a fuel having a sulfur content in excess of 1.0 percent by weight.

The provisions of this Section shall not apply to the use of liquid or solid fuels whenever the supply of gaseous fuel is not physically available to the user due to accident, act of God, act of War, or act of Public Enemy.

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040.065

**REDUCTION OF ANIMAL MATTER**

It is unlawful for any person to burn, or cause to be burned, operate or use, or cause to be operated or used, 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 1400 degree fahrenheit for a period of not less than 0.3 seconds; or
- B. processed in a manner determined by the 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 chapter shall provide, properly install and maintain in calibration, in good working order and operation, devices as specified in these Regulations or as specified by the Control Officer, for indicating temperature, pressure, or other operating conditions. For the purpose of these Regulations, "reduction" is defined as any heated process including rendering, cooking, drying, dehydrating, digesting, evaporation, and protein concentration. The provisions of this Chapter shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

7/24/79

040.070

## Storage of Petroleum Products

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

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 to close the space between the roof edge and the tank wall. The control equipment provided for herein shall not be used if the gasoline or petroleum liquid has a pressure of 11.0 pounds per square inch or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

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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 guaging and sampling devices gas-tight except when guaging or sampling is taking place.

When a vapor control device of the type specified in paragraph 1 is in use, there shall be no visible holes, tears or other openings except stub drains shall be equipped with a cover, seal or lid. The cover seal or lid shall be in a closed position at all times except when the device is in actual use. Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, shall be set to open when the roof is being floated off the roof leg supports or at manufacturer's recommended setting.

- B. Monitoring reports and other records required pursuant to subpart K of supplement #1 shall be made available for inspection when requested by the Control Officer.

7/24/79

040.075

## Gasoline Loading Into Tank Trucks And Trailers

- A. Until July 1, 1980, a person shall not load gasoline into any truck or trailer from any loading facility or terminal unless such facility or terminal is equipped with and uses either a submerged fill pipe or a vapor collection system, properly installed and in good working order.
- B. Commencing July 1, 1980, a person shall not load gasoline into any truck or trailer from any:
1. Loading facility or terminal which loads up to 75,700 liters (20,000 gallons) of gasoline on an annual average daily basis unless the facility or terminal is equipped with and uses a top submerged fill pipe or bottom fill.
  2. Loading facility or terminal capable of loading 75,700 liters (20,000 gallons) or more of gasoline on an annual average daily basis unless the facility or terminal is equipped with and uses a vapor collection and disposal system which limits the emission of hydrocarbons to 80 milligrams per liter of gasoline loaded.



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Compliance with this emission limitation shall be determined by using the method described in Appendix A of the EPA document.

"Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals " EPA-450/2-77-026.

Loading shall be accomplished in such a manner that the mixture of vapor and air displaced from the delivery vessel is vented only to the vapor recovery and disposal system. The loading device shall be equipped and/or operated in such a manner that the liquid drainage from the device is totally prevented during and after disconnection.

- C. Within two months after adoption of this section all the affected facilities must submit a control plan to the Control Officer which contains:
1. Projected date for awarding contracts for installation of equipment.
  2. Date of initiation of construction.
  3. Date of completion of construction.
  4. Date of final compliance.

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040.080

Gasoline Unloading From Tank Trucks And Trailers  
Into Storage Tanks.

- A. A person shall not unload, or cause to be unloaded, gasoline from any tank truck or trailer into any storage tank unless such tanks are equipped with a bottom fill or a permanent submerged fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. When unloading from a tank truck or trailer the hose connection to the tank fill pipe shall be a tight, leak-proof fill connection.
- B. Commencing July 1, 1980, any stationary storage facility with a combined tank capacity of 37,850 (10,000 gallons) or more, in addition to meeting the requirements contained in subsection A, shall be equipped with, and use, a vapor control system capable of recovering the vapors displaced during the filling of any of its gasoline storage tanks.
- C. The vapor control system shall prevent the release to the atmosphere of not less than 90 percent, by weight, of organic compounds in the vapors displaced. The displaced vapors shall be recovered by a vapor control system involving both the storage tank and tank truck or trailer.

