REGULATION I

GENERAL

PROVISIONS,

PERMITS

&

PROHIBITIONS

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GENERAL PROVISIONS, PERMITS & PROHIBITIONS
AIR QUALITY CONTROL RULES

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Rule 100 General Provisions

(Adopted November 3, 1982; Revised September 26, 1997, *Proposed for Revision December 16, 2004, Revised May 19, 2005).*

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RULE 100: GENERAL PROVISIONS

1.0 TITLE: The Counties of Del Norte, Humboldt and Trinity operate as a single unified special district agency entitled the North Coast Unified Air Quality Management District. These Rules and Regulations are adopted pursuant to the provisions of Division 26 of the Health and Safety Code of the State of California and shall be known as the Rules and Regulations of the California North Coast Unified Air Quality Management District (herein after referred to as the AQMD).

The AQMD is comprised of the Counties of Del Norte, Trinity, and Humboldt, lies within the North Coast Air Basin. The North Coast Air Basin consists of the counties of Del Norte, Trinity, Humboldt, Mendocino, and that region of Sonoma County designated as the Northern Sonoma County Air Pollution Control District.

2.0 PURPOSE: These rules and regulations are set forth to achieve, maintain, and protect health-based State and Federal Ambient Air Quality Standards and prevent deterioration of levels of air quality which may jeopardize human health and safety; prevent injury to plant and animal life; avoid damage to property; and preserve the comfort, convenience, and enjoyment of the natural attractions of the California North Coast Air Basin.

3.0 ADMINISTRATION: The procedures and restrictions set forth in these rules and regulations shall be administered by the AQMD within its area of jurisdiction as authorized by Section 40002 of the Health and Safety Code (HSC) ; Chapter 3, Part 3, Division 26 of the (HSC); or by contractual agreements with or between other public agencies in accordance with the provisions of Section 40701 et seq. of the (HSC), and/or Section 90120 et seq. of Title 17 of the California Administrative Code.

4.0 EMERGENCY CONDITIONS: In the event of atmospheric conditions causing a dangerous or potentially hazardous concentration of air contaminants, the Air Pollution Control Officer (APCO) shall take immediate action in curtailing those emissions known to be contributing to a possible episode situation.

5.0 PUBLIC RECORDS: In accordance with the provisions of Government Code Section 6254.7,et seq. all air pollution monitoring and emission data in the possession of the AQMD are public records. All information, analyses, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce, which are in possession of the AQMD, are public records, with

the exception of certified "trade secrets" and active investigation files involving potential criminal complaints. Trade secrets may only be certified upon written request by the owner of said secrets and concurrence of the APCO. Within 10 days of receipt of any documents containing trade secrets, so designated by the owner, the APCO shall:

5.1 Concur in the certification of said trade secrets and notify the owner that the documents will be placed in a locked file to be made accessible only to the staff of the AQMD or to the public following a court order.

5.2 Return to the owner all documents which have been designated as trade secrets, following a determination by the APCO that they are not necessary in conducting the activities of the AQMD.

5.3 Notify the owner that said trade secrets do not meet the criteria established and place the documents in a locked file. All such documents will be considered as public records and will be so designated at the end of a 30 day period, unless the owner files an appeal with the Air Quality Management District Hearing Board.

Upon request, any specific public records in the possession of the AQMD will be made available to the public within 10 days. Such requests shall be in writing and a reasonable fee may be charged, not to exceed the actual cost of providing the requested information.

6.0 VALIDITY:

6.1 If any provisions of these regulations shall be rendered void or unconstitutional by judicial or other determination, all other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.

6.2 The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, county or incorporated city; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether criminal or equitable, which might otherwise be available to any person.

6.3 These regulations shall be liberally construed for the protection of the health, safety and welfare of the people of the AQMD.

Rule 101 Definitions

(Adopted November 3, 1982,, Revised May 19, 2005, Revised May 15, 2008).

1.0DEFINITIONS: Except as otherwise specifically provided in these rules and regulations, and except where the context indicates otherwise, words used in these rules and regulations are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California, the Clean Air Act of 1977 and as subsequently amended, and the Code of Federal Regulations 40 CAR 52.21. Where the federal regulations of 40 CFR 52.21 refer to the responsibilities of the Administrator of the U.S. Environmental Protection Agency, the term Administrator shall be construed to mean Air Pollution Control Officer (APCO). For purposes of Rules and Regulation implementation, the following terms and definitions shall be utilized and are incorporated herein. In the event that two or more definitions within this section should conflict, the term of definition which best protects the health, safety and welfare of the people of the AQMD shall prevail. Where individual regulations, rules, orders, etc. contain a definition section, the terms and definitions contained therein shall supersede the terms and definitions contained in this section.

