NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

RULE 101 Title

(Adopted September 11, 1991)

These rules and regulations shall be known as the Rules and Regulations of Northern Sierra Air Quality Management District.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

RULE 102 Definitions

(Adopted: September 11, 1991; Amended: May 11, 1994)

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

Agricultural Burning

a. Any open outdoor fire used in agricultural operations necessary for the growing of crops or raising of fowl or animals, or in forest management or range improvement; or used in the improvement of land for wildlife and game habitat, or disease or pest prevention.
b. Any open outdoor fire used in the operation or maintenance of a system for the delivery of water for purposes specified in subdivision (a) of this definition. Rule 307 shall not apply to such burning.

Agricultural Operation

The growing and harvesting of crops, or raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduction of agricultural research or instruction by an educational institution.

Agricultural Wastes

Are:

a. unwanted or unsellable materials produced wholly from agricultural operation and
b. materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.

Air Contaminant or Pollutant

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

Air Pollution Control Officer

The Air Pollution Control Officer of the Northern Sierra Air Quality Management District.

Allowable Emissions

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

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

Approved Ignition Devices Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device, this would include such items as liquid petroleum gas (L.P.G.), butane, propane, or diesel oil burners, flares, or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil and other similar materials.

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

ARB-Certified Vapor Recovery System A vapor recovery system which has been certified by the state board pursuant to Section 41954 of the Health and Safety Code.

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

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

Baseline Concentration The ambient concentration level reflecting actual air quality as monitored or modeled as of:

1. January 1, 1981, minus any contribution from major stationary facilities and major modifications on which construction commenced on or after January 5, 1975, for attainment pollutants; and
2. the date an application for Authority to Construct is deemed complete by the Air Pollution Control Officer for nonattainment pollutants.

Best Available Control Technology An emission limitation, based on the maximum degree of reduction for a criteria pollutant or precursor which would be emitted from any source or modification which the Air Pollution Control Officer, on a case-by-case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable for such source or modification through application of production processes or available control methods, systems, and techniques, for such pollutant. In no case shall application of best available control technology result in emissions of any pollutant or precursor which would exceed the emissions allowed by 40 CFR Part 60 and 61. If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement technology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design equipment, work practice or operations standard, or combination thereof. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

Board The Northern Sierra Air Quality Management District Board.

Bottom Loaded A gasoline delivery vessel shall be considered to be bottom loaded when the fuel transfer and vapor return lines have separate, independent, and dedicated attachments on the truck or tank, when the inlet is flush with the tank bottom, and when the truck and trailer hatches remain closed during fuel transfer.

Breakdown Condition An unforeseeable failure or malfunction of

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

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

Brush Treated The material has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.

Bulk Plant An intermediate gasoline distribution facility consisting of gasoline loading facilities where delivery to the facility's storage containers is by tank truck.

Combustible or Flammable Waste Means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.

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

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

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

Designated Agency Any agency designated by the A.R.B. and Northern Sierra Air Quality Management District as having authority to issue Agricultural Burn Permits.

District The Northern Sierra Air Quality Management District.

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

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

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

	data.
Emission Point	The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
Enforceable	Verifiable and legally binding.
Excavation	Expose to view by digging.
Existing Retail Service Station	Any retail service station operating, constructed, or under construction as of December 15, 1988.
Floating Roof	A pontoon-type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this section shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight expect when gauging or sampling is taking place.
Facility	Any source or collection of sources of air contaminants which are located on one or more contiguous or adjacent properties within the District and which is owned, operated, or under shared entitlement to be used by the same person. Items of air contaminant emitting equipment shall be considered aggregated into the same facility and items of non-air contaminant emitting equipment shall be considered associated with air contaminant emitting equipment only if: A. The operation of each item of equipment is dependent upon, or affects the process of, the others; and B. The operation of all such items of equipment involves a common raw material or product. C. Any establishment or installation and the associated equipment.
Federal Land Manager	The Secretary of the United States Department with authority over applicable federal lands, his authorized representative, or the President of the United States.
Flue	Any duct or passage for air, gases or the like, such as a stack or chimney.
Forest Management Burning	Means the use of open fires, as part of a forest management practice, to remove forest debris. Forest Management practice include timber operations, silvacultural practices or forest protection practices.
Fossil Fuel-Fired Steam Generator	Means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil fuel" means natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials.
Fugitive Dust	Solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, as a direct result of operation of a facility.
Gasoline	Any organic liquid (including petroleum distillates and methanol) having a Reid vapor pressure of four (4) pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.
Gasoline Storage Tank	Any storage container, reservoir, or tank used for the storage of gasoline that is

	equipped with no vapor control, or is equipped with splash loading, submerged fill pipe loading, or Phase I or Phase II vapor recovery loading systems.
Gasoline Vapors	The organic compounds in the displaced vapors including any entrained liquid gasoline.
Hearing Board	The appellate review board of any county or regional air pollution control district as provided for in the Health and Safety Code of the State Code of the State of California.
Incineration	An operation in which combustion is carried on for the principal purpose, or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.
Incinerator	Any furnace or other closed fire chamber used to dispose of combustible waste by burning and from which the products of combustion are directed through a flue or chimney.
Installation	The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.
Institutional Facility	Any hospital, boarding home, school or like facility.
Leak Free	A liquid leak of less than four drops per minute.
Lowest Achievable Emission Rate	A liquid leak of less than four drops per minute. **Lowest Achievable Emission Rate** For any source, the most stringent of: A. The most effective emission limitation which the Environmental Protection Agency certified is contained in the implementation plan of any state approved under the Clean Air Act for such class or category of source, unless the owner or operator of the proposed source demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation is not achievable; or B. The most effective emissions control technique which has been achieved in practice for such category or class of source; or C. Any other emissions control technique found, after public hearing, by the Air Pollution Control Officer to be technologically feasible and cost effective for such class or category of sources or for a specific source. In no event shall the application of lowest achievable emission rate allow for emissions in excess of those allowable under 40 CFR Part 60.
Major Facility	A Major Facility is a Major Source
Major Source	A "major source" is a stationary source which has the potential to emit a regulated air pollutant (or precursor) or a hazardous air pollutant (HAP) in quantities equal to or exceeding the lesser of any of the following thresholds: 1. 100 tons per year (tpy) or 1000 pounds per day of any regulated air pollutant; 2. 50 tpy of volatile organic compounds or oxides of nitrogen for a federal

nonattainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;
3. 70 tpy of PM10 (particulate matter of 10 microns or less) for a federal PM10 nonattainment area classified as serious;
4. 10 tpy of one HAP or 25 tpy of two or more HAPs; or
5. Any lesser quantity threshold promulgated by the U.S. EPA.

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

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

A. An increase in the production rate, if such increase does not exceed the operating design capacity of the source.
B. An increase in the hours of operation.
C. A change in ownership of a source.

Motor Vehicle As defined in Section 415 of the Vehicle Code.

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

No-Burn Day Means any day on which agricultural burning is prohibited by the ARB, the Air Pollution Control Officer or the fire agency with appropriate jurisdiction.

Nonattainment Pollutant A criteria pollutant in an Air Pollution Control District or sub- district zone designated by the Environmental Protection Agency as a nonattainment area for that pollutant.

Offset Fill Pipe A fill pipe on a stationary storage tank which is loaded from the side and has its discharge opening entirely submerged when the liquid is eighteen (18) inches above the bottom of the tank.

Open Out-Door Fire As used in this regulation means: *Combustion of any combustible material of any type, outdoors in the open air, where the product of combustion is not directed through a flue.*

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

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

Owner or Operator	Any person who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.
Particulate Matter	Is any material except uncombined water, which can exist in a finely divided form as a liquid or solid at standard conditions.
Permissive Burn Day	Means any day on which agricultural burning is not prohibited by the ARB.
Person	Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.
Phase I Vapor Recovery System	An ARB-certified gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery vessels into stationary storage tanks.
Potential to Emit	1. **Emissions Unit:** The "potential to emit" for an emissions unit is the maximum capacity of the unit to emit a regulated air pollutant or HAP considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions which address applicable federal requirements. Physical and operational limitations shall include, but are not limited to, the following: limits placed on emissions and restrictions on hours of operation and type or amount of material combusted, stored, or processed. 2. **Stationary Source:** The "potential to emit" for a stationary source is the sum of the potential to emit from all emissions units at the stationary source. If two or more HAPs are emitted at a stationary source, the potential to emit for each of those HAPs shall be combined to determine applicability. Fugitive emissions shall be considered in determining the potential to emit for: 1. sources as specified in 40 CFR Part 70.2 Major Source (2), and 2. sources of HAP emissions. Notwithstanding the above, any HAP emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a major source of HAPs, whether or not such units are located in contiguous areas or are under common control.
ppm	Parts per million by volume expressed on a dried gas basis.
Precursor	A directly emitted pollutant that, when released into the atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant which is a criteria pollutant. The following precursor-pollutant transformations shall be included in the determination of secondary pollutant concentrations: non-methane hydrocarbons - ozone; nitrogen oxides - nitrogen dioxide; sulfur oxides - sulfur dioxide.
Pressure Tank	A tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
Process Weight Per Hour	The total weight, including contained moisture, 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. (The Process Weight Per Hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.)

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

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

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

Residential Rubbish Rubbish originating from a single or two family dwelling on its premises, limited to the following material: wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.

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

Retail Service Station Any new or existing motor vehicle fueling service station subject to payment of California sales tax on gasoline sales.

Secondary Emissions Emissions within the District from:

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

Section As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the Health and Safety Code as such code reads on January 1, 1976.

Silvacultural Practices Means the establishment, development, care, and reproduction of stands of timber.

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

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

Source Operation The last operation preceding the emission of an air contaminant, which operation

a. results in the separation of the air contaminants from the process materials, or in the conversion of the process materials into air contaminants, as in the

case of combustion of fuel, and
b. is not an air pollution abatement operation.

Standard Conditions As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analysis and tests shall be calculated and reported at this gas temperature and pressure.

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

Submerged Fill Pipe Any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches (6") above the bottom of the tank. "Submerged fill pipe", when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is eighteen inches (18") above the bottom of the tank.

Tahoe Basin That area, within the State of California, as defined by the California Nevada Interstate Compact, Article 11, Paragraph C, as contained in Section 5976 of the State Water Code.

Tank Replacement Replacement of one or more stationary storage tanks at any facility.

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

Title V Permit A permit issued, renewed, amended, or revised pursuant to Title V of the Clean Air Act of 1990, 40 CFR Part 70, and Rule 522 Federal Operating Permits.

Throughput The volume of gasoline dispensed at a facility.

Timber Operations The cutting or removal of timber or other forest vegetation.

Topping Off To attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically. The filling of those vehicle tanks which, because of the nature and configuration of the fill pipe, causes premature shut off of the dispensing nozzle, and which are filled only after the seal between the fill pipe and the nozzle is broken, shall not be considered topping off.

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

Vapor Leak Any source of gasoline vapors which cause a combustible gas detector meter reading of 100 percent of the LEL. A marginal vapor leak may be verified by conducting a pressure/vacuum leak test. A vapor leak does not include any vapor resulting from liquid spillage or liquid leaks.

Vapor Recovery System A vapor gathering system capable of collecting and or destroying hydrocarbon vapors and gases that are normally discharged to the atmosphere during a transfer of organic liquid from one container to another container.

Vapor Tight	A leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (one inch) from the source or no visible evidence of air entrainment in the sight glass of a liquid delivery hose.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 202 Visible Emissions

(Adopted: September 11, 1991)

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

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 203 Exceptions

(Adopted: September 11, 1991)

The provisions of Rule 202 do not apply to:

A. Smoke from fires set or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
    1. For the purpose of the prevention of a fire hazard. (or health hazard as determined by the Health Officer) which cannot be abated by any other means, or
    2. The instruction of public employees and/or volunteer firemen in the methods of fighting fires.

B. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.

C. Open outdoor fires used for recreational purposes or for cooking of food for human consumption.

D. The use of an experimental device, system, or method to study or research open burning authorized by Section 41707 and 41805 (b) of the Health and Safety Code and these Rules and Regulations.

E. Agricultural operations necessary for the growing of crops, or raising of fowl or animals.

F. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.

G. The use of other equipment in agricultural operations necessary for the growing of crops, or the raising of fowl or animals.

H. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board.

I. The governing board of the district may by Rule provide for the issuance by the Air Pollution Control Officer of permits for open burning. The provisions of Rule 202 do not apply to smoke from fires set pursuant to such permit.

J. Smoke emissions from tepee burners operating in compliance with Section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues with supplemental fossil fuels, and burners used to produce energy and fired with such fuels, when such emissions result from startup or shutdown of the combustion process or from the malfunction of emissions control equipment. This subdivision shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subdivision shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 204 Wet Plumes

(Adopted: September 11, 1991)

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 206 Incinerator Burning

(Adopted: September 11, 1991)

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

Pathological Incineration

A person shall not burn any pathological waste in any incinerator within the boundaries of the Northern Sierra Air Quality Management District unless all gases, vapors, and gas-entrained effluents from such an incinerator are:

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

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 207 Particulate Matter

(Adopted: September 11, 1991)

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 208 Orchard or Citrus Heaters

(Adopted: September 11, 1991)

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 209 Fossil Fuel-Steam Generator Facility

(Adopted: September 11, 1991)

A person shall not build, erect, install or expand any fossil fuel fired steam generating facility unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 210 Specific Contaminants

Adopted: September 11, 1991)

A. **Sulfur Compounds:** A person shall not release or discharge into the atmosphere from any source of emission whatsoever, sulfur compounds, calculated as sulfur dioxide (SO_2), in excess of 2000 parts per million by volume (0.2%) of exhaust gas.

B. **Combustion Contaminants:** A person shall not release or discharge into the atmosphere from the following sources or units thereof, combustion contaminants calculated at 12 percent carbon dioxide (CO_2) in excess of:

    1. 1. Wood Fired Boilers and Incinerators: 0.2 grains per cubic foot of dry exhaust gas at standard conditions.
    2. 2. All Other Sources: 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

C. Particulate matter emitted from a source or combination of sources in which exhaust gases from a combustion unit or process are used to dry, calcine, pyrolyze, sinter or otherwise thermally condition, exclusive of combusting any process material, shall be excluded from calculation as combustion contaminants.

Rule 211 Process Weight Per Hour

(Adopted: September 11, 1991)

A person shall not release or discharge into the atmosphere from any source operation solid particulate matter in excess of that allowed in the table in Rule 212.

A. The provisions of this Rule shall not apply to:
    1. Portland cement kilns, except that no owner or operator shall release or discharge into the atmosphere from any portland cement kiln particulate matter at a rate in excess of 0.30 pounds per ton of dry kiln feed, exclusive of fuel charged.
    2. Portland cement clinker coolers, except that no owner or operator shall release or discharge into the atmosphere from any portland cement clinker cooler particulate matter at a rate in excess of 0.10 pounds per ton of dry kiln feed, exclusive of fuel charged.
    3. Sewage sludge incinerators, except that no owner or operator shall release or discharge into the atmosphere from any sewage sludge incinerator particulate matter at a rate in excess of 1.30 pounds per ton of dry sludge input as determined in CFR 40, Part. 60.154.
    4. Rotary lime kilns, except that no owner or operator of such source constructed or modified after May 3, 1977, shall release or discharge into the atmosphere from such rotary lime kiln particulate matter at a rate in excess of 0.30 pounds per ton of limestone feed, exclusive of fuel charged.
    5. Lime hydrators, except that no owner or operator of such source constructed or modified after May 3, 1977, shall release or discharge into the atmosphere from such lime hydrator particulate matter in excess of 0.15 pounds per ton of lime feed.
    6. Combustion equipment which derives at least 80% of its fuel input heat content from wood or wood associated waste, except that such equipment shall comply with all other Rules in this Regulation.
    7. Processing equipment used in conjunction with combustion sources, other than those types provided for in other subsections of this Rule, used to dry, calcine, pyrolyze, sinter or otherwise thermally condition any process material, except that such equipment shall comply with all other Rules in this Regulation.
B. Performance tests undertaken to determine compliance of sources with Part A., Sections 1. through 5., of this Rule shall comply with the provisions of CFR 40, Part 60, Appendix A only.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 212 Process Weight Table

Adopted: September 11, 1991

ALLOWABLE RATE OF EMISSION BASED ON

PROCESS WEIGHT RATE

PROCESS WEIGHT RATE	**Emission Rate**
Lbs./Hr	**Lbs./Hr**
50	0.4
100	0.6
500	1.5
1000	2.3
5000	6.3
10,000	9.7
20,000	15.0
60,000	29.6
80,000	31.2
120,000	33.3
160,000	34.9
200,000	36.2
400,000	40.4
1,000,000	46.8

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

$E=3.59\ P^{0.62}$ P is less than or equal to 30 tons/hr.