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- D. The system shall contain a vapor-tight gasoline fill connector and a vapor-tight return line to the tank truck and trailer of at least 7.6 cm. (3 inches) nominal diameter.
- E. The vapor control equipment at the facility shall be maintained in such a way that the vapor control system meets the specifications set forth in this section at all times.
- F. Each tank or trailer shall be designed and maintained in a vapor-tight condition. A vapor-laden tank truck or trailer may only be refilled at a facility equipped with a vapor control system which meets the requirements contained in Section 040.075 of these regulations.

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040.085

Organic Solvents

- A. A person shall not use, in any dry cleaning operation, organic solvents containing 4 percent or more by volume of any volatile organic compound unless the emissions of the discharged organics are reduced by 90 percent or more.
- B. After January 1, 1980, any 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;
  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 operating requirements contained in subsection C; and
  5. For cold solvent cleaning if the vapor pressure of the solvent is greater than 33 millimeters of mercury or 0.6 pounds per square inch at 38 degrees celsius, or if the solvent is heated above 50 degrees celsius, one of the following control devices:

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- a. A freeboard such that the freeboard ratio is equal to or greater than 0.75;
  - b. A water cover if the solvent is insoluble in and heavier than water; or
  - c. Any other system of equivalent control such as a refrigerated chiller or carbon adsorber.
6. The following equipment shall be used in open-top vapor degreasing or conveyORIZED degreasing:
- a. All of the following safety switches:
    1. A condenser flow switch and thermostat;
    2. A spray safety switch; and
    3. A vapor level control device.
  - b. Any or all of the following major control devices so that overall emissions are reduced by 85 percent by weight:
    1. A freeboard such that the freeboard ratio is equal to or greater than 0.75;
    2. A refrigerated chiller;
    3. A carbon adsorption system; or
    4. A control system which has a control efficiency equivalent to any of the above.

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c. For conveyORIZED degreasers, the following additional control devices;

1. A drying tunnel or other device such as a rotating basket to prevent cleaned parts from carrying out solvent liquid or vapor; and
2. Minimized openings, entrances and exits which silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is either less than 10 centimeters or less than 10 percent of the width of the opening.

C. After January 1, 1980, any person who engages in 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 a 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 in such a manner as to cause or allow its evaporation into the atmosphere.

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4. A person shall not remove or open any device designed to cover the solvent except to process work in or perform maintenance on the degreaser.
5. A person shall drain cleaned parts for at least 15 seconds after cleaning or until dripping ceases (cold solvent cleaning only).
6. If a solvent flow is used, 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.
7. Solvent agitation, where necessary, shall be attained through pump recirculation or by means of a mixer. (Air agitation of the solvent bath shall not be used).
8. To minimize solvent carry-out in open-top vapor degreasers, a person shall:
  - a. Place parts on racks to allow for full drainage;
  - b. Move parts in and out of the degreaser at less than 3.3 meters 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 until visually dry.

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9. To minimize solvent carry-out in conveyORIZED degreasers, a person shall:
- a. Place parts on racks to allow for full drainage; and
  - b. Maintain vertical conveyor speed at less than 3.3 meters per minute.



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## 040.090 Cut-Back Asphalts

Commencing January 1, 1981, a person shall not cause, allow, or permit the sale, offering for sale, use or application of cut-back asphalt or solvents (dilutents) for any highway paving or maintenance operation within the Health District unless:

- A. The use or application commences on or after November 1 of any year and ceases not later than March 31 of the following year;
- B. Long life (longer than 1 month) stockpile storage is necessary;
- C. The asphalt is to be used solely as a penetrating seal coat on existing road surfaces.
- D. The application to stress relief courses of pavement overlays is required; or
- E. The user can demonstrate that there will be no emissions of organic compounds from the asphalt under conditions of normal use. Cut-Back and emulsified asphalts for which 5% or less of the total solvent distills at or below 500 degrees Fahrenheit (corrected to standard pressure) will be considered to have no emissions of organic compounds under normal use. Distillation tests shall be ASTM D 402 and D 244 respectively.