1.1 Acid Rain Unit: An "acid rain unit" is any fossil-fuel-fired combustion device that is an affected unit under 40 CFR Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the Clean Air Act.

[Reference: 40 CFR 70.2 Affected Unit]

1.2 Acute Care Facility: Any facility currently licensed by the California Department of Health Services as a general acute care hospital (as defined in Title 22, CCR, Section 70005 et seq.), or any military hospital.

1.3 Administrative Permit Amendment: An "administrative permit amendment" is an amendment to a permit to operate which:

(1) Corrects a typographical error;
(2) Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit;
(3) Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
(4) Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the Air Pollution Control Officer receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.

[Reference: 40 CFR 70.7(d)]

1.4 Adsorptive Cartridge Filter: A replaceable cartridge filter that contains diatomaceous earth or activated clay as the filter medium.

1.5 Aeration Only Facility, Applied to ETO Sterilization: A facility which performs aeration on materials which have been sterilized with ethylene oxide at another facility.

1.6 Aeration, Applied to ETO Sterilization: Is the process during which residual ethylene oxide dissipates, whether under forced air flow, natural or mechanically assisted convection, or other means, from previously sterilized materials after the sterilizer cycle is complete.

1.7 Aerator Exhaust Stream, Applied to ETO Sterilization: All ethylene oxide-contaminated air which is emitted from an aerator.

1.8 Aerator, Applied to ETO Sterilization: Any equipment or space in which materials previously sterilized with ethylene oxide are placed or remain for the purpose of aeration. An aerator is not any equipment or space in which materials that have previously undergone ethylene oxide sterilization and aeration can be handled, stored, and transported in the same manner as similar materials that have not been sterilized with ethylene oxide.

1.9 Affected State: An "affected state" is any state that is contiguous with the District and whose air quality may be affected by a permit action, or is within 50 miles of the source for which a permit action is being proposed.

[Reference: 40 CFR 70.2 Affected States]

1.10 Aggregate: A mixture of mineral fragments, sand, gravel, rocks, or similar minerals.

1.11 Agricultural Burning: Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement or the improvement of land for wildlife and game habitat, or disease or pest prevention.

1.12 Agricultural Operation: The growing and harvesting of crops, or the raising of fowl, animals or bees as a gainful occupation, or forest management, or range improvement or in the improvement of land for wildlife and game habitat, or disease or pest prevention.

1.13 Agricultural Wastes: The unwanted or unusable materials produced wholly from agricultural operations and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.

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

1.15 Air Pollution Abatement Operation: Any operation which has, as its essential purpose a significant reduction in the emission of air contaminants or the effect of such emission reduction.

1.16 Air Pollution Control Officer (APCO) Designee to Issue Coordinated Burn Authorization Permits: A person designated by the APCO to work with the North Coast Unified Air Quality Management District to issue Coordinated Burn Authorization Permits. Such designees shall include authorized representative(s) of the Interagency Smoke Management Council when approved by the California Air Resources Board (CARB).

1.17 Air Pollution Control Officer (APCO): "Air Pollution Control Officer" refers to the Air Pollution Control Officer of the North Coast Unified Air Quality Management District, appointed pursuant to Health and Safety Code Section 40750.

1.18 Air Toxic: Toxic air contaminants as defined in Section 39655(a) of the California Health and Safety Code.

1.19 Alluvial Deposit: Any deposit of sediments laid down by running water including but not limited to streams and rivers.

1.20 Alteration: Any addition to, enlargement or 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 the air contaminant emitted.

1.21 Ambient Air Quality Standard (AAQS): The specific concentrations and durations of air pollutants which reflect the relationship between intensity and composition of pollution to undesirable effects established as health-based standards by the California Air Resources Board and for the United States Environmental Protection Agency. AAQS include:

Pollutant	Averaging Time	California Standards[1]		Federal Standards[2]		
		Concentration[3]	Method[4]	Primary[3,5]	Secondary[3,6]	Method[7]
Ozone (O^3)	1 Hour	0.09 ppm (180 µg/m³)	Ultraviolet Photometry	---	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.07ppm (137 µg/m³)		0.075 ppm (147 µg/m³)		
Respirable Particulate Matter (PM10)	24 Hour	50 µg/m³	Gravimetric or Beta Attenuation	150 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m³		---		
Fine Particulate Matter (PM2.5)	24 Hour	No Separate State Standard		35 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m³	Gravimetric or Beta Attenuation	15 µg/m³		
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m³)	Non-Dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m³)	None	Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m³)		35 ppm (40 mg/m³)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)		--	--	--
Nitrogen Dioxide (NO^2)	Annual Arithmetic Mean	0.03 ppm (56 µg/m³)	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m³)	Same as Primary Standard	Gas Phase Chemiluminrscence
	1 Hour	0.18 ppm (338 µg/m³)		--		
Sulfur Dioxide (SO^2)	Annual Arithmetic Mean	--	Ultraviolet Fluorescence	0.030 ppm (80 µg/m³)	--	Spectrophotomerty (Pararosaniline Method)
	24 Hour	0.04 ppm (105 µg/m³)		0.14 ppm (365 µg/m³)	--	
	3 Hour	--		--	0.5 ppm (1300 µg/m³)	
	1 Hour	0.25 ppm (655 µg/m³)		--	--	--
Lead[9]	30 Day Average	1.5 ppm µg/m³	Atomic Absorption	--	--	--
	Calendar Quarter	--		1.5 µg/m³	Same as Primary Standard	High Volume Sampler and Atomic Absorption
Visibility Reducing Particles		Extinction coefficient of 0...23 per kilometer- visibility of ten miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when relative humidity is				

	8 Hour	less than 70 percent. Method; Beta Attenuation and Transmittance through Filter Tape.		No
Sulfates	24 Hour	25 µg/m³	Ion Chromatography	Federal
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	Ultraviolet Fluorescence	Requirements
Vinyl Chloride 9	24 Hour	0.01 ppm (26 µg/m³)	Gas Chromatography	

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter—PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.

2. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m3 is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.
Contact U.S. EPA for further clarification and current federal policies.

3. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.

4. Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.

5. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to
protect the public health.

6. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

7. Reference method as described by the EPA. An “equivalent method” of measurement may be used but must have a “consistent relationship to the reference method” and must be approved by the EPA.

8. The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

Ampere-hours, Applied to plating operations: The integral of electrical current applied to a plating tank (amperes) over a period of time (hours).

1.22

1.23 **Anti-mist additive, Applied to plating operations:** A chemical which reduces the emission rate from the tank when added to and maintained in the plating tank.

1.24 Any Equivalent *Units*: Concentration expressed first in units in which it was promulgated. Equivalent units are based upon a reference temperature of 25° C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25° C and a reference pressure of 760 torr; ppm refers to ppm by volume, or micromoles of pollutant per mole of gas.

1.25 Applicable Federal Requirement: An "applicable federal requirement" is any requirement which is enforceable by the U.S. EPA and citizens pursuant to section 304 of the Clean Air Act and is set forth in, or authorized by, the Clean Air Act or a U.S. EPA regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:

(1) Title I requirements of the Clean Air Act, including:

(A) New Source Review requirements in the State Implementation Plan approved by the U.S. EPA and the terms and conditions of the preconstruction permit issued pursuant to an approved New Source Review rule;
(B) Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);
(C) New Source Performance Standards (40 CFR Part 60);
(D) National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to section 504(e) of the Clean Air Act;
(E) National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);
(F) Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);
(G) Risk Management Plans, preparation and registration requirements (section 112(r) of the Clean Air Act);
(H) Solid Waste Incineration requirements (sections 111 or 129 of the Clean Air Act);
(I) Consumer and Commercial Product requirements (section 183 of the Clean Air Act);
(J) Tank Vessel requirements (section 183 of the Clean Air Act);
(K) District prohibitory rules that are approved into the state implementation plan;
(L) Standards or regulations promulgated pursuant to a Federal Implementation Plan; and
(M) Enhanced Monitoring and Compliance Certification requirements (section 114(a) (3) of the Clean Air Act).

(2) Title III, section 328 (Outer Continental Shelf) requirements of the Clean Air Act (40 CFR Part 55);
(3) Title IV (Acid Deposition Control) requirements of the Clean Air Act (40 CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the Clean Air Act);
(4) Title VI (Stratospheric Ozone Protection) requirements of the Clean Air Act (40 CFR Part 82); and
(5) Monitoring and Analysis requirements (section 504(b) of the Clean

Air Act).

1.26 Approved Combustibles: Dry natural vegetation waste originating on the premises and reasonably free of dirt, soil and visible surface moisture, and which is not otherwise prohibited by Regulation II or state law. For the purposes of Regulation II, approved combustibles can be burned when authorized for burning pursuant to a valid Coordinated Burn Authorization Permit and when the burning of approved combustibles occurs in compliance with District Rules and Regulations. For the purposes of Regulation II approved combustibles include untreated hand-split rails burned as part of a valid agricultural burn.