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

$E=17.31\ P^{0.16}$ P is greater than 30 tons/hr.

Where: E=Emission in pounds per hour.

P=Process weight rate in tons per hour.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 213 Storage of Gasoline Products

Adopted: September 11, 1991

1. **Submerged Fill Pipe**
   No person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe.
2. **Exemptions to Subdivision (1)**

   A. Storage tanks installed prior to December 31, 1970.
   B. Storage tank is a pressure tank, floating roof tank, or tank equipped with a vapor recovery system.
   C. Storage tanks used primarily for fueling implements of husbandry, as such vehicles are defined in Division 16, Chapter 1, of the Vehicle Code.

REGULATION II
PROHIBITIONS

Rule 214 Phase I Vapor Recovery Requirements

Part 1.0 General

1.1 Purpose

To limit the emission of gasoline vapor into the atmosphere during gasoline transfer operations other than vehicle fueling.

1.2 Applicability

The provisions of this rule shall apply to the transfer of gasoline from delivery vehicles to storage tanks. In addition, in ozone non-attainment areas the provisions of this rule shall apply to the pump-out of gasoline from any stationary storage container, delivery vessel, or vehicle fuel tank. Part 3.0 applies to areas that have not been federally designated as non-attainment and Part 4.0 applies to areas that have been designated as non-attainment. Parts 1.0 (General), 2.0 (Definitions) and 5.0 (Monitoring and Records) apply to all areas.

Part 2.0 Definitions

APCO: Air Pollution Control Officer or Executive Director of the Northern Sierra Air Quality Management District, or an authorized representative thereof.

Background: A reading as methane on a portable hydrocarbon detection instruction which is observed at least three (3) meters upwind from the device to be inspected and reasonably uninfluenced by any specific emission point.

CARB: The California Air Resources Board.

CARB Certified: A Phase I or Phase II vapor recovery system, equipment, or any component thereof, for which CARB has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with that particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild that specific CARB certified component.

Delivery Vessel: Any motor vehicle, trailer, or rail car used for the transportation of gasoline.

Dry Break: A Phase I vapor recovery component that opens only by connection to a mating device to ensure that no gasoline vapors escape from the underground storage tank before the vapor return line is connected and sealed.

Executive Order: A document issued by CARB pursuant to Health and Safety Code Section 41954 certifying that a specific vapor recovery system meets the applicable performance specifications and setting conditions for the certification.

Gasoline: Any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 4 pounds per square inch absolute or greater as determined by a method specified in Section 5.1(A).

Gasoline Dispensing Facility: A mobile fueler or a stationary source consisting of one or more storage tanks and associated equipment that receives, stores and dispenses gasoline to motor vehicle fuel tanks.

Gasoline Vapors: Organic compounds in the displaced vapors including any entrained liquid gasoline.

Installer/Contractor: A person(s) engaged in the installation, alteration, repair or replacement of a vapor recovery system or its components at a gasoline dispensing facility.

Leak Free: A liquid leak of less than three drops in any minute.

Mobile Fueler: Any gasoline delivery vessel with an attached container that is used to transport and dispense gasoline from an onboard storage container into any motor vehicle fuel tank.

Offset Fill Pipe: A fill pipe which contains one or more pipe bends and for which the horizontal distance between the truck delivery connection and the storage container fill opening is 6.1 meters (20 feet) or greater.

Purge: To release gasoline vapors, gases, or hydrocarbon vapors to the atmosphere from a delivery vessel by introduction of air or an inert gas.

Rebuild/Rebuilt: Repairs, replacement, or reconstructions to any part of a component of a vapor recovery system that forms the gasoline vapor passage of the component, or that comes in contact with the recovered gasoline vapors in the component. Rebuild does not include the replacement of a complete component with another CARB certified complete component; nor does it include the replacement of a spout, bellows, or vapor guard of a CARB certified nozzle. The new part shall be

CARB certified and as supplied by the qualified manufacturer specifically for the CARB certified nozzle.

Spill Container: An enclosed container around a Phase I fill pipe that is designed to collect gasoline spillage resulting from disconnection between the liquid gasoline delivery hose and the fill pipe.

Submerged Fill Pipe: Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

Switch Loading: The transfer of diesel fuel into a delivery vessel or storage container which previously contained gasoline.

Tester: Any person(s) who conducts a performance or re-verification test as required by this Rule or by a CARB Executive Order.

VRED List: Vapor Recovery Equipment Defects List. A list of defects that CARB has identified as substantially impairing the efficiency of the vapor recovery system, incorporated by reference in Title 17 CCR Section 94006, pursuant to California Health & Safety Code Section 41960.2(c).

Vapor Tight: For delivery vessels other than mobile fuelers, a reading 100% or less of the lower explosive limit (21,000 ppm measured as equivalent propane), as determined by the method specified in Section 5.1(B). For all other operations, a condition under which the concentration of total organic compounds, measured 0.4 inch (1 centimeter) from any source, does not exceed 10,000 ppmv (expressed as methane) above background, as determined by the method specified in Section 5.1(B).

Part 3.0 Federal Ozone Attainment/Unclassified Areas

The following provisions (3.1 through 3.4) shall apply only in those portions of the District that have not been designated as non-attainment for any national ambient air quality standard for ozone.

3.1 Phase I Storage Tanks

No owner or operator of a retail service station shall transfer, permit the transfer, or provide equipment for the transfer of gasoline from a delivery vehicle to a stationary storage tank unless a CARB-certified Phase I vapor recovery system is installed on the storage tank and used during the transfer and the transfer vehicle is CARB-

certified to be compatible with the Phase I stationary storage tank CARB certification.

3.2 Exemptions to 3.1

A. Small Tanks
A gasoline storage tank with a capacity of less than 1.0 cubic meter (260 gallons) located at a retail service station or a tank of 550 gallons or less at all other locations.

B. Agricultural Tanks
A gasoline storage tank used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.

C. Tanks With an Offset Fill Pipe
An underground gasoline storage tank installed prior to December 15, 1988 which is equipped with an offset fill pipe.

D. Annual Volume Throughput
Any facility which has a calendar year volume throughput of less than 480,000 gallons of gasoline.

3.3 Tank Replacement - Phase I Requirement

At the time of tank replacement, a CARB-certified Phase I vapor recovery system shall be installed and used thereafter on all tanks at the facility unless exempted from the Phase I requirement pursuant to Section 3.2(A) or Section 3.2(B).

3.4 Defective Gasoline Storage Tank or Phase I Equipment - Prohibition of Use

Whenever the Air Pollution Control Officer or his designee determines that a gasoline storage tank, Phase I vapor recovery system, or any component thereof, contains a defect, the Air Pollution Control Officer or his designee shall mark such system or component "Out of Order." No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted as required to permit proper operation, and the Air Pollution Control Officer, or his designee has reinspected it or has authorized its use pending reinspection.

3.5 Submerged Fill Pipe

No person shall install or maintain any stationary gasoline tank with

a capacity of 250 gallons or more that is not equipped for loading through a permanent submerged fill pipe.

3.6 Exemptions to Subdivision (3.5)

A. Storage tanks installed prior to December 31, 1970.

B. Storage tank is a pressure tank, floating roof tank, or tank equipped with a vapor recovery system.

C. Storage tanks used primarily for fueling implements of husbandry, as such vehicles are defined in Division 16, Chapter 1, of the Vehicle Code.

Part 4.0 Federal Ozone Non-attainment Areas

The following provisions (Sections 4.1 through 4.4) shall apply only in areas designated as non-attainment for any national ambient air quality standard for ozone. These are in addition to and supersede all other provisions of this Rule.

4.1 Applicability Thresholds

This Part (4.0) applies to the transfer of gasoline or switch loading from any delivery vessel into any stationary storage container with a capacity of 250 gallons or more, or any mobile fueler with a capacity of 120 gallons or more. This rule also applies to the "pump-out" of gasoline from any stationary storage container with a capacity of 250 gallons or more, mobile fueler with a capacity of 120 gallons or more, or vehicle fuel tank with a capacity of 5 gallons or more.

4.2 Exemptions to Section 4.1

A. Implements of Husbandry
The provisions of this rule shall not apply to the transfer of gasoline into any stationary container which is used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000 et seq) of the California Vehicle Code, if such container is equipped with a permanent submerged fill pipe.

B. Throughput
The provisions of this rule shall not apply to any facility, retail or non-retail, where each and every month of operation within a calendar year has a volume throughput of gasoline less than 10,000 gallons.

4.3 Standards

A. Storage and Transfer of Gasoline Products

i. No person shall install or maintain any stationary gasoline tank with a capacity greater than 250 gallons that is not equipped with a CARB certified Phase I Vapor Recovery System.

ii. Any gasoline tank required to be equipped with a Phase I Vapor Recovery System shall utilize that system during any and all transfers of gasoline.

B. Prohibition of Use of Defective Systems or Components

Whenever a Phase I vapor recovery system, or any component thereof, contains a defect listed in the VRED List, the operator shall mark such system or component "Out of Order." No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted, as required to permit proper operation, and the Air Pollution Control Officer has reinspected it or has authorized its use pending reinspection.

C. Equipment and Operation Requirements

A person shall not transfer or permit the transfer of gasoline, or perform or permit switch loading, from any delivery vessel into any stationary storage container with a capacity of 250 gallons or more or mobile fueler with a capacity of 120 gallons or more, unless such container is provided with a permanent submerged fill pipe and unless such transfer is made under the following conditions, as applicable:

i. Underground storage tanks are equipped with a CARB certified vapor recovery system that shall prevent emission to the atmosphere of at least 98%, by volume, of the gasoline vapors displaced from the storage container during the transfer of gasoline into the container. The vapor recovery system shall be maintained and operated according to the manufacturer's specifications and the applicable CARB Executive Orders, and shall meet all of the following:

   a. The vapor recovery system is maintained to be leak free, vapor tight, and in good working order;

   b. All fill tubes are equipped with vapor tight caps;

   c. All dry breaks are equipped with vapor tight seals and vapor tight caps;

d. Each vapor tight cap is in a closed position except when the fill tube or dry break it serves is actively in use.

e. A CARB certified spill container shall be installed and maintained free of standing liquid, debris and other foreign matter. The spill container shall be equipped with an integral drain valve or other devices that are certified by CARB to return spilled gasoline to the underground stationary storage tank. The drain valve shall be maintained closed and vapor tight at all times except when the valve is actively in use.

ii. Aboveground storage tanks are equipped with a CARB certified vapor recovery system that shall prevent emission to the atmosphere of at least 95%, by volume, of the gasoline vapors displaced from the storage container during the transfer of gasoline into the container, and shall meet all of the following:

a. The vapor recovery system shall be maintained and operated according to the manufacturer's specifications and the applicable CARB Executive Orders;

b. The vapor recovery system is maintained to be leak free, vapor tight, and in good working order;

c. All fill tubes are equipped with vapor tight caps;

d. All dry breaks are equipped with vapor tight seals and vapor tight caps;

e. All vapor return lines without dry breaks are equipped with vapor tight caps;

f. Each vapor tight cap is in a closed position except when the fill tube or dry break it serves is actively in use.

g. All CARB certified coaxial fill tubes are spring-loaded and operated so that the vapor passage from the stationary storage tank or the mobile fueler back to the tank truck trailer is not obstructed.

iii. Mobile fuelers are equipped with a CARB certified vapor recovery system that shall prevent emission to the atmosphere of at least 95%, by volume, of the gasoline vapors displaced from the mobile fueler container during the transfer of gasoline into the container. The vapor recovery system shall be maintained and operated according to the

manufacturer's specifications and the applicable CARB Executive Orders, and meet all of the following:

a. The vapor recovery system is maintained to be leak free, vapor tight, and in good working order;

b. The container dome hatch must remain closed and latched at all times. It must not be opened for the purpose of routine tank gauging operations. It may only be opened to accomplish inspections which are necessary due to equipment failures, scheduled maintenance and repairs.

D. Delivery Vessels

A person shall not operate or allow the operation of a gasoline delivery vessel other than a mobile fueler, unless it is certified according to CARB Certification Procedure CP-204 and maintained in compliance with the certification requirements, and meets all of the following:

i. Each gasoline delivery elbow is equipped with sight windows.

ii. The fuel delivery lines shall be maintained leak free, vapor tight, and free of air ingestion. A fuel delivery that is free of air ingestion is determined by observing the fuel stream as clear and free of air bubbles through the sight windows on the delivery system, except during the initial and final 60 seconds of fuel transfer.

iii. All vapor return lines are connected between the delivery vessel and the stationary storage tank or other delivery vessel. In addition, all associated hoses, fittings, and couplings are maintained in a leak free and vapor-tight condition.

iv. The hatch on any delivery vessel shall be equipped with a vapor tight cover during gasoline transfer and pumping. The hatch shall not be opened except for visual inspection, which may be performed after at least three minutes following the completion of the gasoline transfer or pumping. Except otherwise specified by CARB, visual inspection shall be completed in three minutes or less.

v. A person shall not purge gasoline vapors, gases, or hydrocarbon vapors from a delivery vessel to the atmosphere.

E. Pressure Vacuum Valve Requirement

Unless otherwise specified in the applicable CARB Executive Order, the operator of any vapor recovery system shall have a pressure vacuum valve installed on all vent pipes open to the atmosphere with a minimum pressure setting at 2.5 to 6.0 inches of H_2O. The pressure vacuum valve shall have a minimum vacuum setting at 6.0 to 10.0 inches of H_2O.

F. Prohibition of Sale

A person shall not supply, offer for sale, sell, install or allow the installation of any new or rebuilt vapor recovery system or any of its components, unless the system and components are CARB certified. Each vapor recovery system and its components shall be clearly and permanently marked with the qualified manufacturer's name and model number as certified by CARB. In addition, any qualified manufacturer who rebuilds a component shall also clearly and permanently mark the corresponding information on the component.

G. Pump-out

i. No person shall allow the transfer ("pump-out") of gasoline from a stationary storage container with a capacity of 250 gallons or more or a mobile fueler with a capacity of 120 gallons or more into a stationary storage container or delivery vessel unless the transfer is made using a vapor collection and transfer system capable of returning the displaced vapors to the storage container being pumped out.

ii. No person shall allow the transfer ("pump-out") of gasoline from a vehicle fuel tank with a capacity of 5 gallons or more into a stationary storage container or delivery vessel unless the rate at which gasoline is allowed to drip outside an area that drains back into the vehicle fuel tank is less than 3 drops per minute.

H. Maintenance Inspection

i. The owner/operator of a gasoline dispensing facility shall, at a minimum, verify the following on each day that fuel is delivered:
   a. The spill container is clean and does not contain gasoline. The spill containment drain valve is seating properly.
   b. The fill caps and gaskets are not missing, damaged or loose.

c. The spring-loaded submerged fill pipe seals properly against the coaxial fitting.
d. The dry break (poppet valve) is not missing or damaged.
e. The submerged fill pipe is not missing or damaged.

ii. Any equipment with a major defect listed in the VRED List shall be removed from service and tagged to ensure that is not used until it is repaired and brought into compliance before being returned to service.

iii. The owner or operator of a vapor recovery system shall insure that the removal from service of one component of a vapor recovery system with multiple components will not result in gasoline liquid or vapors entering the atmosphere.

iv. Defects discovered during the maintenance inspection and repaired in accordance with Title 17, Division 3, Subchapter 7.5, Chapter 1, Section 93101 of California Code of Regulations such that after repair gasoline liquid or vapors do not enter the atmosphere shall not constitute a violation of this Rule.