WASHOE COUNTY DISTRICT BOARD OF HEALTH MEETING  
SEPTEMBER 22, 2005

BOARD MEMBERS PRESENT: Councilman Phillip Salerno, Chairman; George Furman, MD, Vice Chairman; Councilman Dan Gustin; Commissioner David Humke (telephone conference at 1:55pm); Denis Humphreys, OD; Robert Myles, MD and Mr. Matt Smith

ABSENT: None

STAFF: Dr. Mary Anderson, District Health Officer; Eileen Coulombe, Director, Administrative Health Services; Andrew Goodrich, Director, Air Quality Management; Michelle Kling, Director, Community and Clinical Health Services; Scott Monsen, Acting Director, Environmental Health Services; Dr. Randall Todd, Director, Epi Center; Patsy Buxton, Health Analyst; Stephanie Beck, EMS Coordinator; Noel Bonderson, Air Quality Supervisor; Duane Sikorski, Air Quality Supervisor; Jim Greybeck, GIS Specialist; Susie Kapahee, Public Information Officer; Yann Ling, Environmental Engineer; Dan Inouye, Air Quality Specialist; Wally Prichard, Air Quality Specialist; David McNinch, Senior Environmentalist; Alice McQuone, Administrative Assistant; Nancy Kerns-Cummins, Administrative Assistant; Penny Mort, Office Support Specialist; Debra Carr, Administrative Assistant; Judy Davis, Public Information Officer; Janet Smith, Recording Secretary; and Leslie Admirand, Deputy District Attorney

At 1:00pm Chairman Salerno called the Washoe County District Board of Health meeting to order, followed by the Pledge of Allegiance led by Dr. Mary Anderson, District Health Officer.

ROLL CALL

Roll call was taken and a quorum noted.

PUBLIC COMMENT

No public comment was presented.

MONTHLY REPORT – DISTRICT HEALTH DEPARTMENT – REVENUES AND EXPENDITURES  
AUGUST 2005

Ms. Eileen Coulombe, Director, Administrative Health Services Officer, advised that the Board members have been provided with a copy of the Health Fund Expenditure and Revenue Report for the month of August 2005. Ms. Coulombe advised that Staff recommends the Board accept the report as presented. In response to Chairman Salerno regarding the Environmental Oversight Account, Ms. Coulombe advised the account is \$160,186.33; that the Board of Health did approve the acquisition of a vehicle from the interest on this account.

**MOTION: Dr. Humphreys moved, seconded by Mr. Smith that the District Health Department Revenue and Expenditure Report for August 2005, be accepted as presented.  
Motion carried unanimously.**

PUBLIC HEARING – AMENDMENTS – WASHOE COUNTY DISTRICT BOARD OF HEALTH  
REGULATIONS GOVERNING AIR QUALITY MANAGEMENT

1:00pm: This being the time set in a Notice of Public Hearing, heretofore published in the *Reno Gazette Journal* on August 19, 31 and September 8, 2005, to consider the approval and adoption of proposed amendments and deletions to the Washoe County District Board of Health Regulations Governing Air Quality Management.

Mr. Daniel Inouye, Air Quality Specialist, advised the Clean Air Act established the National Ambient Air Quality Standards (NAAQS) for various pollutants including Carbon Monoxide (CO); that the NAAQS establishes a one (1) hour and an eight (8) hour standard for CO. Mr. Inouye advised that during the 1970s and 1980s the Truckee Meadows area experienced many episodes of elevated CO levels and violations of the NAAQS eight (8) hour standard. Mr. Inouye advised that the topography of the area with the winter climate creating inversions and a number of unregulated CO sources causing the exceedances of the NAAQS for CO. Mr. Inouye stated that due to the many exceedances of the CO Standard the US EPA designated the Truckee Meadows as a non-attainment area. Mr. Inouye advised that areas designated as non-attainment by EPA must develop a State Implementation Plan (SIP) delineating the necessary measures that will be implemented to reduce the pollutant levels to bring the area into compliance with the EPA Standards. Mr. Inouye stated that the measures include monitoring the air quality levels, develop and implement control measures to improve the air quality, approve and adopt regulations to improve the air quality, enforce those regulations and continue to monitor the air quality for pollutant levels to determine compliance with the Standards.