1.27 Approved Ignition Devices: Instruments or materials that will ignite open outdoor fires without the production of black smoke by the ignition device or materials used.

1.28 ARB Test Method 2: The test method specified in Title 17 California Code of Regulations, Section 94102.

1.29 ARB Test Method 428: The test method specified in Title 17 California Code of Regulations, Section 94139.

1.30 ARB Test Method 435: The test method specified in Title 17, California Code of Regulations, Section 94147.

1.31 ARB: The State of California Air Resources Board.

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

1.33 Asbestos - Containing Serpentine Material: Serpentine material that has an asbestos content greater than 0.25%, as determined by ARB Test Method 435. The 0.25% value is the calculated value for finding a single asbestos fiber, on the 400-grid CARB method 435 analyses, and then necessarily represents the smallest calculated value for a position sample under CARB Method 435.

1.34 Asbestos: Asbestiforms of the following hydrated minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebecktite), amosite (fibrous cummingtonite-grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.

1.35 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 emission into the building shall be considered an emission into the atmosphere.

1.36 Back Draft Valve Exhaust Stream, Applied to ETO sterilization: Is the air stream which results from collection of ethylene oxide-contaminated air which may be removed from the sterilizer through a back-draft valve or rear chamber exhaust system during unloading of the sterilized materials.

1.37 Baseline Concentration: That ambient concentration level which exists in all regions of the North Coast Air Basin on January 1, 1988, or in the baseline area at the time of the establishment of the applicable baseline date as determined in accordance with Section 52.21 of the Code of Federal Regulations. (52.21(b) (13))

1.38 Baseline/Impact Area: That area where the concentration of emissions from a proposed new or modified stationary source is predicted to be equal to or greater than 1 ug/m3, using an EPA approved air quality model.

1.39 Best Available Control Technology (BACT): An emission limitation based on the maximum degree of reduction of each air contaminant subject to regulation under the Clean Air Act of 1977 emitted from or which results from any stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determined is achievable for such stationary source through application of production processes and available methods, systems, and techniques for control of such air contaminants. BACT determinations may include a design standard, operational equipment specifications, fuel restrictions, work practice or combination thereof. In no event shall application of BACT result in emission of any pollutants which will exceed the emissions allowed under Rules 104, of Regulation I. If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard unfeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirements for the application of BACT. The BACT process shall be applied to any toxic air contaminants which are referenced in Section 39660 of the Health & Safety Code (52.21(b) (12)).

1.40 Breakdown or Malfunction: Any unforeseeable failure or malfunction of any air pollution control equipment or operating equipment which causes a violation of any emission standard or limitation prescribed by the AQMD, State, or federal rules, regulations, or laws where such failure or malfunction:

1.40.1 Is not the result of intent, neglect, or disregard of any air pollution control law, rule, or regulation;
1.40.2 Is not the result of improper maintenance;
1.40.3 Does not constitute a nuisance;
1.40.4 Is not an excessively recurrent breakdown of the same equipment.

1.41 Burn Barrel: A metal container approved for the use of holding approved combustible or flammable waste materials (dried vegetation, non-glossy paper, and cardboard) so that they can be ignited outdoors for the purpose of disposal. All openings to the metal container must be screened with non-flammable material with holes no larger than 1/4 inch.

1.42 California Air Resources Board (CARB): The State of California agency established pursuant to Section 30510 of the California Health and Safety Code.

1.43 California Ambient Air Quality Standards: California standards for ozone, carbon monoxide, sulfur dioxide (1 and 24 hour), nitrogen dioxide suspended particulate matter-PM10, PM2.5, and visibility reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded. California Ambient Air Quality Standards are set out in Section 70200 of Title 17 of the California Code of Regulations.

1.44 CARB-Certified Vapor Recovery System: A vapor recovery system which has been certified by the CARB pursuant to HSC Section 41954.

1.45 Cartridge Filter: A replaceable cartridge filter that contains one of the following as the filter medium: paper, activated carbon, or paper and activated carbon. A cartridge filter contains no diatomaceous earth or activated clay. Cartridge filters include, but are not limited to: standard filters, split filters, "jumbo filters", and all carbon polishing filters.

1.46 Category I Medical Waste Incinerator: Any medical waste incinerator which burns 10 tons or less of medical wastes per year.

1.47 Category II Medical Waste Incinerator: Any medical waste incinerator which burns more than 10 tons of medical wastes per year, but less than 25 tons per year.