4.4 Administrative Requirements

A. Certification

i. Installers/contractors shall not install, alter, repair or replace a vapor recovery system unless they meet all of the following requirements:
a. Are certified by the International Code Council (ICC) for Vapor Recovery System Installation and Repair, and, if required by the Executive Order, certified by the system manufacturer.
b. Maintain valid certifications as required in paragraph (a).
c. Have and make available on site proof of any and all certifications required by this Rule, the Executive Order and the Installation, Operation and Maintenance Manual in order to install or maintain specific systems.

ii. Testers shall not test a vapor recovery system unless they meet all of the following requirements:
a. Effective 3 months after a certification test is available, be certified by the International Code Council (ICC) for Vapor Recovery System Testing and Repair.

b. If required by the Executive Order, be certified by the system manufacturer.
c. Maintain valid certifications as required in paragraphs (a) and (b).
d. Have and make available on site proof of any and all certifications required by this Rule, the Executive Order and the Installation, Operation and Maintenance Manual in order to test specific systems.

B. Notification of Testing

At least 7 days prior to performance or re-verification testing, the owner or operator shall notify the Air Pollution Control Officer of the exact date and time of the test. If the vapor recovery system fails any of the applicable tests and the necessary repairs are performed that same day, the owner or operator may retest the vapor recovery system on the same day without re-notification, provided that the reasons for the test failure and any repairs performed are properly documented in the test reports and repair records.

C. Test Requirements for Vapor Recovery System

The following requirements are to verify the proper operation of a vapor recovery system.

i. Required Tests: Unless otherwise specified in the applicable CARB Executive Orders, performance and reverification tests shall include the following, as applicable, according to the test methods specified in Section 5.1 of this rule:
   a. Static Torque of Rotatable Adaptors Test
   b. Leak Rate of Drop Tube Test
   c. Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves
   d. Leak Rate and Cracking Pressure of P/V Valves Test, and
   e. Static Leak Tests

ii. Initial Tests: Within 30 calendar days of completion of construction or modification of any vapor recovery system, the owner or operator shall conduct and pass all applicable performance tests.

iii. Testing Frequency: The owner/operator of a gasoline dispensing facility shall perform and pass all applicable reverification tests annually within 30 days of the end of each annual period following the most recent successful tests, or more frequently as required by the applicable CARB Executive Order.

Part 5.0 Monitoring and Records

5.1 Testing Procedure

The performance and reverification tests shall be conducted in accordance with the following test methods. All test methods referenced in this section shall be the most recent version approved by the U.S. Environmental Protection Agency, CARB, and the Air Pollution Control Officer or as stated in the applicable Executive Orders.

A. Vapor Pressures: Vapor pressures shall be determined by ASTM D2879-97 (Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, 1997); ASTM D323-94 (Test Method for Vapor Pressure of Petroleum Products ((Reid Method)), 1994); or ASTM D5191-07 (Standard Test Method for Vapor Pressure of Petroleum Products ((Mini Method)), 2007).

B. Vapor Tight:

i. For delivery vessels other than mobile fuelers, CARB Vapor Recovery Test Procedure TP-204.3 shall be used to determine vapor tight condition.

ii. For all other operations, EPA Reference Method 21 shall be used to determine vapor tight condition.

C. Static Torque of Rotatable Phase I Adaptors: CARB Test Procedure TP-201.1B.

D. Leak Rate of Drop Tube/Drain Valve Assembly Test: CARB Test Procedure TP-201.1C.

E. Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves: CARB Test Procedure TP-201.1D

F. Leak Rate and Cracking Pressure of P/V Valves Test: CARB Test Procedure TP-201.1E

G. Static Leak Tests: CARB Test Procedure TP-201.3 or TP-201.3B as applicable.

H. Those vapor recovery systems whose CARB Executive Orders specify different tests to be performed instead of, or in addition to, the referenced test methods, or which, by their design, preclude the use of the referenced test methods,

shall be tested in accordance with the test procedures specified in the applicable CARB Executive Orders or their equivalents as approved by the APCO and EPA.

I. Multiple Test Methods: When more than one test method or set of test methods is specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

5.2 Recordkeeping

A person subject to this rule shall maintain the following records on-site and make them available for review by the Air Pollution Control Officer immediately upon request.

A. Results of the tests specified in Section 4.4(C) shall be delivered to the Air Pollution Control Officer within thirty (30) days of the completion of the test. The test results shall contain the following information:

i. Name, location, address, and telephone number of the facility tested, and Northern Sierra Air Quality Management District permit number
ii. Name, address and phone number of the person or company performing the test
iii. Date of the test
iv. Test data
v. Statement of pass or fail

B. Maintenance inspection reports shall include at least the following:

i. Date and time of inspection
ii. List of defects from the VRED List that are applicable to the vapor recovery equipment and have a verification procedure of “direct observation” or “direct measurement”
iii. Notation by person performing inspection whether each defect is present
iv. Description of any defects discovered
v. Action taken upon discovery of a defect
vi. Name and signature of person performing inspection

C. The following records must be retained by the owner or operator for a period not less than 3 years (5 years for sources subject to the requirements of Rule 522, Title V Federal Operating Permit Program):

i. Maintenance records for the vapor recovery system

ii. Repair records for the vapor recovery system
iii. Maintenance inspection reports
iv. Records of repairs performed as a result of defects discovered during maintenance inspections
v. Performance test results
vi. Reverification of performance test results

Rule 215 Phase II Vapor Recovery System Requirements

Part 1.0 General

1.1 Purpose

To limit the emission of gasoline vapor into the atmosphere during the filling of motor vehicle fuel tanks.

1.2 Applicability

The provisions of this Rule shall apply to the transfer of gasoline from any stationary storage tank or delivery vessel into any motor vehicle fuel tank. Requirements of this Rule depend on whether an area is designated as attainment/unclassified or non-attainment for any federal ozone standard. Part 3.0 applies to areas that have not been federally designated as non-attainment and Part 4.0 applies to areas that have been designated as non-attainment. Parts 1.0 (General), 2.0 (Definitions) and 5.0 (Monitoring and Records) apply to all areas.

Part 2.0 Definitions

APCO: Air Pollution Control Officer or Executive Director of the Northern Sierra Air Quality Management District, or an authorized representative thereof.

Background: A reading as methane on a portable hydrocarbon detection instruction which is observed at least three (3) meters upwind from the device to be inspected and reasonably uninfluenced by any specific emission point.

CARB: The California Air Resources Board.

CARB Certified: A Phase I or Phase II vapor recovery system, equipment, or any component thereof, for which CARB has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with that particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild that specific CARB certified component.

Delivery Vessel: Any motor vehicle, trailer, or rail car used for the transportation of gasoline.

E85: Any Alternative vehicle fuel with a nominal 85 percent ethanol composition, having a Reid vapor pressure of 4 pounds per square inch or greater and meeting the specifications of Title 13 CCR Section 2292.4.

Emergency: An unforeseen combination of circumstances that calls for immediate action to prevent further injury, loss of life or damage to property.

Emergency Motor Vehicle: A motor vehicle used for fire fighting purposes.

Executive Order: A document issued by CARB pursuant to Health and Safety Code Section 41954 certifying that a specific vapor recovery system meets the applicable performance specifications and setting conditions for the certification.

Gasoline: Any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 4 pounds per square inch absolute or greater as determined by a method specified in Section 5.1(A).

Gasoline Dispensing Facility: A mobile fueler or a stationary source consisting of one or more storage tanks and associated equipment that receives, stores and dispenses gasoline to motor vehicle fuel tanks.

Hold-open Latches: A hold-open latch is any device permanently attached to a gasoline dispensing nozzle for the purpose of providing a continuous flow of gasoline after the operator has started the flow, without the operator's continued assistance.

Installer/Contractor: A person(s) engaged in the installation, alteration, repair or replacement of a vapor recovery system or its components at a gasoline dispensing facility.

Leak Free: A liquid leak of less than three drops in any minute.

Mobile Fueler: Any gasoline delivery vessel with an attached container that is used to transport and dispense gasoline from an onboard storage container into any motor vehicle fuel tank.

Motor Vehicle: Any self-propelled vehicle as defined in Section 415 of the California Vehicle Code.

Onboard Refueling Vapor Recovery (ORVR): A vehicle-based vapor recovery system required by California Code of Regulations, Title 13, Section 1978, or Title 40, Code of Federal Regulations, Part 86.

Owner/Operator: Any person who owns, leases, or operates a gasoline dispensing facility.

Rebuild/Rebuilt: Repairs, replacement, or reconstructions to any part of a component of a vapor recovery system that forms the gasoline vapor passage of the component, or that comes in contact with the recovered gasoline vapors in the component. Rebuild does not include the replacement of a complete component with another CARB certified complete component; nor does it include the replacement of a spout, bellows, or vapor guard of a CARB certified nozzle. The new part shall be CARB certified and as supplied by the qualified manufacturer specifically for the CARB certified nozzle.

Retail Gasoline Dispensing Facility: A gasoline dispensing facility subject to payment of California sales tax on gasoline sales.

Six Month Average Monthly Gasoline Throughput: The sum of a gasoline dispensing facility's total gasoline throughput for six months divided by six.

Summer Fuel: Gasoline that is required to comply with the requirements of Title 13 CCR, Section 2262.4.

Tester: Any person(s) who conducts a performance or re-verification test as required by this Rule or by a CARB Executive Order.

Topping Off: An attempt by a person filling up a motor vehicle to dispense gasoline after the dispensing nozzle primary shut-off mechanism has engaged. The filling of a motor vehicle tank that, because of the configuration of the fill pipe, causes premature activation of the primary shutoff mechanism shall not be considered topping off.

Vapor Recovery Equipment Defects List: A list of defects CARB has identified as substantially impairing the efficiency of the vapor recovery system, incorporated by reference in Title 17 CCR Section 94006, pursuant to California Health & Safety Code Section 41960.2(c).

Vapor Tight: A condition under which the concentration of total organic compounds does not exceed 10,000 ppmv (expressed as methane) above background, as determined pursuant to Section 5.1(B).

VRED List: Vapor Recovery Equipment Defects List.

Winter Fuel: Gasoline that is not required to comply with the regulations that are applicable to summer fuel.

Part 3.0 Federal Ozone Attainment/Unclassified Areas

The following provisions (3.1 through 3.5) shall apply only in those portions of the District that have not been designated as non-attainment for any national ambient air quality standard for ozone.

3.1 Phase II Vapor Recovery System Required

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

3.2 Exemptions To 3.1

A. Phase I Exempted Tanks

A transfer of gasoline from a stationary storage tank which is exempt from Phase I requirements pursuant to Rule 214.

B. Facilities With Less than 480,000 Gallons Annual Throughput

A transfer of gasoline from an existing retail service station with an annual gasoline throughput of 480,000 or fewer gallons. After the throughput exceeds 480,000 gallons this exemption shall expire on January 1 of the following year.

3.3 Compliance Schedule

A. Throughput in Excess of 480,000 Gallons

If during any calendar year or portion of a calendar year, the gasoline throughput from an existing retail service station meets or exceeds 480,000 gallons, the exemption pursuant to Section 3.2(B) of this Rule will expire. Upon expiration of this exemption the owner or operator of the retail service station shall:

i. Immediately notify the APCO, in writing, in advance of the intended Phase II vapor recovery installation.

ii. Secure all necessary permits and other approvals for the installation of the Phase II vapor recovery system within fifteen (15) months from the date the exemption expires.

iii. Install the Phase II vapor recovery system within two (2) years from the date the exemption expires.

B. New Retail Service Station

The owner or operator of any new retail service station shall install and use a CARB-certified Phase II vapor recovery

system at the time gasoline is first delivered to the facility.

C. Tank Replacement

At the time of tank replacement at an existing service station, a CARB-certified Phase II vapor recovery system shall be installed and used thereafter on all of the station's facilities, unless exempted by Rule 214.

3.4 Operation and Maintenance

A. Fuel Transfer

A person shall not transfer, permit the transfer, or provide equipment for the transfer of gasoline from a stationary storage tank subject to the provisions of this Rule (Phase II) into any motor vehicle fuel tank unless:

i. The vapor recovery system is operating in accordance with the manufacturer's specifications and is maintained to be leak free, vapor tight, and in good working order.

ii. The equipment subject to this Rule is operated and maintained with none of the defects contained in the California Code of Regulations, Section 94006.

B. Posting of Operating Instructions

The owner or operator of each gasoline dispensing facility requiring a Phase II vapor recovery system shall conspicuously post in the gasoline dispensing area operating instructions for the system and the Northern Sierra Air Quality Management District's or CARB's telephone number for complaints. The instructions shall clearly describe how to fuel vehicles correctly with the vapor recovery nozzles, and shall include a warning that topping off may result in spillage or recirculation of gasoline.

3.5 Defective Phase II Equipment - Prohibition of Use

Whenever the APCO determines that a Phase II vapor recovery system, or any component thereof, contains a defect specified by CARB pursuant to Section 3.4(A) of this Rule, the APCO shall mark such system or component "Out of Order." No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted as required to permit proper operation, and the APCO has re-inspected it or has authorized its use pending re-inspection.

Part 4.0 Federal Ozone Non-attainment Areas

The following provisions (Sections 4.1 through 4.6) shall apply only in areas designated as non-attainment for any federal ambient air quality standard for ozone. These are in addition to and supersede all other provisions of this Rule.

4.1 Exemptions

A. Dispensing Equipment for Emergency Motor Vehicles
The provisions of this Rule shall not apply to dispensing equipment that is used exclusively for the fueling of emergency motor vehicles while on location at an emergency.

B. Dispensing Equipment for Implements of Husbandry
The provisions of this Rule shall not apply to dispensing equipment which is used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000 et seq) of the California Vehicle Code, if such container is equipped with a permanent submerged fill pipe.

C. Maintenance Inspection
The maintenance inspection requirements in Section 4.2(C) shall not apply on Saturdays, Sundays, and holidays for gasoline dispensing facilities with a six month average monthly gasoline throughput of less than 100,000 gallons.

D. E85
The requirements of this Rule shall not apply to the dispensing of E85 into a vehicle fuel tank until CARB certifies Phase II vapor recovery systems for the dispensing of E85.

E. Onboard Refueling Vapor Recovery
Except for Sections 4.2(H) and 5.3, the requirements of this Rule shall not apply to non-retail gasoline dispensing facilities where 100 percent of the vehicles being refueled are equipped with onboard refueling vapor recovery (ORVR) systems.

F. International Code Council (ICC) Certification
The requirements of Section 4.4 shall not apply to the owner/operator of a gasoline dispensing facility or his/her direct employee(s) when replacing any defective nozzles, hoses and breakaways with new or CARB certified re-

manufactured components of the same make and model, or alternatives specifically identified in the latest applicable CARB Executive Order.

4.2 Standards

A. Vapor Recovery and Control Efficiency Requirements

A person shall not transfer, or permit the transfer of, gasoline from a stationary storage container with a capacity of 250 gallons or more, or mobile fueler with a capacity of 120 gallons or more, into any motor vehicle fuel tank with a capacity of 5 gallons or more unless the displaced gasoline vapors are processed by a CARB certified vapor recovery system. The vapor recovery system shall meet the following control efficiency requirements.

i. For summer fuel, a gasoline vapor control efficiency of at least 95% by weight and a mass emission factor not exceeding 0.38 pounds of gasoline vapors per 1,000 gallons of gasoline dispensed.

ii. For winter fuel, a gasoline vapor control efficiency of at least 95% by weight or a mass emission factor not exceeding 0.38 pounds of gasoline vapors per 1,000 gallons of gasoline dispensed.

B. Equipment Maintenance

A person shall not transfer, or permit the transfer, or provide equipment for the transfer, of gasoline from a stationary storage container or mobile fueler subject to the provisions of Section 4.2(A) into any motor vehicle fuel tank of 5 gallons or more capacity unless the following requirements are met.

i. The vapor recovery system is operating in accordance with the applicable CARB Executive Orders, the manufacturer's specifications, and is maintained to be leak free, vapor tight, and in good working order.

ii. The equipment is operated and maintained without any of the applicable defects listed in the VRED list.