A. Presentation and Discussion of Proposed Amendment to Section 040.095 (Oxygen Content of Motor Vehicle Fuel)

Mr. Inouye advised that Washoe County implemented an Oxygenated Fuels Program in the late 1980s and is regulated within Section 040.095 (Oxygen Content of Motor Vehicle Fuel) of the Washoe County Air Quality Management Regulations. Mr. Inouye stated that this Section of the Regulations was amended in 1992 and 2000; that these amendments were submitted to US EPA; however, EPA did not take action to approve those amendments due to concerns regarding the enforceability of the Regulations, as noted in Subsection F. (Emergency Suspension).

Mr. Inouye stated the proposed revisions to Section 040.095 are primarily minor clarifications to the requirements for labeling and record keeping. Mr. Inouye advised that Staff recommends the deletion of Subsection F based upon EPA's concerns, specifically the definition of "temporarily suspend" and what would constitute an "emergency fuel supply interruption". Mr. Inouye advised that Staff will work in conjunction with the Fuel Standards Environmental Coordination Committee of the Nevada State Department of Agriculture to implement measures to address "emergency fuel supply interruptions"; that Staff will rely upon EPA to determine what constitutes an "emergency interruption".

Mr. Inouye stated that Staff received one (1) written comment from the Western States Petroleum Association (WSPA) requesting the Air Quality Management Division reevaluate the benefits of the District's annual Oxy-fuels Program.

Mr. Inouye advised Staff recommends the Board approve and adopt the proposed amendments to Section 040.095 as presented.

B. Presentation and Discussion of Proposed Deletion of Section 040.105 (Collection/Submission of Compliance Data)

Mr. Inouye advised that Staff recommends the deletion of Section 040.105 (Collection/Submission of Compliance Data), as the requirements of this Section will be incorporated in Section 040.095.

Mr. Inouye advised that upon approval and adoption the amendments and deletion to the Regulations will be forwarded to the State of Nevada Division of Environmental Protection (NDEP) for submittal to US EPA as a revision to the Truckee Meadows' portion of the Nevada SIP.

C. Approval and Adoption of Proposed Amendments to Section 040.095 and Deletion of Section 040.105

Mr. Inouye advised that Staff conducted public workshops to discuss the proposed amendments, and personally notified any individuals, companies or agencies that may be affected by the proposed amendments; that the Board has been provided a copy of that list.

Mr. Inouye advised that Staff recommends the Board approve and adopt the proposed amendments and deletion to the Regulations as presented.

In response to Mr. Smith regarding the Oxyfuels Program, Mr. Inouye advised that the Oxyfuels Program will continue to be in effect from October 1 through January 31 of every year; that Staff is proposing incorporating Subsection C. (Oxygenated Fuels Program Period) with Subsection B (Definitions) of Section 040.095.

Chairman Salerno declared the Public Hearing open and called upon anyone wishing to speak either in favor of or in opposition to the proposed amendments and deletions to the Washoe County Regulations Governing Air Quality Management. There being no one the Public Hearing was closed.

**MOTION:** Dr. Myles moved, seconded by Dr. Humphreys that the amendments to Section 040.095 (Oxygen Content of Motor Vehicle Fuel); and the deletion of Section 040.105 (Collection/Submission of Compliance Data) be approved and adopted as presented.  
Motion carried unanimously.

PUBLIC HEARING – PRESENTATION – DISCUSSION – APPROVAL AND ADOPTION – 1990 – 1993 AND 2002 PERIODIC EMISSION INVENTORY – CARBON MONOXIDE (CO) PER STATE IMPLEMENTATION PLAN (SIP)

1:00pm: This being the time set in a Notice of Public Hearing, heretofore published in the *Reno Gazette Journal* on August 19, 31 and September 8, 2005, to consider the approval and adoption of the 1990, 1993 and 2002 Period Emission Inventory for Carbon Monoxide (CO) in compliance with the requirements of the Nevada State Implementation Plan (SIP).