1.48 Category III Medical Waste Incinerator: Any medical waste incinerator which burns 25 tons or more of medical wastes per year.

1.49 Census ZIP Code: A ZIP code tabulation area, a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit ZIP code. Census ZIP codes are aggregations of census blocks that have the same predominate ZIP code associated with the mailing addresses in the U.S. Census Bureau's master address file. Census ZIP codes do not precisely depict ZIP code delivery areas, and do not include ZIP codes used for mail delivery. For the purposes of this Regulation, census ZIP codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.

1.50 Change of Location: Any transfer of an existing permitted source from one location to another not on the same property or facility.

1.51 Chief Fire Official: The ranking officer in authority having jurisdiction with the responsibility for fire protection within a defined geographic region of the North Coast Unified Air Quality Management District, or his or her designee. The chief fire official may be a federal, state, county or municipal employee, depending on the extent of the fire jurisdiction within the exemption area. In the state or federal responsibility areas for wild land protection, the state or federal official's determination overrides county and municipal authority with regard to issuance by Coordinated Burn Authorization Permits, conditions and designation of fire hazards.

1.52 Chrome Plating: Either hard or decorative plating.

1.53 Chrome: When used in these Rules and Regulations refers to Metallic chrome.

1.54 Chromic Acid Anodizing: The electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.

1.55 Chromic Acid: An aqueous solution of chromium trioxide (CrO_3), or a commercial solution containing chromic acid, dichromic acid (H_2CrO_7), or trichromic acid ($H_2Cr_3O_{10}$).

1.56 Chromium Emission Factor: The mass of chromium emitted during a test conducted in the emissions collection system in accordance with ARB Test Method 425, divided by the ampere-hours consumed by the tanks in the tested emissions collection system, expressed as the mass of chromium emitted per ampere-hour of electrical current consumed.

1.57 Chromium Emissions Collection System: A device or apparatus used to gather chromium emissions from the surface of a chrome plating or chromic acid anodizing tank or tanks.

1.58 Chromium: When used in these Rules and Regulations refers specifically to Hexavalent chromium.

1.59 Chronic Violation: A violation that reflects a pattern of neglect or disregard that results in the same or similar violation at the same source or facility or same piece of equipment.

1.60 Class I Area: Any area having air quality or air quality values requiring special protection, and which has been designated Class I by a federal, State, or local authority empowered to make such a designation. These include all wilderness areas and national parks.

1.61 Class II Area: Class areas include all other areas of the AQMD not otherwise classified as Class I or Class III.

1.62 Class III Area: Class areas include all other areas of the AQMD not otherwise classified

as Class I or Class II.

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1.63 Clean Air Act (CCA): "Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).

1.64 Closed – Loop Machine, when applied to dry cleaning operations: Dry cleaning equipment in which washing, extraction, and drying are all performed in the same single unit (also known as dry-to-dry) and which recirculates perchloroethylene-laden vapor through a primary control system with no exhaust to the atmosphere during the drying cycle. A closed-loop machine may allow for venting to the ambient air through a fugitive control system after the drying cycle is complete and only while the machine door is open.

1.65 Code of Federal Regulations (CFR): "Code of Federal Regulations" refers to the United States Code of Federal Regulations.

1.66 Co-Located With a Residence: Sharing a common wall, floor, or ceiling with a residence. For the purposes of this definition, "residence" means any dwelling or housing which is owned, rented, or occupied by the same person for a period of 180 days or more, excluding short-term housing such as a motel or hotel room rented and occupied by the same person for a period of less than 180 days.

1.67 Combustible or Flammable Waste: 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.

1.68 Combustible: Any substance capable of burning or any substance that will readily burn.

1.69 Combustion Contaminant: Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

1.70 Commence Operation: "Commence operation" means to begin operation (q.v.) of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to Health and Safety Code section 42301.1.

1.71 Condensed Fumes: Minute solid particles generated by the condensation of vapors from the solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcinations, or chemical reaction, when these processes create airborne particles.

1.72 Construction-Demolition Debris: Any material associated with the construction or demolition of any building, dwelling, or other man made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation and plywood.

1.73 Control Device: An article, machine, equipment, or contrivance which reduces the amount of air contaminants between its inlet and outlet and which is sized, installed, operated, and maintained according to good engineering practices, as determined by the APCO.