C. Maintenance Inspection

i. Maintenance inspections, except as provided in Section 4.1(C), shall be conducted for each day the vapor recovery system is operated to ensure that vapor recovery systems components that are verifiable through direct measurement or observation are in proper working order.

ii. Any equipment with a major defect listed in the VRED

List shall be removed from service and tagged to ensure that it is not used until it is repaired and brought into compliance before being returned to service. The owner or operator of a vapor recovery system shall insure that the removal from service of one component of a vapor recovery system with multiple components will not result in gasoline liquid or vapors entering the atmosphere.

iii. Defects discovered during the maintenance inspection and repaired in accordance with Title 17, Division 3, Subchapter 7.5, Chapter 1, Section 93101 of California Code of Regulations such that after repair gasoline liquid or vapors do not enter the atmosphere shall not constitute a violation of this Rule.

D. Prohibition of Use

Whenever a Phase II vapor recovery system, or any component thereof, contains a defect listed in the VRED List, the operator shall mark such system or component "Out of Order." No person shall use or permit the use of such marked component or system until is has been repaired, replaced, or adjusted, as required to permit proper operation, and the APCO has re-inspected it or has authorized its use pending re-inspection.

E. Posting of Operating Instructions

The operator of each retail facility utilizing a Phase II system shall conspicuously post in the gasoline dispensing area operating instructions for the system and the CARB's telephone number for complaints. The instructions shall clearly describe how to fuel motor vehicles correctly with vapor recovery nozzles utilized at the station, and shall include a warning that topping off may result in spillage or re-circulation of gasoline and therefore is prohibited.

F. Hold-open Latches

All gasoline dispensing nozzles subject to Section 4.2(A) shall be equipped with hold open latches unless the usage of the hold open latch is prohibited by the local Fire Marshall.

G. Prohibition of Sale

A person shall not supply, offer for sale, sell, install or allow the installation of any new or rebuilt vapor recovery system or any of its components, unless the system and component are CARB certified. Each vapor recover system and its

components shall be clearly and permanently marked with the qualified manufacturer's name and model number as certified by CARB. In addition, any qualified manufacturer who rebuilds a component shall also clearly and permanently mark the corresponding information on the component.

H. Onboard Refueling Vapor Recovery

The owner or operator of a non-retail gasoline dispensing facility claiming exemption pursuant to Section 4.1(E) shall submit an application pursuant to Rule 401 – Authority to Construct Regulations for an Authority to Construct and Permit to Operate the gasoline dispensing facility and agree to comply with the following conditions.

i. No fuel shall be dispensed into a vehicle that is not owned or under direct control of the owner/operator, except for a vehicle being used in an emergency;
ii. No fuel shall be dispensed into a vehicle not equipped with an ORVR system, except for a vehicle being used in an emergency.
iii. The gasoline dispensing facility shall use nozzles that are part of a CARB certified vapor recovery system, except that the vapor return line shall be sealed off.

4.3 <u>Test Requirements for Vapor Recovery Systems</u>

The following requirements shall apply to verification of proper operation of any vapor recovery system.

A. Required Tests

Unless otherwise specified in the relevant CARB Executive Orders, performance and re-verification tests shall include the following, as applicable, according to the test methods specified in Section 5.1 of this Rule.

i. Static Pressure (Leak Decay) Test
ii. Air-to-Liquid (A/L) ratio test
iii. Dynamic Back Pressure Test, and
iv. Liquid Removal Test for balance systems with liquid removal device required by the CARB Executive Orders if more than 100 ml of liquid is found in the vapor path. This shall be determined by lowering the gasoline dispensing nozzle into a container and draining all liquid, then measuring the amount of liquid using a graduated cylinder or graduated beaker.

B. Initial Tests

Within 30 calendar days of completion of construction or modification of any vapor recovery system, the owner or operator shall conduct and pass all applicable performance tests.

C. Testing Frequency

The owner/operator of a gasoline dispensing facility shall perform and pass all applicable re-verification tests annually, or more frequently as required by the applicable CARB Executive Order.

i. Gasoline dispensing facilities shall conduct and pass re-verification tests within 30 days of the end of each required period following the most recent successful test.

ii. If CARB-certified in-station diagnostics are used, the APCO may change the required frequency of re-verification testing to no less than once every two years if allowed by the applicable CARB Executive Orders.

4.4 Certification

A. Installers/Contractors

Installers/contractors shall not install, alter, repair or replace a vapor recovery system unless they meet all of the following requirements.

i. Be certified by the International Code Council (ICC) for Vapor Recovery System installation and Repair, and , if required, be certified by the system manufacturer.

ii. Maintain valid certifications as required in paragraph (i).

iii. Have and make available on site proof of any and all certifications required by this Rule, the Executive Order and the installation. Operation and Maintenance Manual in order to install or maintain specific systems.

B. Testers

Testers shall not test a vapor recovery system unless they meet all of the following requirements.

i. Effective 3 months after a certification test is available, be certified by the International Code Council (ICC) for Vapor Recovery System Testing and Repair.

ii. If required by the Executive Order, be certified by the system manufacturer.

iii. Maintain valid certifications required in paragraphs (i) and (ii).

iv. Have and make available on site proof of any and all certifications required by this Rule, the Executive Order and the Installation, Operation and Maintenance Manual in order to test specific systems.

4.5 Operation and Maintenance Manual

The owner/operator of a vapor recovery system shall have available an operation and maintenance manual. The manual shall be kept on-site and made available to any person who operates, inspects, maintains, repairs, or tests the vapor recovery equipment as well as the APCO upon request. The manual shall, at a minimum, include the following current information.

A. All applicable CARB Executive Orders and associated installation, Operation and Maintenance Manuals, Approval Letters, and District permits.

B. Manufacturer's manual(s) for all installation, operation and maintenance procedures as required to be provided by CARB CP-201 and CP-206 and any additional instruction provided by the manufacturer.

C. System and/or component testing requirements, including test schedules and passing criteria for each of the standard tests listed in Section 4.3.

D. Protocol for performing daily maintenance inspections, including the components to be inspected and the defects requiring repair.

4.6 Notification of Testing

At least 7 days prior to performance or re-verification testing, the owner or operator shall notify the APCO of the exact date and time of the test. If the vapor recovery system fails any of the applicable tests and the necessary repairs are performed that same day, the owner or operator may retest the vapor recovery system on the same day without re-notification, provided that the reasons for the test failure and any repairs performed are properly documented in the test reports and repair records.

Part 5.0 Monitoring and Records

5.1 Testing Procedure

The performance and re-verification tests shall be conducted in accordance with the following test methods. All test methods referenced in the section shall be the most recent version approved by the U.S. Environmental Protection Agency, CARB, the APCO or as stated in the applicable Executive Orders.

A. Vapor pressures shall be determined by ASTM D2879-97 (Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, 1997); ASTM D323-94 (Test Method for Vapor Pressure of Petroleum Products ((Reid Method)), 1994); or ASTM D5191-07 (Standard Test Method for Vapor Pressure of Petroleum Products ((Mini Method)), 2007).

B. Vapor tightness shall be determined using EPA Reference Method 21.

C. The static pressure (leak decay) test shall be performed according to the Bay Area Air quality Management district Manual of Procedures, Source Test Procedure ST-30 or CARB TP-201.3 or TP-201.3B or TP-206.3, as applicable.

D. The dynamic back pressure test shall be performed according to the Bay Area Air Quality Management District Manual of Procedures, Source Test Procedure ST-27, or CARB TP-201.4

E. The air-to-liquid volume ratio of a Phase II vapor recovery system shall be determined by CARB TP-201.5.

F. The liquid removal rate of a Phase II vapor recovery system shall be determined by the Bay Area Air Quality Management District Manual of Procedures, Source Test Procedures St-37, or CARB TP-201.6.

G. Only calibrated equipment meeting the calibration range and intervals specified by CARB and the equipment manufacturer shall be used to conduct any performance or re-verification test.

H. Those vapor recovery systems whose CARB Executive Orders specify different tests to be performed instead of, or in addition to, the referenced test methods, or which, by their

design, preclude the use of the referenced test methods, shall be tested in accordance with the test procedures specified in the applicable CARB Executive Orders or their equivalents as approved by the APCO and EPA.

J. Multiple Test Methods: When more than one test method or set of test methods is specified for any testing, a violation of any requirement of this Rule established by any one of the specified test methods or set of test methods shall constitute a violation of this Rule.

5.2 Recordkeeping

A person subject to this Rule shall maintain the following records on-site and make them available for review by the APCO immediately upon request.

A. Results of the tests specified in Section 4.3 shall be delivered to the APCO within thirty (30) days of the completion of test. The test results shall contain the following information.

i. Name, location, address, and telephone number of the facility tested, and the Northern Sierra Air Quality Management District permit number
ii. Name, address and phone number of the person or company performing the test.
iii. Date of the test
iv. Test data
v. Number of nozzles tested
vi. Number of tanks tested
vii. Statement of pass or fail

B. Daily maintenance inspection reports shall include at least the following.

i. Date and time of inspection
ii. List of defects from the VRED List that are applicable to the vapor recovery equipment and have a verification procedure of “direct observation” or “direct measurement”
iii. Notification by person performing inspection whether each defect is present
iv. Description of any defects discovered
v. Action taken upon discovery of a defect
vi. Name and signature of person performing inspection

C. The following records must be retained by the owner or operator for a period not less that 3 years (5 years for a

source subject to the requirement of Rule 522, Title V-Federal Operating Permits).

i. Maintenance records for the vapor recovery system
ii. Repair records for the vapor recovery system
iii. Daily maintenance inspection reports
iv. Performance test results
v. Re-verification of performance test results
vi. Monthly gasoline throughput

5.3 Records for ORVR Exemption

The owner or operator of a non-retail gasoline dispensing facility claiming exemption pursuant to Section 4.1(E) shall maintain the following records on site and make them available to the APCO immediately upon request.

A. Records of the date and quantity of fuel dispensed, by vehicle.

B. Records of the make, model, model year, and vehicle identification number of all vehicles refueled at the gasoline dispensing facility.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 221 Reduction of Animal Matter

Adopted: September 11, 1991

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

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

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure, or other operating conditions. For the purpose of this Rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 222 Abrasive Blasting

Adopted: September 11, 1991

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 225 Compliance Tests

Adopted: September 11, 1991

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

Rule 227 Cutback and Emulsified Asphalt Paving Materials

1.0 General Requirements

1.1 Applicability

A person shall not discharge to the atmosphere volatile organic compounds (VOC's) caused by the use or manufacture of Cutback or Emulsified asphalts for paving, road construction or road maintenance, unless such manufacture or use complies with the provisions of this Rule.

1.2 Exemptions

The provisions of Section 3.0 shall not apply to:

1.2.1 The use of cutback asphalt or emulsified asphalt in the manufacturing of paving materials where such materials are for immediate shipment and eventual use outside of the federal non-attainment area known as Western Nevada County, State of California, and where such area is designated as attainment for the State and Federal Ozone Standard.

1.2.2 The use of medium cure cutback asphalt during the months of the year when the National Weather Service forecasts that atmospheric temperature for the 24-hour period following application will not exceed 10^{o} C (50^{o} F).

2.0 Definitions

2.1 Asphalt: A dark brown to black cementitious material (solid, semisolid, or liquid in consistency) of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

2.2 Cutback Asphalt: Paving grade asphalts liquified with petroleum distillate and conforming to specifications of the American Society for Testing & Materials (ASTM) as follows:

Rapid Cure Type: ASTM D2028
Medium Cure Type: ASTM D2027
Slow Cure Type: ASTM D2026

2.3 Emulsified Asphalt: Any asphalt liquified with water containing an emulsifier.

2.4 Paving Material: A mixture consisting mainly of an asphalt and aggregate.

2.5 Paving and Maintenance Operations: All activities involved in the new construction and maintenance of roadways and parking areas.

3.0 Standards

3.1 Cutback Asphalt

3.1.1 A person shall not manufacture for sale nor use for paving, road construction or road maintenance any:

3.1.2 Rapid cure cutback asphalt;

3.1.3 Slow cure cutback asphalt containing organic compounds which evaporate at 260° C (500° F) or lower as determined by current ASTM Method D402, or;
3.1.4 Medium cure cutback asphalt except as provided in Section 1.2.

3.2 Emulsified Asphalt

3.2.1 A person shall not manufacture for paving, road construction or road maintenance any emulsified asphalt containing organic compounds in excess of three percent by volume which evaporate at 260° C (500° F) or lower, as determined by current ASTM Method D244.

4.0 Administrative

4.1 Test Methods

4.1.1 Analysis of Cutback Asphalt samples for VOC content shall be in accordance with current ASTM Method D402.
4.1.2 Analysis of Emulsified Asphalt samples for VOC content shall be in accordance with current ASTM Method D244, in excess of three percent by volume.

4.2 Recordkeeping

4.2.1 Any person who manufactures or uses cutback asphalts and emulsified asphalts which contain solvents shall comply with the following requirements:
4.2.2 The manufacturer shall maintain records showing the types and amounts of cutback asphalts and emulsified asphalts which contain solvents produced and the destination of these products.
4.2.3 The users shall maintain records showing the types, amounts received, and amounts used of cutback asphalts and emulsified asphalts which contain solvents.
4.2.4 Such records shall be maintained daily and retained and available for inspection by the APCO for the previous 24 month period.
4.2.5 In addition to the recordkeeping requirements as specified herein, all provisions of Regulation V, Rule 513, when applicable, must be adhered to.

Rule 228 Surface Coating of Metal Parts and Products

Part 1.0 General

1.1 Applicability

Provisions of this Rule shall apply to surface coating of metal parts and products in portions of the Northern Sierra Air Quality Management District that are designated as Non-attainment for any federal ambient air quality standard for ozone (per 40 CFR 81.305).

1.2 Exemptions

1.2.1 Requirements of this Rule, except for Subsection 4.2 (Record Keeping), shall not apply to coating operations at facilities where total uncontrolled facility VOC emissions (excluding exempt compounds) from use of all coatings does not exceed 2.7 tons per rolling 12-month period (average of 15 pounds per day).

1.2.2 Requirements of Subsection 3.3 (Application Equipment Requirements) of this Rule shall not apply to touch-up, repair, textured finishing or stenciling of identification numbers and letters, although VOC limits and work practices specified herein shall apply to such coatings.

1.2.3 Requirements of this Rule shall not apply to coating of automobiles, light duty trucks, mobile equipment, aircraft, aerospace vehicles, marine vessels, cans, coils, magnetic wire, or magnetic data storage disks, or to coating with polyester resins, aerosol coatings or powder coatings.

1.2.4 VOC limits and application methods specified herein shall not apply to graphic arts printing and coatings, stencil coatings, safety-indicated coatings, solid-film lubricant coatings, electric-insulating and thermal-conducting coatings, or plastic extruded onto metal parts to form a coating, although work practices specified herein shall apply to such coatings.

1.2.5 Up to 55 gallons of coatings exceeding the VOC content limits specified in section 3.1 and 3.2.1 may be used by a facility (including all units at that facility) per rolling twelve-month period.

1.2.6 The provisions of this rule shall not apply to stripping of cured coatings, cured adhesives, and cured inks, except the stripping of such materials from spray application equipment.

1.3 Effective Date

This regulation shall become effective July 1, 2011. Until the effective date, the previously adopted version of Rule 228 shall remain effective.

Part 2.0 Definitions

Air Dried Coating: A coating that is cured at a temperature below 194 degrees F (90 degrees C).

APCO: Air Pollution Control Officer or Executive Director of the Northern Sierra Air Quality Management District, or an authorized representative thereof.

ARB: California Air Resources Board.

Baked Coating: A coating that is cured at a temperature at or above 194 degrees F (90 degrees C).

Camouflage Coating: A coating used to conceal items or equipment from visual detection.

Clear Coating: A coating that either lacks color and opacity, or is transparent, and uses the surface to which it is applied as a reflective base or undertone color.

Control Device: Equipment such as an incinerator or absorber used to prevent air pollutants from reaching the ambient air.

Dip Coat: A coating method which is applied by dipping an object into a vat of coating material and allowing any excess coating material to drain off.

Drum Coating: A coating used on a metal drums having a capacity ranging from 12 to 110 gallons.

Electrostatic Application: The electrical charging of atomized coating droplets for deposition by electrostatic attraction.

Emission Control System: A control device and its associated collection system.

Electric-Insulating Varnish: A non-convertible-type coating applied to electric motors, components of electric motors, or power transformers, to provide electrical, mechanical, and environmental protection or resistance.