Mr. Inouye advised that his previous comments regarding the Clean Air Act of 1990 apply to the approval and adoption of the Periodic Emission Inventory for Carbon Monoxide (CO) and the

040.095 OXYGEN CONTENT OF MOTOR VEHICLE FUEL (Amended 9/23/92, 10/25/00, Revised 9/22/05)

SECTION A - GENERAL

- 1. PURPOSE: To reduce carbon monoxide emissions from motor vehicles during the Oxygenated Fuels Program Period.
- 2. APPLICABILITY: The provisions of this Rule shall apply to any person supplying, selling, or introducing gasoline as a final product for fueling motor vehicles within Washoe County.

SECTION B - DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

- 1. Oxygenated Fuels Program Period: The period from October 1 through January 31.

SECTION C - STANDARDS

- 1. During the Oxygenated Fuels Program Period, no gasoline may be supplied or sold by any person as a final product for fueling motor vehicles within Washoe County, sold at retail, sold to a private or municipal fleet for consumption, or introduced into a motor vehicle in Washoe County by any person, unless the gasoline has at least 2.7% oxygen content by weight.
- 2. The oxygenate Methyl Tertiary Butyl Ether (MTBE) must not contribute more than 0.05% oxygen by weight to the required 2.7% oxygen by weight (or not more than 0.30% MTBE by volume).
- 3. Gasoline dispensers shall be labeled in accordance with 40 CFR 80.35(a) and include the following.
  - a. Each gasoline pump stand from which oxygenated gasoline is dispensed at a retail outlet in the control area shall be affixed during the control period with a legible and conspicuous label which contains the following statement: "The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles".
  - b. The posting of the above statement shall be in block letters of no less than 20-point bold type, in a color contrasting with the intended background. The label shall be placed on the vertical surface of the pump on each side with gallonage and price meters and shall be on the upper two-thirds of the pump, clearly readable to the public.
  - c. The retailer shall be responsible for compliance with the labeling requirements of this Section.

SECTION D - ADMINISTRATIVE REQUIREMENTS

- 1. The Control Officer shall prepare a report to be filed with the Washoe County District Board of Health by May 1 of each year regarding the results of the oxygenated fuels program. This report shall include an analysis of costs and benefits, investigations of complaints, enforcement activity, and best estimates of air quality improvements resulting from the program.

**SECTION E – COMPLIANCE AND RECORDS**

1. Any person supplying or selling gasoline within Washoe County must retain fuel delivery invoices, notes, or orders for gasoline. All fuel delivery invoices, notes, or orders for gasoline containing oxygenate shall clearly state the type of oxygenate used and the intended or estimated percent of oxygen content by weight or the intended or estimated percent of oxygenate content by volume.
2. The Control Officer may collect or require the submission of fuel samples, fuel delivery invoices, or information on oxygen content of gasoline to determine compliance with Section C of this Rule.
3. Records required by Section E.1 of this Rule shall be maintained for a minimum of one (1) year and be made available to the Control Officer upon request.

## EMERGENCY EPISODE PLAN

050.001      **EMERGENCY EPISODE PLAN** (Adopted 3/23/06)

### SECTION A – GENERAL

1.      **PURPOSE:** The purpose of this regulation is to:
  - a.      Advise persons with respiratory or cardiac problems of air pollution levels which may be harmful to their health; and
  - b.      Initiate corrective control measures to prevent buildup of air contaminants to levels which would cause significant harm to a significant portion of the population in the Washoe County Health District.
  
2.      **APPLICABILITY:** The provisions of this regulation shall apply to the entire Health District.

**SECTION B – DEFINITIONS:** For the purpose of this regulation, the following definitions shall apply.

1.      **Air Quality Index.** The Air Quality Index (AQI) is an index for reporting daily air quality. It reports how clean or polluted the air is, and what associated health effects might be a concern. The AQI focuses on health effects that may be experienced within a few hours or days after breathing polluted air.
  