1.74 Control Efficiency: Is the contaminant mass or concentration reduction efficiency of a control device, and expressed as a percentage calculated across the control device as follows:

$$\sim \text{Contaminant in} - \sim \text{Contaminant out} \times 100 = \% \text{ Control Efficiency}$$

1.75 Control Equipment: Any device which reduces emissions from the emissions collection system.

1.76 Control Officer: Air Pollution Control Officer, (APCO) of the District.

1.77 Control Strategy: A combination of measures designed to reduce air contaminant emissions in accordance with the State Implementation Plan (SIP) for the California North Coast Air Basin or the North Coast Unified Air Quality Management District.

1.78 Controlled Pollutant: Any air contaminant for which an ambient and/or emission standard exists at the county, state or federal level.

1.79 Converted Dry Cleaning Machine: An existing vented machine that has been modified to be a closed-loop machine by eliminating the aeration step, installing a primary control system, and providing for recirculation of the perchloroethylene-laden vapor with no exhaust to the atmosphere or workroom during the drying cycle. A converted machine may allow for venting to the ambient air through a fugitive control system after the drying cycle is complete and only while the machine door is open.

1.80 Cool Down, Applied to Dry Cleaning Operations: The portion of the drying cycle that begins when the heating mechanism deactivates and the refrigerated condenser continues to reduce the temperature of the air recirculating through the drum to reduce the concentration of perchloroethylene in the drum.

1.81 Cooling Tower: A device which evaporates circulating water to remove heat from a process, a building, or a refrigerator, and puts the heat into the ambient air.

1.82 Coordinated Burn Authorization Permit (CBA Permit): A permit to burn issued pursuant to Regulation II, Rule 201, Section 3, and authorizing specified burning as set forth in the permit, and which includes an updated annual bar-coded validation.

1.83 Date of Compliance: The time from AQMD adoption of regulations enacting a control measure until a facility must be in compliance with specific requirements of a rule or Hearing Board Order.

1.84 Decorative Chrome Plating: The process by which chromium is electrodeposited from a solution containing compounds of chromium onto an object resulting in a chrome layer 1 micron (0.04 mil.) thick or less.

1.85 Designated Agency, Applied to Open Burning: Any agency designated by CARB as having authority to issue agricultural burning permits, including prescribed burning permits as The North Coast Unified Air Quality Management District, U.S. Department of Agricultural Forest Service, and California Department of Forestry are so designated within their jurisdiction of the North Coast Unified Air Quality Management District.

1.86 Designated Marginal Burn Day: A day when limited amounts of agricultural burning, including prescribed burning, for individual projects in specific areas for limited times is not prohibited by the state board and burning is authorized by the AQMD.

1.87 Designated No-Burn Day: Any day, or portion thereof on which agricultural burning, including prescribed burning is prohibited by the California Air Resources Board or by the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.

1.88 Designated Permissive Burn Day: Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and Regulations. For the purposes of determining daily burn status, the Air Pollution Control Officer shall utilize identified designated smoke management areas, shall consider local meteorological and air quality related factors, and shall be guided by CARB's daily determinations.

1.89 Designated Smoke Management Areas: Any of three (3) approved burn day Smoke Management Areas within the North Coast Unified Air Quality Management District, including:

Zone 1, Coastal Smoke Management Area including all lands within the boundary specified as the Humboldt Bay Air Basin (Appendix A), and all lands less than 2,000 feet mean sea level within the jurisdiction of the North Coast Unified Air Quality Management District north of Cape Mendocino and within five (5) statute air miles shoreward from the Pacific Ocean coast and identified by the Air Pollution Control Officer.

Zone 2, Lower Inland Smoke Management Area including all lands within the North Coast Unified Air Quality Management District below 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.

Zone 3, Upper Inland Smoke Management Area including all lands within the North Coast Unified Air Quality Management District above 2,000 feet mean sea level, excluding those lands within the Coastal Smoke Management Area and identified by the Air Pollution Control Officer.

1.90 De-Adsorption: Regeneration of an activated carbon bed, or any other type of vapor absorber by removal of the adsorbed solvent using hot air, steam, or other means.

1.91 Dioxins: Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2, 3, 7 and 8 positions and containing 4, 5, 6 or 7 chlorine atoms. Dioxin is expressed as 2, 3, 7, 8-tetrachloro-dibenzo-p-dioxin equivalents using current California Department of Health Services toxic equivalency factors.

1.92 Direct Emissions: "Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

1.93 District: "District" refers to the North Coast Unified Air Quality Management District (AQMD).

1.94 Drum, when Applied to Dry Cleaning Operations: The rotating cylinder or wheel of the dry cleaning machine that holds the materials being cleaned.

1.95 Dry Cleaned Materials: Wearing apparel, draperies, linens, fabrics, textiles, rugs, leather, and other goods that are dry cleaned.