EPA: United States Environmental Protection Agency.

Etching Filler: A coating that contains less than 23 percent solids by weight and at least 1/2-percent acid by weight, and is used instead of applying a pretreatment coating followed by a primer.

Exempt Compounds: Any compound specifically excluded from the definition of Volatile Organic Compound (VOC) in the Federal Register, codified at 40 CFR Part 51.100(s), as having negligible atmospheric photochemical reactivity.

Extreme High-Gloss Coating: A coating which, when tested by the American Society for Testing Material (ASTM) Test Method D523 (Standard Test Method for Specular Gloss, 1980), shows a reflectance of 75 or more on a 60° meter.

Extreme-Performance Coating: A coating that is used on a metal surface where the coated surface, in it's intended use, is acutely or chronically exposed to salt water, corrosives, caustics, acids, oxidizing agents, wind or ocean driven debris, electromagnetic pulse or temperatures exceeding 250°F.

Flow Coat: A non-atomized technique of applying coatings to a substrate with a fluid nozzle in a fan pattern with no air supplied to the nozzle.

Heat-Resistant Coating: A coating that must withstand a temperature of at least 400°F during normal use.

High-Performance Architectural Coating: A coating used to protect architectural subsections and which meets the requirements of the Architectural Aluminum Manufacturer Association's publication number AAMA 2604-05 (Voluntary Specification, Performance Requirements and Test Procedures for High Performance Organic Coatings on Aluminum Extrusions and Panels) or 2605-05 (Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels).

High Temperature Coating: A coating that is certified to withstand a temperature of 1000 degrees F (538 degrees C) for 24 hours.

High-Volume, Low-Pressure Application (HVLP): Spray equipment which is designed to operate and is operated using a high volume of air delivered at atomized air pressures between 0.1 to 10.0 psig measured dynamically at the center of the air cap and at the air horns and which operates at a maximum fluid delivery pressure not exceeding the manufacturer's recommended inlet air pressure.

Metal Parts and Products: Any metal parts or products except for those subject to coating requirements of other source-specific rules.

Metallic Coating: A coating which contains more than 5 grams of metal particles per liter of coating as applied. "Metal particles" are pieces of a pure elemental metal or a combination of elemental metals.

Military Specification Coating: A coating which has a formulation approved by a United States Military Agency for use on military equipment.

Mold-Seal Coating: The initial coating applied to a new mold or repaired mold and associated tooling to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold or to the tooling.

Multi-Component Coating: A coating requiring the addition of a separate reactive resin, commonly known as a catalyst or hardener, before application to form an acceptable dry film.

One-Component Coating: A coating that is ready for application as it comes out of its container to form an acceptable dry film. A thinner, necessary to reduce the viscosity, is not considered a component.

Pan Backing Coating: A coating applied to the surface of pots, pans, or other cooking implements that are exposed directly to a flame or other heating elements.

Powder Coating: Any coating applied as a dry (without solvent or other carrier) finely divided solid, which when melted and fused, adheres to the substrate as a paint film.

Prefabricated Architectural Component Coating: Any coating applied to metal parts and products which are intended for use as components of architectural structures.

Pretreatment Coatings: Any coating, including wash primer, which contains no more than 12 percent solids by weight, and at least ½-percent acid, by weight, is used to provide surface etching, and is applied directly to metal surfaces to provide corrosion resistance, adhesion, and/or ease of stripping.

Repair Coating: Recoating portions of previously coated product due to mechanical damage to the coating following normal painting operations.

Roll Coater: A series of one or more mechanical rollers operating via the formation of a thin coating film on the surface of the roller(s), which is applied to a substrate by moving the substrate underneath the roller(s).

Silicone-Release Coating: Any coating which contains silicone resin and is intended to prevent food from sticking to surfaces such as baking pans.

Solar-Absorbent Coating: A coating which has as its prime purpose the absorption of solar radiation.

Stripping: The use of solvent to remove material such as cured adhesives, cured inks, cured or dried paint, cured or dried paint residue or temporary protective coating.

Touch-Up Coating: Any coating used to cover minor coating imperfections appearing after the main coating operation.

Transfer Efficiency: The ratio of the weight of coating solids which adhere to the object being coated to the weight of coating solids used in the application process, expressed as a percentage.

Vacuum-Metalizing Coating: The undercoat applied to the substrate on which the metal is deposited or the overcoat applied directly to the metal film.

Volatile Organic Compound (VOC): As defined in the Federal Register and codified at 40 CFR Part 51.100(s).

Zinc Filled Primer: Any coating which has an elemental zinc content of not less than 240 grams/liter (2.0 pounds/gallon) of coating as applied.

Part 3.0 Requirements

3.1. VOC Content Limits

Except as provided in Subsection 3.2, no person shall apply to any metal part or product any coating with a VOC content in excess of the following limits as applied:

VOC Content Limits (Weight of VOC per Volume of Coating, Less Water and Exempt Compounds)

Coating Category	Air Dried kg VOC/l	Air Dried lb VOC/gal	Baked kg VOC/l	Baked lb VOC/gal
General Use, One-Component	0.34	2.8	0.28	2.3
General Use, Multi-Component	0.34	2.8	0.28	2.3
Camouflage	0.42	3.5	0.42	3.5
Electric-Insulating Varnish	0.34	2.8	0.28	2.3
Etching Filler	0.42	3.5	0.42	3.5
Extreme High-Gloss	0.42	3.5	0.36	3.0
Extreme Performance	0.42	3.5	0.36	3.0
Heat-Resistant	0.42	3.5	0.36	3.0
High Performance Architectural	0.42	3.5	0.42	3.5
High Temperature	0.42	3.5	0.42	3.5
Metallic	0.42	3.5	0.42	3.5
Military Specification	0.34	2.8	0.28	2.3
Mold-Seal	0.42	3.5	0.42	3.5
Pan Backing	0.42	3.5	0.42	3.5
Prefab Architectural Multi-Component	0.42	3.5	0.28	2.3
Prefab Architectural One-Component	0.42	3.5	0.28	2.3
Pretreatment Coatings	0.42	3.5	0.42	3.5
Repair and Touch-up	0.42	3.5	0.36	3.0
Silicone Release	0.42	3.5	0.42	3.5
Solar-Absorbent	0.42	3.5	0.36	3.0
Vacuum-Metalizing	0.42	3.5	0.42	3.5
Drum Coating, New, Exterior	0.34	2.8	0.34	2.8
Drum Coating, New, Interior	0.42	3.5	0.42	3.5
Drum Coating, Reconditioned, Exterior	0.42	3.5	0.42	3.5
Drum Coating, Reconditioned, Interior	0.50	4.2	0.50	4.2

3.2 Alternate Emissions Control

3.2.1 Emission Rate Limitation: In lieu of complying with VOC content limits specified in Subsection 3.1, the following after-control weight-per-volume emission rates constitute compliance with this rule.

VOC Emission Rate Limits (VOC Weight Per Volume Of Solids)

Coating Category	Air Dried kg VOC/l	Air Dried lb VOC/gal.	Baked kg VOC/l	Baked lb VOC/gal.
General Use, One-Component	0.54	4.52	0.40	3.35
General Use, Multi-Component	0.54	4.52	0.40	3.35
Camouflage	0.80	6.67	0.80	6.67
Electric-Insulating Varnish	0.54	4.52	0.40	3.35
Etching Filler	0.80	6.67	0.80	6.67
Extreme High-Gloss	0.80	6.67	0.61	5.06
Extreme Performance	0.80	6.67	0.61	5.06
Heat-Resistant	0.80	6.67	0.61	5.06
High Performance Architectural	0.80	6.67	0.80	6.67
High Temperature	0.80	6.67	0.80	6.67
Metallic	0.80	6.67	0.80	6.67
Military Specification	0.54	4.52	0.40	3.35
Mold-Seal	0.80	6.67	0.80	6.67
Pan Backing	0.80	6.67	0.80	6.67
Prefab Architectural Multi-Component	0.80	6.67	0.40	3.35
Prefab Architectural One-Component	0.80	6.67	0.40	3.35
Pretreatment Coatings	0.80	6.67	0.80	6.67
Silicone Release	0.80	6.67	0.80	6.67
Solar-Absorbent	0.80	6.67	0.61	5.06
Vacuum-Metalizing	0.80	6.67	0.80	6.67
Drum Coating, New, Exterior	0.54	4.52	0.54	4.52
Drum Coating, New, Interior	0.80	6.67	0.80	6.67
Drum Coating, Reconditioned, Exterior	0.80	6.67	0.80	6.67
Drum Coating, Reconditioned, Interior	1.17	9.78	1.17	9.78

3.2.2 In lieu of complying with VOC content limits specified in Subsection 3.1 or the emission rate limitation in 3.2.1, air pollution control equipment with a VOC capture and control efficiency of at least 90% may be used in accordance with the manufacturer's recommendations at all times while applying non-exempt coatings and thinners, and while using solvents for cleaning, provided that the facility holds a valid Authority to Construct or Permit to Operate issued by the APCO.

3.3 Application Methods

No person shall coat any metal part or product subject to provisions of Subsection 3.1 or 3.2.1 (but not 3.2.2) unless one or more of the following methods is used in accordance with equipment manufacturer's recommendations: electrostatic application, High Volume Low Pressure (HVLP) spray, flow coat, roll coater, dip coat (including electrodeposition), a system that atomizes principally by hydraulic pressure such as airless spray or air-assisted airless spray, or another application technology achieving a greater transfer efficiency than HVLP.

3.4 Work Practices for Solvent Cleaning

The following VOC limits and work practices shall apply to cleaning of spray guns, lines, tanks, floors and spray booths, as well as to cleaning and surface preparation of manufactured parts and products and other cleaning related to activities that are subject to the provisions of this Rule. This subsection does not apply to cleaning of solar cells, laser equipment, electrical and electronic components, scientific instruments, precision optics or application equipment for resins, inks or adhesives; or to small-scale (as determined by the APCO) activities undertaken exclusively for research, product development, performance testing or quality assurance testing; or to the use of pretreatment coatings; or where the capture and control efficiency option in 3.2.2 is employed.

3.4.1 Surface Cleaning and Cleaning of Coatings Application Equipment: Solvents used for surface cleaning of parts and coatings application equipment shall comply with at least one of the following limits:

a. Solvent shall have a VOC content of 25 grams or less per liter (0.21 lb/gal) of material; or

b. Solvent shall have a VOC composite partial pressure of 8 mm Hg or less at 20℃ (68℉).

3.4.2 Work Practices for Cleaning -- Devices and Methods: No person shall perform solvent cleaning operations unless the solvent is not atomized during the process and all spent solvent is captured and kept in closed containers. The following cleaning devices or methods may be used:

a. Wipe Cleaning.

b. Spray bottles or containers with a maximum capacity of 16 fluid ounces from which solvents are applied without a propellant induced force or atomization of the contents.

c. Cleaning equipment having a closed solvent container during cleaning operations, except when depositing and removing objects to be cleaned, and closed during non-operation except during maintenance and repair of the cleaning equipment itself.

d. System totally enclosing guns, cups, nozzles, bowls, and other parts during washing, rinsing, and draining procedures.

e. Non-atomized solvent flow method collecting cleaning solvent in a container or a collection system closed except for solvent

collection openings and, if necessary, openings to avoid excessive pressure build-up inside the container.

f. Solvent flushing method discharging solvent into a closed container, except for solvent collection openings and, if necessary, openings to avoid excessive pressure build-up inside the container. Discharged solvent from such equipment shall be collected in containers without atomizing into open air. Solvent may be flushed through the system by air or hydraulic pressure, or by pumping.

3.5 Work Practices for Transfer, Storage and Disposal

Regardless of VOC content, all VOC-containing coatings, thinners, solvents, waste materials and used clean-up media (such as rags and other absorbent materials) shall be stored, transferred and transported in non-absorbent, non-leaking containers which shall be kept closed at all times except when filling, using, emptying, mixing, pumping or otherwise actively working with the VOC-containing substances. These materials shall not be disposed of through heating, emptying into a non-airtight container such as a trash can or dumpster, or otherwise allowed to evaporate. General work practices intended to prevent spillage (such as avoiding practices that allow materials to run down the outside of a drum or can and keeping containers where they are not likely to be knocked over) shall be employed.

3.6 Prohibition of Specification

No person shall solicit or require for use or specify application of a coating on metal parts and products if such use or application results in a violation of provisions of this Rule. This prohibition shall apply to all written or oral contracts under terms of which any coating subject to provisions of this Rule is to be applied to any metal part or product.

Part 4.0 Administrative Requirements

4.1 Labeling Requirements

4.1.1 VOC Content: Each container (or accompanying data sheet) of any coating subject to this Rule shall display maximum VOC content of the coating as applied, including coating components, and after any thinning as recommended by the manufacturer. VOC content shall be displayed as grams of VOC per liter less water and exempt compounds. VOC content displayed shall be determined using Subsection 5.1. test methods or calculated using product formulation data.

4.1.2 Thinning Recommendations: Each container (or accompanying data sheet) of any coating subject to this Rule shall display a statement of manufacturer's recommendation regarding thinning of the coating. This requirement shall not apply to thinning of coatings with water.

4.2 Record Keeping Requirements

Any person subject to Section 3 or exempt by Subsection 1.2.1 shall maintain and have available for inspection:

A current list of VOC containing products in use containing all data necessary to evaluate compliance, including the following information, as applicable:

4.2.1 Product name, type and manufacturer.
4.2.2 Application method.
4.2.3 Usage instructions.
4.2.4 Mixing instructions.
4.2.5 Maximum VOC content of coating as applied, including thinning solvents, hardeners and other additives, and excluding water and exempt compounds.
4.2.6 Coating composition and density.

Monthly coating and solvent use records, including the following information for each:

4.2.7 Volume and mix ratio of each component used.
4.2.8 VOC content in grams/liter (or pounds/gallon) as applied/used.
4.2.9 Volume applied/used in liters (or gallons).

Capture and control equipment records, if applicable, including:

4.2.10 Make, model and description of capture and control equipment, along with manufacturer's instructions and operation recommendations.
4.2.11 System operating parameters, including times of operation, adequate to demonstrate compliance with this Rule.
4.2.12 Records of all control system maintenance (such as repairs and filter changes), including device, date performed, and description.

All records shall be retained and made available for inspection by the APCO, ARB and EPA for at least three years.

Part 5.0 Test Methods

The following test methods shall be used to determine compliance with the provisions of this rule if testing is required by the APCO, ARB or EPA. Alternate test methods may be used provided they are approved by the APCO, ARB and EPA. A violation determined by any applicable test method below shall constitute a violation of this Rule.

5.1 Analysis of Samples

VOC content of coating materials covered by this Rule shall be determined by U.S. EPA Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, 40 CFR 60, Appendix A) or by manufacturer's formulation data (MSDS sheet). In case of a discrepancy between these approaches, U.S. EPA Method 24 shall take precedence unless it is demonstrated that manufacturer's data are correct.

Analysis of halogenated exempt compounds in coatings shall be performed using ARB Method 432 (Determination of Dichloromethane and 1,1,1-Trichloroethane in Paints and Coatings).

5.2 Determination of Emissions

Emissions of VOC shall be measured by EPA Method 25 (Determination of Total Gaseous Nonmethane Organic Emissions as Carbon, 40 CFR 60, Appendix A), 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer, 40 CFR 60, Appendix A), or 25B (Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer, 40 CFR 60, Appendix A), as applicable. Analysis of halogenated exempt compounds in emissions shall be performed using ARB Method 422 (Determination of Volatile Organic Compounds in Emissions from Stationary Sources).