2.      **Control Officer.** Control Officer means the District Health Officer of the Washoe County Health District or the person designated by said District Health Officer to enforce these local air pollution control ordinances and regulations as approved by said District Board of Health created pursuant to the interlocal agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada. (As noted also in **Section 010.042**)
  
3.      **District Health Officer.** The District Health Officer is the person appointed by the District Board of Health of the Washoe County Health District to administer activities of the District Health Department of said Health District in all matters directly or indirectly affecting public health, pursuant to the authority of state and local health laws, ordinances, and regulations. (As noted also in **Section 010.048**)
  
4.      **PM2.5.** PM2.5 means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.
  
5.      **PM10.** PM10 means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers.
  
6.      **Solid Fuel Burning Device.** Solid fuel burning device means a device that burns wood, or any other nongaseous or non-liquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes including but not limited to a fireplace, wood stove, or pellet stove.



## SECTION C – STANDARDS

1. Whenever the concentrations of an air contaminant:
  - a. At an air monitoring station operated in accordance with 40 CFR 58 and under the jurisdiction of the Washoe County District Health Department;
  - b. reach or are predicted to reach the levels specified in **Table 1** of this section; and
  - c. are expected to persist at or above the levels specified in **Table 1** of this section;

The Control Officer shall declare that an emergency episode stage exists and take the actions specified in **Sections C.2** and **D** of this regulation.

**TABLE 1  
EPISODE CRITERIA LEVELS\***

Pollutant	Averaging Time	Stage 1 (Alert)	Stage 2 (Warning)	Stage 3 (Emergency)
Carbon Monoxide	8 Hour	9.4 ppm	15.4 ppm	30.4 ppm
Particulates (PM10)	24 Hour	154 ug/m3	354 ug/m3	424 ug/m3
Particulates (PM2.5)	24 Hour	65.4 ug/m3 (AQI 150)	150.4 ug/m3	250.4 ug/m3
Ozone	8 Hour	0.084 ppm	0.124 ppm	0.404 ppm

\* Stage 1 (Alert), Stage 2 (Warning), and Stage 3 (Emergency) episode criteria levels are associated with an AQI of 100, 200, and 300 respectively, unless otherwise noted.

2. The Control Officer and the appropriate law enforcement and public health officials shall take the following control actions upon declaration of the following stages:
  - a. Stage 1
    - (1) A health warning for sensitive persons shall be included in all notifications given pursuant to **Section D.1** of this regulation.
    - (2) All open and prescribed burning must be terminated.
    - (3) The use of permitted incinerators shall be terminated. Crematoriums or pathological incinerators may continue to operate if the Control Officer determines that cessation of operation will cause a greater health hazard.
    - (4) A request shall be made to the public to curtail any unnecessary motor vehicle operations.
    - (5) Whenever the measurements of PM2.5, PM10, or carbon monoxide reach, or are predicted to reach Stage 1 levels and adverse meteorological conditions are predicted to persist, operation of any solid fuel burning device shall be suspended unless it can be demonstrated, in accordance with the procedures established by the Control Officer, that such fuels supply the only heat available to the person burning it. The suspension shall remain in effect until all episode stages have been terminated.

- (6) Sources subject to **Section E.1** of this regulation must commence curtailment of operations as per their submitted and approved plans.
- b. Stage 2: All of the control measures specified in **Section C.2.a** of this regulation shall be implemented under a Stage 2 episode and, in addition:
    - (1) The public notification shall be updated to reflect the more severe conditions.
    - (2) For ozone episodes - programs which involve physical exertion by persons using public parks or public recreational facilities shall be suspended. All commercial and industrial activities such as dry cleaning, spray painting and degreasing that emit reactive organic compounds shall be notified to cease operations. Such activities as roofing, asphalt paving and surface coating where the use of large quantities of volatile organic material is involved shall also be prohibited.
    - (3) For carbon monoxide episodes - if the occurrence of this stage is determined to have been due to traffic congestion in that area, take measures to reduce the traffic congestion in that area.
    - (4) For PM10 episodes - dust emitting construction and agricultural activities such as grading, leveling, plowing and digging shall be prohibited.
    - (5) A request shall be made to the general public to avoid the area of the episode.
  - c. Stage 3: In addition to the control measures specified in **Sections C.2.a** and **C.2.b** of this regulation, the appropriate law enforcement and civil defense agencies may be requested to:
    - (1) Close all public, commercial and industrial establishments which are not immediately necessary for public health and safety and are within the affected area;
    - (2) Close principal streets within the affected area to the general public;
    - (3) Require emergency carpooling or use of mass transit by the public; and
    - (4) Setup and implement evacuation procedures if deemed necessary.
3. The Control Officer shall declare an episode stage terminated when the concentration of contaminant falls below the criteria level shown in **Section C.1** of this regulation and/or when meteorological data indicate that the contaminant concentration will decrease to below the criteria level.