1.96 Dry Cleaning Equipment: Any machine, device, or apparatus used to dry clean materials with perchloroethylene or to remove residual perchloroethylene from previously cleaned materials. Dry cleaning equipment may include, but is not limited to, a transfer machine, a vented machine, a converted machine, a closed-loop machine, a reclaimer, or a drying cabinet.

1.97 Dry Cleaning System: All of the following equipment, devices, or apparatus associated with the perchloroethylene dry cleaning process: dry cleaning equipment; filter or purification systems; waste holding, treatment, or disposal systems; perchloroethylene supply systems; dip tanks; pumps; gaskets; piping, ducting, fittings, valves, or flanges that convey perchloroethylene-contaminated air; and control systems.

1.98 Dry Cleaning Transfer Machine: A combination of perchloroethylene dry cleaning equipment in which washing and extraction are performed in one unit and drying is performed in a separate unit.

1.99 Drying Cabinet: A housing in which materials previously cleaned with perchloroethylene are placed to dry and which is used only to dry materials that would otherwise be damaged by the heat and tumbling action of the drying cycle.

1.100 Drying Cycle, when Applied to Dry Cleaning Operations: The process used to actively remove the perchloroethylene remaining in the materials after washing and extraction. For closed-loop machines, the heated portion of the cycle is followed by cool-down and may be extended beyond cool-down by the activation of a control system. The drying cycle begins when heating coils are activated and ends when the machine ceases rotation of the drum.

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

1.102 Economic Hardship: Possessing an annual income below the poverty level, as defined by the Bureau of Census, U.S. Department of Commerce, or defined in Section 39026.5 of the California Health and Safety Code.

1.103 Effective Date of Regulation V: The "effective date of Regulation V" is the date the U.S. EPA promulgates interim, partial, or final approval of the rule in the Federal Register.

[Reference: 40 CFR 70.4(g)]

1.104 Emergency: An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God) which causes the excess of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" does not include noncompliance as a result of improperly designed or installed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

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

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

1.107 Emissions Unit: An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any regulated air pollutant or hazardous air pollutant.

[Reference: 40 CFR 70.2 Emissions Unit]

1.108 Environmental Training Program, when applied to dry cleaning operations: An initial course or a refresher course of the environmental training program for perchloroethylene dry cleaning operations that has been authorized by the California Air Resources Board according to the requirements of 17 CCR, Section 93110.

1.109 EPA: Means the Environmental Protection Agency of the United States.

1.110 Episode Alert: A condition in the air basin whenever the concentration of any air contaminant in that air basin has been verified to have reached a predetermined level which threatens the respective ambient air quality standard depending upon the particular topography and meteorology of the air basin. "Verified" means the pertinent measuring instrument has been checked over the following fifteen-minute period and found to be operating correctly.

1.111 Equivalency: Any equivalent procedure which can be shown to the satisfaction of CARB or the APCO to give equivalent results at or near the level of respective air quality

standard applied in the circumstance at hand.

1.112 Ethylene Oxide (ETO): Is a chemical substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.

1.113 Ethylene Oxide Sterilizing Gas: Ethylene oxide or any combination of ethylene oxide and (an) other gas (es) used in a sterilizer.

1.114 Ethylene Oxide Sterilizer Cycle: The process which begins when ethylene oxide is introduced into the sterilizer includes the initial purge or evacuation after sterilization and subsequent air washes, and ends after evacuation of the final air wash.

1.115 Ethylene Oxide Sterilizer Exhaust Stream: Is all ethylene oxide-contaminated air which is intentionally removed from the sterilizer during the sterilizer cycle.

1.116 Ethylene Oxide Sterilizer Exhaust Vacuum Pump: A device used to evacuate the sterilizing gas during the sterilizer cycle, including any associated heat exchanger. A sterilizer exhaust vacuum pump is not a device used solely to evacuate a sterilizer prior to the introduction of ethylene oxide.

1.117 Ethylene Oxide Sterilizer: Any equipment in which ethylene oxide is used as a biocide to destroy bacteria, viruses, fungi, and other unwanted organisms on materials. Equipment in which ethylene oxide is used to fumigate foodstuffs is considered a sterilizer.