5.3 Determination of Capture and Control Efficiency

The capture efficiency of a VOC emission control system's collection device shall be determined according to EPA's "Guidelines for Determining Capture Efficiency," January 9, 1995 and the following EPA Test Methods, as applicable, contained in 40 CFR 51, Appendix M: Method 204A (Volatile Organic Compounds Content in Liquid Input Stream), 204B (Volatile Organic Compounds Emissions in Captured Stream), 204C (Volatile Organic Compounds Emissions in Captured Stream ((Dilution Technique))), 204D (Volatile Organic Compounds Emissions in Uncaptured Stream from Temporary Total Enclosure), Method 204E (Volatile Organic Compounds Emissions in Uncaptured Stream from Building Enclosure), 204F (Volatile Organic Compounds Content in Liquid Input Stream ((Distillation Approach))). The control efficiency of a VOC emission control system's VOC control device shall be determined using EPA Method 2 (Determination of Stack Gas Velocity and Volumetric Flow Rate ((Type S Pitot Tube)), 40 CFR 60, Appendix A), 2A (Direct Measurement of Gas Volume Through Pipes and Small Ducts, 40 CFR 60, Appendix A), or 2D (Measurement of Gas Volume Flow Rates in Small Pipes and Ducts, 40 CFR 60, Appendix A), as applicable, for measuring flow rates and EPA Methods 25 (Determination of Total Gaseous Nonmethane Organic Emissions as Carbon, 40 CFR 60, Appendix A), 25A (Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer, 40 CFR 60, Appendix A), or 25B (Determination of Total Gaseous Organic Concentration Using a Nondispersive Infrared Analyzer, 40 CFR 60, Appendix A), as applicable, for measuring total gaseous organic concentrations at the inlet and outlet of the control device. EPA Method 18 (Measurement of Gaseous Organic Compound Emissions By Gas Chromatography, 40 CFR 60, Appendix A) or ARB Method 422 (Determination of Volatile Organic Compounds in Emissions from Stationary Sources) shall be used to determine the emissions of exempt compounds.

5.4 Quantification of Metal Content in Coatings

The quantification of metal content, for purposes of determining coating definitions or applicability of this Rule, shall be determined by South Coast Air Quality Management District Method 318-95 (Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction).

5.5 Measurement of Acid Content

Acid content of pre-treatment wash primers and etching fillers shall be conducted and reported in accordance with ASTM D1613 (Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates used in Paint, Varnish, Lacquer, and Related Products, 1996).

5.6 Demonstration of Transfer Efficiency

Transfer efficiency shall be demonstrated using South Coast Air Quality Management District Method TE (Spray Equipment Transfer Efficiency Test Procedure for Equipment User).

5.7 Determination of VOC Composite Partial Pressures

VOC composite partial pressures shall be determined using either manufacturer's information regarding formulation or using ASTM methods E168 (Standard Practices for General Techniques of Infrared Quantitative Analysis, 1992), E169 (General Techniques of Ultraviolet Quantitative Analysis, 1993) or E260 (General Gas Chromatography Procedures, 1996) for determination of mole fractions and then summing products of each VOC component's vapor pressure and its mole fraction. For materials containing no non-VOC components, VOC composite partial pressure can be measured directly by ASTM Method D2879 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, 1997).

5.8 Determination of VOC Emissions From Spray Gun Cleaning Systems

VOC emissions from spray gun cleaning systems shall be quantified using South Coast Air Quality Management District Method CS (Solvent Losses from Spray Gun Cleaning Systems).

Part 6.0 Compliance Schedule

6.1 Existing Sources

Any person becoming subject to requirements of this Rule by loss of exemption shall comply with the following increments of progress:

6.1.1 Within 6 months from date exemption is lost, submit a complete Authority to Construct application for control equipment, if necessary.

6.1.2 Within 12 months from date exemption is lost, be in full compliance with all requirements of this Rule.

6.2 New Sources

Any new proposed surface coating of metal parts or products operation not exempt by Section 1.2 shall demonstrate its ability to comply with the requirements of this Rule prior to issuance of an Authority to Construct permit.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 300 General Definitions

Adopted: September 11, 1991

A. **Agricultural Burning**
   1. Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.
   2. Open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (1).
   3. Open outdoor fires used in wildland vegetation management burning. Wildland vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush.

B. **Agricultural Operation:** The growing and harvesting of crops, or the raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution.

C. **Agricultural Wastes**
   1. Unwanted or unsalable material produced wholly from agricultural operations.
   2. Materials not produced wholly from agricultural operations but which are intimately related to the growing or harvesting of crops and which are used in the fields, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the fields, except as prohibited in this Regulation. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.

D. **AQMD:** Northern Sierra Air Quality Management District.

E. **APCO:** The Air Pollution Control Officer of the Northern Sierra Air Quality Management District, or designated representative.

F. **Approved Ignition Devices:** Those instruments or materials that will ignite open fires without the production of black smoke, including such items as liquid petroleum gas (L.P.G.), butane, propane, or diesel oil burners, flares, or other similar material or ignition device as approved by the APCO. Tires, tar paper, oil, and other similar materials are not approved.

G. **ARB:** The California State Air Resources Board, or any person authorized to act on its behalf.

H. **Designated Agency:** Any agency designated by the ARB as having authority to issue agricultural burning permits. The U.S. Forest Service, the California Department of Forestry and Fire Protection and the Northern Sierra Air Quality Management District are so designated within their respective areas of jurisdiction. (California Code of Regulations - Title 17, Section 80100-C)

I. **Forest Management Burning:** The use of prescribed burning to remove forest debris or for practices which include timber operations, silvacultural practices, or forest protection practices.

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

K. **Prescribed Burning:** Means the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of such application.

L. **Project:** A project shall consist of a parcel of land to be burned that is located in an assigned compartment number or name, unit number or name, timber harvest number or name, or a result of site conversion or rehabilitation, or as determined by the Air Pollution Control Officer.

M. **Range Improvement Burning:** The use of prescribed burning to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

N. **Residential Rubbish:** Rubbish originating from a single or two family dwelling on its premises, limited to the

following material: paper, cloth, cardboard, tree trimmings, leaves, pine needles, and dry plants.

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

P. **Silvacultural Practices:** The establishment, development, care, and reproduction of stands of timber.(California Code of Regulations - Title 17, Section 80100-I)

Q. **Timber Operations:** The cutting or removal of timber or other forest vegetation. (California Code of Regulations, Title 17, Section 80100-K)

R. **Wildlands Vegetation Management Burning:** Defined as the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominately covered with chaparral (as defined in the California Code of Regulations, Title 14, Section 1561.1), trees, grass, or standing brush.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 301 Compliance

Adopted: September 11, 1991

A. Enforcement

These Rules and Regulations shall be enforced by the APCO under authority of Section 40001, 40702, 40752, and all officers empowered by Section 40120.

B. Penalty

A violation of the provisions of this regulation, or of Section 41852 or 41800 of the California Health and Safety Code is a misdemeanor, punishable by criminal or civil penalties as specified in Sections 42400 and 42402.2 and the cost of putting out the fire, as specified in 42400.5. Every day during any portion of which such violation occurs, constitutes a separate offense, as specified in 42400.2(d).

10-25-91

Rule 302 Prohibited Open Burning. No person, except as otherwise authorized in Sections 41801 - 41814 of the Health and Safety Code, shall use open outdoor fires for the purpose of disposal, processing, or burning of any flammable or combustible material as defined in Section 39020 of the Health and Safety Code, including, but not limited to, treated wood, tires, tar, plastics, (except polyethylene sheeting used to cover debris piles in the winter) petroleum wastes, demolition debris, garbage, offal, carcasses of dead animals, or salvage of metal.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 303 Allowed Open Burning

Adopted: September 11, 1991

Subject to the prohibition of Rule 302, nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for the following purposes.

A. Agricultural Burning conducted in compliance with Rule 304.
B. Range Improvement Burning conducted in compliance with Rule 305.
C. Forest Management Burning conducted in compliance with Rule 306.
D. Wildlands Vegetation Management Burning conducted in compliance with Rule 307.
E. Land Development Clearing conducted in compliance with Rule 308.
F. Ditch and Road Maintenance conducted in compliance with Rule 309.
G. Hazard Reduction conducted in compliance with Rule 310.
H. Residential Burning conducted in compliance with Rule 311.
I. Mechanized Burners conducted in compliance with Rule 317.
J. Public Disposal Facility burning conducted in compliance with Section 41804.5 of the Health and Safety Code.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 304 Agricultural Burning

Adopted: September 11, 1991

Agricultural burning, as defined in Rule 300 A, shall be allowed under the following Rules and conditions:

A. Rule 312 - Burning Permits.
B. Burning, except that related to the disposal of empty pesticide or toxic substance containers used in agricultural operations, shall occur **only** on those days approved pursuant to Rule 313 - Burn Day.
C. Rule 314 - Minimum Drying Times.
D. Rule 315 - Burning Management Requirements.
E. Agricultural waste material shall be windrowed or piled where possible, unless good agricultural practice dictates otherwise.

Rule 305 Range Improvement Burning

Adopted: September 11, 1991

Range improvement burning, as defined in Rule 300 M shall be allowed under the following rules and conditions:

305.1 Requirements

A. Rule 312- Burning Permits.
B. Rule 313 - Burn Day.
C. Rule 314 - Minimum Drying Times.
D. Rule 315 - Burning Management Requirements.
E. Rule 316 - Burn Plan Preparation.
F. Under Range Improvement Burning, if economically and technically feasible, the brush shall be felled, crushed or uprooted with mechanical equipment, or desiccated with herbicides, or dead at least six months prior to the burn.
G. No burning shall be conducted for the improvement of land for wildlife or game habitat until the person who desires to conduct the burning files with the APCO a written statement from the Department of Fish and Game that certifies that the burning is desirable and proper. If the Department of Fish and Game wishes to conduct the burn itself, it shall, on its own behalf, issue and file the statement (Section 41861).
H. Range improvement burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, shall comply with the provisions of Rule 307.

305.2 Exception

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

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 306 Forest Management Burning

Adopted: September 11, 1991

Forest management burning, as defined in Rule 300 I, shall be allowed under the following Rules and conditions:

A. Rule 312 - Burn Permits.
B. Rule 313 - Burn Days.
C. Rule 314 - Minimum Drying Times.
D. Waste material shall be windrowed or piled where possible, unless good silvaculture practice, as defined in Rule 300 P, dictates otherwise.
E. Rule 315 - Burning Management Requirements.
F. Rule 316 - Burn Plan Preparation.
G. Forest management burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, shall comply with the provisions of Rule 307.

[redacted]

Rule 307 Wildlands Vegetation Management Burning. Wildlands vegetation management burning, as defined in Rule 300 R, shall be allowed under the following Rules and conditions:

Requirements.

A. This rule applies to all burning which meets the definition as stated in Rule 300 R, regardless of whether such burning also meets another definition within this regulation.

B. Rule 312 - Burning Permits.

C. Rule 313 - Burn Days.

D. All open outdoor fires shall be ignited only with approved ignition devices as defined in Rule 300 F.

E. Rule 316 - Burn Plan Preparation.

F. The APCO shall regulate total acreage or tonnage that may be burned each day within the District.

G. The APCO will regulate burning or require mitigation when the meteorological conditions could otherwise cause smoke to create or contribute to an exceedance of a state or federal ambient air quality standard or cause a public nuisance.

H. Vegetation will be in a condition to facilitate combustion and minimize the amount of smoke emitted during combustion.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 308 Land Development Clearing

Adopted: September 11, 1991

The AQMD finds it more economically desirable to dispose of wood waste from trees, vines, and bushes on property being developed for commercial or residential purposes by burning instead of burial at a sanitary landfill. This material shall be allowed for disposal by burning in compliance with the following Rules:

A. Rule 312 - Burning Permit Requirements.
B. Rule 313 - Burn Days.
C. Rule 314 - Minimum Drying Times.
D. Rule 315 - Burning Management.
E. Rule 316 - Burn Plan Preparation.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 309 Ditch, Road and Right-of-Way Maintenance

Adopted: September 11, 1991

The use of open outdoor fires for right-of-way clearing by a public agency, or utility, or for levee, ditch, or reservoir maintenance shall be allowed in compliance with the following Rules:

A. Rule 312 - Burning Permit Requirements.
B. Rule 313 - Burn Days.
C. Rule 314 - Minimum Drying Times.
D. Rule 315 - Burning Management.
E. Such burning conducted by public agencies, or through a contract or agreement involving a public agency, shall be conducted as a Wildlands Vegetation Management Burn under Rule 307.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 310 Hazard Reduction

Adopted: September 11, 1991

A. The burning of vegetation such as, vines, bushes, and waste from trees produced by fire safe clearing will be allowed when this burning is done in compliance with State and local law or ordinance to reduce a fire hazard.
B. The burning shall be done in compliance with the following Rules:
    1. Rule 312 - Burning Permit Requirements.
    2. Rule 313 - Burn Days
    3. Rule 314 - Minimum Drying Time
    4. Rule 315 - Burning Management

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 311 Residential Maintenance

Adopted: September 11, 1991

The burning of Residential Rubbish, as defined in Rule 300 N, shall be allowed under the following conditions:

A. Burning shall be allowed only on the premises where the material originated.
B. Rule 312 - Burn Permit Requirements.
C. Rule 313 - Burn Days.
D. Rule 314 - Minimum Drying Times.
E. Rule 315 - Burning Management.

Rule 312 Burning Permits.

Requirements.

A. No person shall knowingly set or permit open outdoor fires unless that person has been issued a valid permit by the APCO or a designated agency.

B. A permit shall not be issued unless information is provided as required by the APCO or a designated agency, including:

1. Name and address of the applicant.
2. Location of proposed burn.
3. Acreage or estimated tonnage, and type of material to be burned.
4. Any other information the APCO or the designated agency may deem pertinent.

C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import:

"THIS PERMIT IS VALID ONLY ON THOSE DAYS DURING WHICH AGRICULTURAL BURNING IS NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD OR THE AIR POLLUTION CONTROL DISTRICT PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE." (Section 41854).

D. A permit shall not be valid unless information is provided as required by the designated fire protection agency for fire protection purposes.

E. The designated agency shall forward the permit information received from applicants to the APCO upon request.

F. The APCO may exempt Residential Rubbish burning as defined.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 313 Burn Day

Adopted: September 11, 1991; Amended: June 10, 1992

313.1 Requirement

No person shall knowingly set or permit open outdoor fires on days when such burning is prohibited by the ARB, the APCO, or the fire agency with appropriate jurisdiction.

313.2 Burn Management Assistance

To assist in the management of manpower, equipment and other resources, for large project burns, a person may wish to use the following established procedure:

To receive a permissive-burn or no-burn notice for range improvement, forest management or wildlands vegetation management burning, a permittee must submit a request for notice to the ARB at least seven days before the date of the burn. Such notice will be issued up to 48 hours before the scheduled commencement of the burn project; however, the ARB may cancel permissive-burn notices that have been issued more than 24 hours before project commencement, if such cancellation is necessary to maintain suitable air quality.

313.3 Exception

A. For project burns below 6000 feet in elevation, the APCO may issue a permit to authorize the use of open outdoor fires on No-Burn Days, when denial of such a permit would threaten imminent and substantial economic loss. The granting of such a permit does not exempt the applicant from any other District, or fire control regulation. (06/10/92)
B. For project burns above 6000 feet in elevation, the APCO may issue a permit to authorize the use of open outdoor fires on No Burn Days, if there are conditions at the unit that would allow smoke to adequately disperse and not affect a smoke sensitive area. (06/10/92)

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 314 Minimum Drying Times

Adopted: September 11, 1991

Requirements

To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

A. A minimum of three days for green straw and stubble.
B. A minimum of three weeks for agricultural waste, such as orchard prunings, small branches, vegetable tops, and seed screenings, to assure rapid and complete combustion with a minimum of smoke.
C. A minimum of six weeks for trees, stumps, and large branches greater that six inches in diameter.
D. Under Forest Management Burning the drying time shall be specified by the designated agency.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 315 Burning Management Requirements

Adopted: September 11, 1991

A. Material to be burned shall be arranged so that it will burn with a minimum of smoke.
B. Except for large trees (diameter of six or more inches), only the amount that can reasonably be expected to completely burn within the following twenty-four hours shall be ignited in any one day.
C. All outdoor fires shall be ignited only with approved ignition devices, as defined in Rule 300 F.
D. Material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.
E. Burning shall be curtailed, mitigated, or extinguished when smoke is drifting into a nearby populated area or creating a public nuisance.
F. No material shall be burned unless it is free of tires, rubbish, tar paper and construction debris; is reasonably free of dirt, soil, and moisture; and is loosely stacked in such a manner as to promote drying and insure combustion with a minimum of smoke.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 316 Burn Plan Preparation

Adopted: September 11, 1991; August 14, 1996

316.1 Requirements

The following information shall be provided to the APCO for review and approval at least 30 days in advance of the proposed burn. Burn plan preparations that are unpredictable but are critical for the upcoming burn season shall be fast-tracked by the APCO and allowed a shorter than 30 day submission, review and approval process prior to ignition. The burn plan preparer shall indicate whether such burn must be absolutely executed in the upcoming burn season or whether other burning priorities would allow the burning to take place in subsequent years. Any changes in the plan with regards to the following information, subsequent to APCO approval, must be evaluated and approved by the APCO prior to ignition.