#### SECTION D – ADMINISTRATIVE REQUIREMENTS

- 1. Notification of an episode stage. When an episode stage is declared, the Control Officer shall notify:
  - a. The news media and shall request that they publish or broadcast all appropriate warnings, notices and advisories;
  - b. The Washoe County Manager and the managers of the cities of Reno and Sparks;
  - c. Managers and operators of all stationary sources subject to **Section E.1** of this regulation; and
  - d. Other agencies which, in the opinion of the Control Officer, should be notified.

2. Notification of an episode stage shall include information as to which stage has been predicted or reached, the expected duration of the episode, the geographic boundaries of the affected area, the specific air contaminant for which the stage has been declared, a statement of the public health significance of the episode stage, and the appropriate voluntary or mandatory control measures to be taken, as described in **Section C.2** of this regulation.
3. If an episode Stage 2 or 3 is declared, the Control Officer may request that the Director of the Division of Emergency Management for Washoe County coordinate all emergency control measures.
4. Upon declaration of termination of an episode stage, the Control Officer shall notify those persons and offices specified in **Section D.1** of this regulation. The notice shall also advise which curtailed activities may resume and which activities must remain curtailed, as specified in **Section C.2** of this regulation.

**SECTION E – COMPLIANCE AND RECORDS**

1. Control Plan for Emission Curtailment. The owner or operator of any stationary or mobile source with the potential to emit fifty (50) tons or more per year of an air contaminant shall, upon request of the Control Officer, prepare and submit a plan for reducing or eliminating such emission in accordance with the episode stages of Alert, Warning and Emergency as defined in these regulations.

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060.010

**EMERGENCY AUTHORITY TO ACT**

If and when the Control Officer finds that either a generalized condition of air pollution or the operation of one or more particular sources of air contaminant is causing imminent danger to human health or safety, he may, with concurrence of the District Health Officer, order the person or persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants.

If and when air contaminant levels reach the limits set forth in Chapter 060.040, the Control Officer will take the necessary action as prescribed by each alert stage.

If the Control Officer exercises power conferred in Chapter 060.010, said order shall expire by limitation 24 hours after it takes effect unless sooner affirmed, modified or set aside by the Hearing Board.

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**060.015 SAMPLING STATION AND AIR SAMPLING**

The Washoe County District Health Department shall maintain at least one station in the downtown Reno area which will produce continuous and recorded air quality data on the air contaminants capable of causing an air pollution emergency. The Control Officer shall establish procedures whereby adequate sampling and analyses of air contaminants will be taken at each sampling station.

6/12/72

060.020

**REPORTS**

The Washoe County District Health Department shall make daily summaries of the readings required by Chapter 060.015. The summaries shall be in such form as to be understandable by the public. These summaries shall be public records and immediately after preparation shall be filed at the Washoe County District Health Department and be available to the public, press, radio, television, and other mass media of communication.

6/12/72

## 060.025 CONTINUING PROGRAM OF VOLUNTARY COOPERATION

The Control Officer shall inform the public of ways in which air pollution can be reduced and shall request voluntary cooperation from all persons in all activities which contribute to air pollution. Civic groups shall be encouraged to undertake campaigns of education and voluntary air pollution reduction in their respective communities. Public officials shall be urged to take promptly such steps as may be helpful to reduce air contaminants to a minimum within the areas of their authority. Employers shall be requested to establish car pools. Users of motor vehicles shall be urged to keep motors in good condition. All industrial, commercial and business establishments which emit hydrocarbons or other air contaminants should critically study their operations from the standpoint of air contamination and should take appropriate action voluntarily to reduce air pollution.