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

316.2 Notification Requirement

Each person planning to burn under the provisions of Rule 305, 306, or 307 shall, on or before October 1 of each year, notify the Air Pollution Control Officer of the planned burn projects for the upcoming year. Such notification shall include the following information: Project Number, Compartment/Unit Number, Project Name, Legal Description (Township, Range, Section), County, Acres, Tons/Acre, Total Tons, Type of Burning (Hand Piles, Machine Piles, Broadcast Burn) and a Priority Rating for most critical to least critical burn projects in terms of achieving the planned objectives. (06/13/90)

316.3 Exemptions

A. The APCO shall exempt a burn project which consists of five (5) acres or less in size, unless the fuel loading rate exceeds 30 Tons/Acre average.
B. The APCO may exempt projects located in zones as established by the District.

NORTHERN SIERRA AIR QUALITY MANAGEMENT DISTRICT

Rule 317 Mechanized Burners Requirements

Adopted: September 11, 1991

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

1. As dark or darker in shade as that designated No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of this section. In authorizing the operation of a mechanized burner, the APCO may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this regulation (Section 41812)

RULE 428 – NSR REQUIREMENTS FOR NEW AND MODIFIED MAJOR SOURCES IN NONATTAINMENT AREAS

Index

1.0 APPLICABILITY PROCEDURES

1.1 PRECONSTRUCTION REVIEW REQUIREMENTS

(a) The preconstruction review requirements of this rule apply to the proposed construction of any new major stationary source or major modification in the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere in the designated nonattainment area, except as provided in Section 9 of this rule.

(b) Sources subject to this rule may also be subject to other District Rules and Regulations. For purposes of the implementation and enforcement of this rule, the provisions and requirements of this rule, including but not limited to the requirements for obtaining an Authority to Construct, application submittal and content, conditional approval, public participation, and granting an Authority to Construct, shall take precedence over any other such provisions and requirements in other District Rules and Regulations. To the extent that other District Rules or Regulations may affect the stringency or applicability of this rule, such other Rules and Regulations shall not apply for purposes of the implementation or enforcement of this rule.

1.2 AUTHORITY TO CONSTRUCT REQUIREMENT: No new major stationary source or major modification to which the requirements of this rule apply shall begin actual construction without first obtaining an Authority to Construct from the reviewing authority, pursuant to this rule.

1.3 EMISSION CALCULATION REQUIREMENTS TO DETERMINE NSR APPLICABILITY

1.3.1 **New Major Stationary Sources:** The definition of Major Stationary Source as incorporated by reference in Section 2 shall be used to determine if a new or modified stationary source is a new major stationary source.

1.3.2 **Major Modifications:** The provisions set out in paragraphs (a) through (e) below shall be used to determine if a proposed project will result in a major modification. These provisions shall not be used to determine the quantity of offsets required for a project subject to the requirements of this rule.

(a) Except as otherwise provided in Section 1.4, a project is a major modification for a nonattainment pollutant if it causes two types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs (c) through (e) of this Section. The procedure for calculating

(before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of *Net Emissions Increase*. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(c) **Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

(d) **Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s).** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

(e) **Hybrid Test for Projects that Involve Multiple Types of Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (c) or (d) of this Section, as applicable, with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

1.4 MAJOR SOURCES WITH PLANT-WIDE APPLICABILITY LIMITATIONS (PAL)

For any major stationary source with a PAL permit for a nonattainment pollutant, the major stationary source shall comply with the requirements in Section 9 of this rule.

1.5 PROJECTS THAT RELY ON A PROJECTED ACTUAL EMISSIONS TEST

Except as otherwise provided in paragraph (g)(iii) of this Section, the provisions of this Section shall apply with respect to any nonattainment pollutant that is emitted from projects at existing emissions units located at a major stationary source, other than a source with a PAL permit, when there is a reasonable possibility, within the meaning of paragraph (g) of this Section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (B)(1) through (B)(3) of the definition of *Projected Actual Emissions* to calculate projected actual emissions.

(a) Before beginning actual construction of the project the owner or operator shall document and maintain a record of the following information:

(i) A description of the project;

(ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(iii) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (B)(3) of the definition of Projected Actual Emissions and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(b) If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (a) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Rule 428 before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulation IV or V, or other applicable requirements.

(c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emissions unit identified in paragraph (a)(ii) of this Section; and calculate and maintain a record of the annual emissions, in tons per year (tpy), on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.

(d) If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (c) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(e) If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (a)(ii) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of *Projected Actual Emissions*) as documented and maintained pursuant to paragraph (a)(iii) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:

(i) The name, address, and telephone number of the major stationary source;

(ii) The annual emissions, as calculated pursuant to paragraph (c) of this Section; and

(iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(f) The owner or operator of the source shall make the information required to be documented and maintained pursuant to this Section available for review upon a request for inspection by the APCO or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).

(g) A "reasonable possibility" under this Section occurs when the owner or operator calculates the project to result in either:

(i) A projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions increase," as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or

(ii) A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions*, sums to at least 50 percent of the amount that is a "significant emissions increase," as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.

(iii) For a project in which a reasonable possibility occurs only within the meaning of paragraph (g)(ii), and not also within the meaning of (g)(i), the provisions of paragraphs (b) through (e) of this Section do not apply to the project.

1.6 SECONDARY EMISSIONS

Secondary emissions shall not be considered in determining whether a stationary source would qualify as a major stationary source. If a stationary source is subject to this rule on the basis of direct emissions from the stationary source, the requirements of Section 4 must also be met for secondary emissions.

1.7 STATIONARY SOURCES

For purposes of this rule, the term stationary source does not refer to the source of emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the Clean Air Act.

1.8 ENVIRONMENTAL PROTECTION AGENCY DETERMINATION

Notwithstanding any other requirements of this rule governing the issuance of an Authority to Construct, the APCO shall not issue an Authority to Construct to a new major stationary source or major modification subject to the requirements of this rule if the federal Environmental Protection Agency has determined that the SIP is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Clean Air Act.

2.0 DEFINITIONS

For the purposes of this rule, the definitions provided in paragraphs (a), (b), (c) and (d) below apply to the terms used in this rule. In the event of any discrepancy between the definitions specified in paragraphs (a), (b), (c), and (d), below, the definition in the paragraph that is listed first below shall control.

(a) The definitions contained in 40 CFR 51.165(a)(1) shall apply, and are hereby incorporated by reference, with the exception of the definition of "Reviewing authority" at 40 CFR 51.165(a)(1)(xxxviii), which has the meaning specified in paragraph (b) below, and the definition of "Significant" at 40 CFR 51.165(a)(1)(x)(A), which is modified to add the definition of "Significant" for ammonia that is specified in paragraph (b) below.

(b) The following definitions shall also apply:

"Air Pollution Control Officer (APCO)" means the Air Pollution Control Officer of the Northern Sierra Air Quality Management District.

"Class I area" means any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge,or a national lakeshore or seashore.

"Clean Air Act (CAA)" means the federal Clean Air Act, 42 U.S.C. 7401 *et seq.*, as amended.

"Complete" means, in reference to an application, that the application contains all of the information necessary for processing.

"District" means the Northern Sierra Air Quality Management District.

"Emission reduction credit (ERC)" means reductions of actual emissions from emissions units that are certified by a California air district in accordance with applicable district rules and issued by the air district in the form of ERC certificates.

"Internal emission reductions" means emission reductions which have occurred or will occur at the same major stationary source where the proposed emissions increase will occur.

"Nonattainment pollutant" means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40 CFR 81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR 51.165(a)(1)(xxxvii)(C).

"Permanent" means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions.

"$PM_{2.5}$" means particulate matter with an aerodynamic diameter smaller than or equal to a nominal 2.5 microns. Gaseous emissions which condense to form $PM_{2.5}$ shall also be counted as $PM_{2.5}$.

"*Reviewing authority*" means the Air Pollution Control Officer (APCO).

"Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

"Significant" means, in reference to a net emissions increase or the potential of a source to emit ammonia, a rate of emissions that would equal or exceed 40 tpy.

"Startup" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

"*State Implementation Plan (SIP*)" means the State Implementation Plan approved or promulgated for the State of California under section 110 or 172 of the Clean Air Act.

"Surplus" means the amount of emission reductions that are, at the time of generation or use of an emission reduction credit (ERC), not otherwise required by federal, state, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California State Implementation Plan (SIP). However, emission reductions required by a state statute that provides that the subject emission reductions shall be considered surplus may be considered surplus for purposes of this rule if those reductions meet all other applicable requirements. Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:

(i) The federally-approved California SIP;

(ii) Other adopted state air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally required and publicly available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;

(iii) Any other source or source-category specific regulatory or permitting requirement, including, but not limited to Reasonable Available Control Technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER); and

(iv) Any regulation or supporting documentation that is required by the Federal Clean Air Act, but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.

"Temporary source" means an emission source such as a pilot plant or a portable facility which will be located outside the nonattainment area after less than a cumulative total of 90 days of operation in any 12 continuous months.

"Tons per year (tpy)" means annual emissions in tons.

(c) The definitions contained in 40 CFR 51.100 shall apply, and are hereby incorporated by reference.

(d) The definitions contained in 40 CFR 51.301 shall apply, and are hereby incorporated by reference.

3.0 APPLICATION REQUIREMENTS

3.1 APPLICATION SUBMITTAL

The owner or operator of any proposed new major stationary source or major modification required to obtain an Authority to Construct pursuant to this rule shall submit a complete application to obtain an Authority to Construct on forms provided by the APCO and include in the application submittal the information listed in Section 3.2 as well as the demonstrations listed in Sections 3.3-3.6. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

3.2 APPLICATION CONTENT

At a minimum, an application for an Authority to Construct shall contain the following information related to the proposed new major stationary source or major modification:

(a) Identification of the applicant, including contact information.

(b) Identification of address and location of the new or modified source.

(c) An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.

(d) A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the applicability of standards and fees.

(e) A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.

(f) A projected operating schedule for each emissions unit included in the new source or modification.

(g) A determination as to whether the new source or modification will result in any secondary emissions.

(h) The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tpy and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).

(i) The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).

(j) The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.

(k) The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.

(l) Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.

(m) If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.

3.3 LOWEST ACHIEVABLE EMISSION RATE (LAER)

The applicant shall submit an analysis demonstrating that LAER has been proposed for each emissions unit included in the new major stationary source or major modification that emits a nonattainment pollutant for which the new stationary source or modification is classified as major.

3.4 STATEWIDE COMPLIANCE

The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled

by, or under common control with the applicant) in the State is in compliance with all applicable emission limitations and standards under the CAA or is in compliance with an expeditious compliance schedule which is federally enforceable.

3.5 Analysis of Alternatives

The applicant shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

3.6 Sources Impacting Class I Areas

The applicant for a proposed new major source or major modification that may affect visibility of any Mandatory Class I Federal Area shall provide the APCO with an analysis of impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modfication, as required by 40 CFR Section 51.307(b)(2).

3.7 Application Fees

The applicant shall pay the applicable fees specified in District Rule 603 (Permit Fees).

4.0 Emissions Offsets

4.1 Offset Requirements

(a) The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.

(b) ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.

(c) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours may only be credited for offsets if such reductions are surplus, permanent, quantifiable, and federally enforceable; and

(d) The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or

(e) The projected emissions inventory used to develop the attainment plan explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

4.2 TIMING

(a) Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.

(b) Except as provided by paragraph (c) of this Section, the decrease in actual emissions used to generate ERCs or internal emission reductions must occur no later than the commencement of operation of the new or modified major stationary source.

(c) Where the new emissions unit is a replacement for an emissions unit that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the new emissions unit before the existing emissions unit is required to cease operation.

4.3 QUANTITY

The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

(a) The unit of measure for offsets, ERCs, and internal emission reductions shall be tpy. All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.

(b) The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (c) of this Section, and the offset ratio, as determined in accordance with paragraph (d) of this Section.

(c) The amount of increased emissions shall be determined as follows:

(i) When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.

(ii) When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.

(iii) The amount of increased emissions includes fugitive emissions.

(d) The ratios listed in Table 1 shall be applied based on the area's designation for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emission reductions.

Table 1. Federal Offset Ratio Requirements by Area Designation and Pollutant

Area Designation	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NO_X or VOC	1:1.1
Moderate Ozone Nonattainment Area	NO_X or VOC	1:1.15
Serious Ozone Nonattainment Area	NO_X or VOC	1:1.2
Severe Ozone Nonattainment Area	NO_X or VOC	1:1.3
$PM_{2.5}$ Nonattainment Area	Direct $PM_{2.5}$, NOx, SOx, VOC or Ammonia	1:1

4.4 EMISSION REDUCTION REQUIREMENTS

(a) Internal emission reductions or ERCs used to satisfy an offset requirement shall be:

(i) Real, surplus, permanent, quantifiable, and federally enforceable; and

(ii) Surplus at the time of issuance of the Authority to Construct containing the offset requirements.

(b) Permitted sources whose emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.

(c) Emission reductions must be obtained from the same nonattainment area; however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:

(i) The other area has an equal or higher nonattainment classification than the area in which the source is located; and

(ii) Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.

(d) The use of ERCs shall not provide:

(i) Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;

(ii) Authority for, or the recognition of, any rights that would be contrary to applicable law; or

(iii) An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

4.5 RESTRICTIONS ON TRADING POLLUTANTS

(a) The emission offsets obtained shall be for the same regulated NSR pollutant except as specified below.

(b) For the purposes of satisfying the offset requirements for the ozone precursors NO_X and VOC, the APCO may approve interpollutant emission offsets for these precursor pollutants on a case by case basis, if all other requirements for such offsets are also satisfied. The permit applicant shall submit information to the reviewing authority, including the proposed ratio for the precursor substitution for ozone, a description of the air quality model(s) used, and the technical demonstration substantiating the equivalent or greater air quality benefit for ozone in the nonattainment area. The APCO shall impose, based on the air quality analysis, emission offset ratios in addition to the requirements of Table 1.

(c) In no case shall the compounds excluded from the definition of Volatile Organic Compounds be used as offsets for Volatile Organic Compounds.

(d) Interpollutant offsets between $PM_{2.5}$ and $PM_{2.5}$ precursors are not allowed unless modeling has been used to demonstrate appropriate $PM_{2.5}$ interpollutant offset ratios as approved in a $PM_{2.5}$ Attainment Plan.

5.0 ADMINISTRATIVE REQUIREMENTS

5.1 VISIBILITY

The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal Area, in accordance with the applicable requirements of 40 CFR 51.307.

5.2 AMBIENT AIR QUALITY STANDARDS

The APCO may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination, the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule, and the impacts of transported pollutants on downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of paragraph (d) of Section 4.3.

5.3 AIR QUALITY MODELS

All estimates of ambient concentrations required, pursuant to this rule, shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W ("Guideline on Air Quality Models"). Where an air quality model specified is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the EPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to public notification and the opportunity for public comment given.

5.4 STACK HEIGHT PROCEDURES

The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purposes of this Section, the definitions in 40 CFR 51.100 shall apply.

(a) Before the APCO issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the APCO shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

(b) Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the EPA and the APCO prior to any emission limit being established.

(c) The provisions of Section 5.4 do not restrict, in any manner, the actual stack height of any stationary source or facility.

6.0 AUTHORITY TO CONSTRUCT – DECISION

6.1 PRELIMINARY DECISION

Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine if the proposed new major stationary source or major modification will comply with all applicable District, state and federal rules, regulations, or statutes, including but not limited to the requirements under Section 3 of this rule, and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis. The decision shall be based on the requirements in force on the date the application is deemed complete, except when a new federal requirement, not yet incorporated into this rule, applies to the new or modified source.

6.2 AUTHORITY TO CONSTRUCT – PRELIMINARY DECISION REQUIREMENTS

(a) Prior to issuance of a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall determine:

(i) That each emissions unit(s) that constitutes the new source or modification will not violate any applicable requirement of the District's portion of the California State Implementation Plan (SIP); and

(ii) That the emissions from the new or modified stationary source will not interfere with the attainment or maintenance of any applicable national ambient air quality standard; and

(iii) That the emission limitation for each emissions unit that constitutes the new source or modification specifies LAER for such units.

If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the APCO may instead prescribe a design, operational or equipment standard. In such cases, the APCO shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the application review documents. Any Authority to Construct issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained or that the operational conditions will be properly performed to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under section 304 of the CAA. The term "emission limitation" shall also include such design, operational, or equipment standards; and

(iv) The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and

(v) That all ERCs or internal emission reductions required for the new source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and

(vi) That the quantity of ERCs or internal emission reductions determined under paragraph (b) of Section 4.3 will be surrendered prior to commencing operation.

(b) Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs (iv), (v) and (vi) of this Section.

6.3 AUTHORITY TO CONSTRUCT CONTENTS

(a) An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:

(i) which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.

(ii) sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (b) and (c) of this Section.

(b) A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.

(c) A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.

6.4 AUTHORITY TO CONSTRUCT – FINAL DECISION

(a) Prior to making a final decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall consider all written comments that are submitted within 30 days of public notification and all comments received at any public hearing(s) in making a final determination on the approvability of the application and the appropriate Authority to Construct conditions. The District shall make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made preconstruction information relating to the proposed source or modification available.

(b) The APCO shall deny any application for an Authority to Construct if she/he finds the new source or modification would not comply with the standards and requirements set forth in District, state, or federal rules or regulations.

(c) The APCO shall make a final decision whether to issue or deny the Authority to Construct after determining that the Authority to Construct will or will not ensure compliance with all applicable emission standards and requirements.

(d) The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.

6.5 PERMIT TO OPERATE

The applicable terms and conditions of an issued Authority to Construct shall be included in any Permit to Operate subsequently issued by the APCO for the same emission units.

7.0 SOURCE OBLIGATIONS

7.1 ENFORCEMENT

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the application as required by the APCO, or the terms of its Authority to Construct or Permit to Operate, shall be subject to enforcement action.

7.2 TERMINATION

Approval to construct shall terminate if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The APCO may extend the 18-month period once upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

7.3 COMPLIANCE

Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

7.4 RELAXATION IN ENFORCEABLE LIMITATIONS

At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification to emit a pollutant, then the requirements of this rule shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

8.0 PUBLIC PARTICIPATION

After the APCO has made a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, as specified in Sections 6.1 and 6.2, the APCO shall:

(a) Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8(b), and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of

procedure to request a hearing (unless a hearing has already been scheduled).

(b) No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.

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

(d) Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.

9.0 PLANT-WIDE APPLICABILITY LIMITS (PAL)

The APCO shall issue a Plant-wide Applicability Limit (PAL) permit according to the provisions contained in 40 CFR 51.165(f)(1) through (14). The provisions of 40 CFR 51.165(f)(1) through (14), are hereby incorporated by reference.

10.0 INVALIDATION

If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

11.0 EFFECTIVE DATE FOR REFERENCED FEDERAL REGULATIONS

All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on July 1, 2019.

REGULATION
V
PERMIT TO OPERATE REGULATIONS

Rule 501 Permit Required

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

Major sources subject to Title V of the Clean Air Act of 1990, shall comply with the requirements of Rule 522 Title V - Federal Operating Permits.

Northern Sierra Air Quality Management District

Rule 502 Exemptions to Rule 501

Adopted: September 11, 1991;

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

Rule 505 Conditional Approval

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

Rule 510 Separation of Emissions

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

Rule 511 Combination of Emissions

A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible for confirmation and use by the Air Pollution Control Officer in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity, and degree of emission arising from each such source operation, the Rules and Regulations shall apply to each such source operation separately.

B. If air contaminants from two or more source operations are combined emissions cannot be separated according to the requirements of Section A above, the Rules and Regulations shall be applied to combined emissions as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined.

Rule 512 Circumvention

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

Rule 513 Emissions Statements and Recordkeeping

1.0 General

1.1 Purpose

The purpose of this rule is to establish requirements for the submittal of emissions statements from stationary sources pursuant to the requirements of the 1990 amendments to the Federal Clean Air Act [Section 182(a)(3)(B)] and in the interest of verifying compliance with conditions of permits to operate.

1.2 Applicability

The requirements of this rule are applicable to all classes and categories of stationary sources that have actual emissions of, or potential to emit, volatile organic compounds (VOC) or oxides of nitrogen (NOx), and also those for which the District requests emissions information.

1.2.1 The APCO may waive the applicability of section 1.2 for certain classes or categories of sources with actual emissions or potential to emit less than 10 tons per year of actual facility-wide VOC or NOx emissions if the emissions for the class or category of source are included in the base year and periodic emission inventories and the emissions are calculated using emission factors established by the US Environmental Protection Agency (EPA) or other methods acceptable to EPA.

1.2.2 Major sources subject to Title V of the Federal Clean Air Act of 1990 are additionally subject to the recordkeeping and reporting requirements specified in Parts 6.2.6 and 6.2.7 of Rule 522.

2.0 Definitions

2.1 Actual Emissions: Measured or estimated emissions which most accurately represent the emissions from an emissions unit, including fugitive emissions.

2.2 Affected Pollutants: All criteria pollutants for which the District requests emission information. In federally designated ozone nonattainment areas, volatile organic compounds (VOCs) and oxides of nitrogen (NOx) shall specifically be included as affected pollutants.

2.3 Renewal Information Request: An annual information request by the APCO to each source subject to this rule for emissions data including, but not limited to, actual emissions and/or operational data allowing the District to estimate actual emissions.

2.4 Responsible Official: An individual who is responsible for the data presented in the emissions statement, and who accepts legal responsibility for the statement's accuracy. The responsible official is liable to legal review, or in case of fault, to penalties.

3.0 Source Recordkeeping Requirements

3.1 Recordkeeping

The owner or operator of any permitted stationary source shall maintain records indicating the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the APCO to determine whether such source is in compliance with applicable emission limitations, control measures and permit conditions.

3.1.1 The APCO may require that such records be certified by a professional engineer registered in the State of California. Such studies shall be made at the expense of the person causing the emissions.

3.1.2 Information reported by the owner or operator and copies of the summarizing reports submitted to the APCO shall be retained by the owner or operator for at least two years after the date on which the emissions statement is submitted.

4.0 Emissions Statement Reporting Requirements

4.1 Reporting

The owner or operator of any stationary source that is subject to this rule shall provide the District with an annual written emissions statement showing actual emissions (or operational data allowing the District to estimate actual emissions from that source), as requested by the District.

4.2 Required Elements

The emission statement shall be on a form or in a format specified by the APCO (the Renewal Information Request) and shall contain the following information:

4.2.1 Actual emissions data or operational data necessary to estimate actual emissions of affected pollutants, in tons per year, for the calendar year prior to the preparation of the emission statement; and

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

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

4.3 Timing

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

5.0 Emissions Statement Administrative Requirements

5.1 District Requirements

The Air Pollution Control Officer shall annually request and require the submission of emissions information (per section 4.2) through a Renewal

Information Request for each applicable source (per section 1.2) within the District.

5.2 Failure to Submit

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

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

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

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

Rule 515 Provision of Sampling and Testing Facilities

The Air Pollution Control Officer may, upon reasonable written notice, require the owner or operator of any source, the use of which may cause the issuance of air contaminants or the use of which may eliminate, reduce, or control the issuance of air contaminants, to:

A. Provide to the Air Pollution Control Officer data on process and production rate, and techniques, flow diagrams, descriptions of basic equipment and control equipment, rates of emissions and other information which the Air Pollution Control Officer may require.

B. Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant, in writing, of the required size, number and location of sampling holes, the size, and location of the sampling platform. All utilities shall be constructed in accordance with the general industry safety orders of the State of California.

C. 1. Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants when the Air Pollution Control Officer has determined that such apparatus is available and should be installed.

2. A person installing, operating, or using any of the following equipment shall provide, properly install, maintain in good working order, and operate continuous stack monitoring systems as described below:

a. Oxides of nitrogen (NO_x) and carbon dioxide (CO_2) of oxygen (O_2) from steam generators with a heat input of 250 million British Thermal Units or more per hour and with a use factor of at least 30 percent.

b. Oxides of nitrogen (NO_x)from all new nitric acid plants.

c. Sulfur dioxide (SO_2) from sulfuric acid plants, sulfur recovery plants, carbon monoxide (CO) from boilers or regenerators of fluid catalytic cracking units, new fluid cokers and existing fluid cokers with a feed rate greater than 10,000 barrels per day.

3. A person operating or using a stack monitoring system shall, upon written notice from the Air Pollution Control Officer.

Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and the manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the Office of the Air Quality Management District.

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

4. A violation of emission standards of these Rules and Regulations, as shown by the stack monitoring system, shall be reported by the source owner or operator to the Air Pollution Control Officer within 96 hours.

5. The owner or operator shall notify the Air Pollution Control Officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event.

6. The Air Pollution Control Officer shall inspect, as he determines to be necessary, the monitoring devices required by this Rule to ensure that such devices are functioning properly.

D. The Air Pollution Control Officer may require that disclosures required by this Rule be certified by a professional engineer registered in the State of California. Studies necessary to provide such information shall be made at the expense of the person causing the emissions.

Rule 517 Transfer

A Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

ARTICLE 2. APPLICATION FOR BUILDING PERMIT

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Sec. 10 CONSTRUCTION PERMIT REQUIRED. Before any building permit may be issued by the County or City for any building other than residential, which involves emissions into the air, approval by the Air Pollution Control District must be first obtained. No construction or use of any building, article, machine, equipment, etc., which may cause emission of air contaminant shall take place without approval of the Air Pollution Control District.

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Sec. 12 EXEMPTIONS FROM PERMIT AND REGISTRATION. An authorization to construct, permit to operate, or registration, shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of Calif., but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four (4) families.

(d) The following equipment:

(1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(3) Piston type internal combustion engines.

(4) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

(5) Equipment used exclusively for steam cleaning.

(6) Presses used exclusively for extruding metals, minerals, plastics or wood.

(7) Residential incinerators when used for burning of paper or leaves.

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(e) Space heaters.

(f) Equipment for food preparation.

(g) Steam heated by natural gas or LPG or both

(h) Self propelled mobile construction equipment other than pavement burners.

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Sec. 15 STANDARDS FOR GRANTING APPLICATIONS FOR BUILDING PERMITS.

(a) The Air Pollution Control Officer shall deny authorization to construct, or permit to operate or permit to sell or rent, except as provided in Section 16, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Sections 24242 o 24243, Health and Safety Code, or of these Rules and Regulation

(b) Before authorization to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure infor mation that will disclose the nature, extent, quantity or degre of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in t authorization to construct or permit to operate. In the event such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size number and location of sampling holes; the size and location of the sampli platform; the access to the sampling platform; and the utilitie for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

(c) In acting upon a Permit to Operate, if the Air Pollution Contro Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the Authorization to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipmen or other contrivance so constructed until he finds that the arti machine, equipment or other contrivance has been reconstructed i accordance with the Authorization to Construct.

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4. Upset Conditions, Breakdown or Scheduled Maintenance

A. Definition. For the purpose of this Rule, a breakdown condition means an unforeseeable failure or malfunction of (1) any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, or by state law, or (2) any in-stack continuous monitoring equipment, where such failure or malfunction:

1. Is not the result of neglect or disregard of any air pollution control law or rule or regulation;
2. Is not intentional or the result of negligence;
3. Is not the result of improper maintenance;
4. Does not constitute a nuisance;
5. Is not a recurrent breakdown of the same equipment.

B. Breakdown Procedure

1. The owner or operator shall notify the Air Pollution Control Officer of any occurrence which constitutes a breakdown condition; such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but no later than two (2) hours after its detection during normal APCD hours.

2. The Air Pollution Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement followup, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.

3. Upon receipt of notification pursuant to subparagraph B.1. the Air Pollution Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the Air Pollution Control Officer determines that the occurrence does not constitute a breakdown condition, the Air Pollution Control Officer may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

C. Disposition of Short-Term Breakdown Conditions

1. An occurrence which constitutes a breakdown condition, and which persists longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, shall constitute a violation of any

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C. 1. applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the Air Pollution Control Officer may elect to take no enforcement action if the owner demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:

a. The owner or operator submits the notification required by subparagraph B.1.; and

b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective measures within 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours. If the owner or operator elects to shut down rather than come into immediate compliance, (s)he must nonetheless take whatever steps are possible to minimize the impact of the breakdown within the 48 hour period; and

c. The breakdown does not interfere with the attainment and maintenance of any national ambient air quality standard.

2. An occurrence which constitutes a breakdown condition shall not persist longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, unless the owner or operator has obtained an emergency variance.

D. Emergency Variance Procedures

1. If the breakdown condition will require more than 48 hours to correct, except for continuous monitoring equipment for which the period shall be 96 hours, the owner or operator may, in lieu of shutdown, request the Air Pollution Control Officer to commence the emergency variance procedure set forth in subparagraph D.2. below.

2. Upon receipt of a request for an emergency variance, the Air Pollution Control Officer shall contact the chairperson of the Hearing Board, or their designated member(s) of the Hearing Board, who shall conduct deliberations for consideration of the request. The Air Pollution Control Officer shall inform the owner or operator of the source of such deliberation. During consideration of the emergency variance, the Air Pollution Control Officer shall recommend whether any emergency variance should be granted, and the owner or operator of the source shall be entitled to present relevant information or data applicable to the breakdown. The burden shall be on the owner or operator to establish that a breakdown condition exists. Thereafter, the chairperson or other designated member(s) may, without notice or hearing, grant or deny an emergency variance. The chairperson of other designated member(s) shall, within five working days, issue a written confirming the decision, with appropriate findings

D. 3. No emergency variance shall be granted unless the chairperson or other designated member(s) determines that:

a. The occurrence constitutes a breakdown condition; and

b. Continued operation is not likely to create a nuisance, an immediate threat or hazard to public health or safety; and

c. The requirement for a variance set forth in Health and Safety Code Sections 42352 and 42353 have been met; and

d. The continued operation in a breakdown condition will not interfere with the attainment of maintenance of the national ambient air quality standards.

4. At any time after an emergency variance has been granted, the Air Pollution Control Officer may request that the chairperson or designated member(s) reconsider and revoke, modify or further condition the variance if the Air Pollution Control Officer has good cause to believe that:

a. Continued operation is likely to create a nuisance, an immediate threat or hazard to public health or safety; or

b. The owner or operator is not complying with all applicable conditions of the variance; or

c. A breakdown condition no longer exists; or

d. Final compliance is not being accomplished as expeditiously as practicable.

The procedures set forth in subparagraph D.2. shall govern any further proceedings conducted under this subparagraph.

5. An emergency variance shall remain in effect only for as long as necessary to repair or remedy the breakdown condition, but in no event after a regularly noticed hearing to consider an interim or 90 day variance has been held, or fifteen (15) days from the date of the subject occurrence, whichever is sooner.

E. Reporting Requirements

Within one week after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Air Pollution Control Officer which includes:

1. A statement that the occurrence has been corrected together with the date of correction and proof of compliance; and

2. A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the Air Pollution Control Officer to determine whether the occurrence was a breakdown condition; and

E. 3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future. The Air Pollution Control Officer may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this subparagraph; and

4. An estimate of the quantity of or detailed description of emissions caused by the occurrence; and

5. Pictures of the equipment or control which failed, if available.

F. Burden of Proof

The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the Air Pollution Control Officer shall undertake appropriate enforcement action.

G. Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with the reporting requirement established in subparagraph B.1. and E.1. through E.5. of this Rule shall constitute a separate violation of this rule.

H. False Claiming of Breakdown Occurrence

It shall constitute a separate violation of this rule for any person to file with the Air Pollution Control Officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.

I. Hearing Board Standards and Guidelines

The Hearing Board shall adopt standards and guidelines consistent with this rule to assist the chairperson or other designated member(s) of the Hearing Board in determining whether to grant or deny an emergency variance, and to assist the Air Pollution Control Officer in the enforcement of this rule.