1.118 Excavation: Exposure to view by digging.

1.119 Exempt Compound: Compounds exempt from specified respective rules and regulations and identified in the following list. Exempt compounds content of architectural coatings shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996)

Carbon Monoxide
Carbon Dioxide
Carbonic Acid
Metallic Carbides or Carbonates
Ammonium Carbonate
Methane
Ethane
Methylene Chloride (dichloromethane)
1,1,1-Trichloroethane (Methyl Chloroform);
1,1,2-Trichloro-1,2,2-Trifluoroethane (CFC-113);
Trichlorofluoromethane (CFC-11);
Dichlorodifluoromethane (CFC-12);
Chlorodifluoromethane (HCFC-22);
Trifluoromethane (HFC-23);
1,2-Dichloro-1,1,2,2-Tetrafluoroethane (CFC-114);
Chloropentafluoroethane (CFC-115);
1,1,1-Trifluoro-2,2-Dichloroethane (HCFC-123);
1,1,1,2-Tetra-Fluoroethane (HFC-134a);
1,1-Dichloro-1-Fluoroethane (HCFC-141b);
1-Chloro-1,1-Difluoroehtane (HCFC-142b);
2-Chloro-1,1,1,2-Tetrafluoroethane (HCFC-124);
Pentafluoroethane (HFC-125);
1,1,2,2-Tetrafluoroethane (HFC-134);
1,1,1-Trifluoroethane (HFC-143a);
1,1-Difluoroethane (HFC-152a);
Parachlorobenzotrifluoride (PCBTF)

Cylic, Branched, or Linear, Completely Methylated Siloxanes;
Acetone
Perchloroethylene (Tetrachlororethylene)
3,3-Dichloro-1,1,1,2,2-Pentafluoropropane (HCFC-225ca)
1,3-Dichloro-1,1,2,2,3-Pentafluoropropane (HCFC 225cb)
1,1,1,2,3,4,4,5,5,5-Decafluoropropane (HFC 43-10mee)
Difluorormethane (HFC-32)
Ethylfluoride (HFC-161)
1,1,1,3,3,3-Hexafluoropropane (HFC-236fa)
1,1,2,2,3-Pentafluoropropane (HFC-245ca)
1,1,2,3,3-Pentafluoropropane (HFC-245ea)
1,1,1,2,3-Pentafluoropropane (HFC-245eb)
1,1,1,3,3-Pentafluoropropane (HFC-245fa)
1.1.1.3.3-Hexafluoropropane (HFC-365mfc)
Chlorofluoromethane (HCFC-31)
1 Chloro-1 Fluoroethane (HCFC-151a)
1,2-Dichloro-1,1,2-Trifluoroethane (HCFC-123a)
1,1,1,2,2,3,3,4,4-Nonafluoro-4-Methoxy-Butane (C4F9OCH3)
2-(Difluoromethoxymethyl)-1,1,1,2,3,3,3-Heptafluoropropane((CF3)2CFCF2OCH3))
1-Ethoxy-1,1,2,2,3,3,4,4,4-Nonafluorobutane (C4F9OC2H5)
2-(Ethoxydiflurormethyl)-1,1,1,2,3,3,3-Heptafluoropropane ((CF3)2CFCF2OC2H5)
Methyl Acetate
Perfluorocarbon compounds which fall into these classes:
Cyclic, branched, or linear, completely fluorinated alkanes,
Cyclic, branched or linear, completely fluorinated ethers without unsaturations
Cyclic, branched or linear, completely fluorinated tertiary amines without unsaturations
Sulfur containing perfluorocarbons without unsaturations and with sulfur bonds only to carbon and fluorine

1.120 Existing Dry Cleaning Facility: Any facility that operated dry cleaning equipment prior to November 21, 1994 in the AQMD. Facility relocations, within the same AQMD, shall be considered existing facilities for the purposes of this control measure.

1.121 Existing Retail Service Station: Any retail service station operating, constructed, or under construction as of January 16, 1989.

1.122 Facility – Wide Pounds Of Ethylene Oxide Used Per Year, Applied to ETO Sterilization Operations: Is the total pounds of ethylene oxide used in all of the sterilizers at the facility during a one-year period.

1.123 Facility Wide Emissions from Hard Chrome Plating or Chromic Acid Anodizing: The total emissions from all hard chrome plating or chromic acid anodizing at the facility over a calendar year. Emissions shall be calculated as the sum of emissions from the emissions collection system at the facility. The emissions from an emissions collection system shall be calculated by multiplying the emission factor for that emission collection system by the sum of ampere-hours consumed during that year for all the tanks served by the emissions collection system.

1.124 Facility: Any establishment or installation and the associated equipment.

1.125 Federally-Enforceable Condition: A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an applicable federal requirement or a voluntary emissions cap.

1.126 Fire Hazard: Either an imminent fire hazard or a potential fire hazard, as follows:

1.127.1 An imminent fire hazard is a hazard which presents imminent dangers to the health and/or safety of a person or persons and which becomes necessary for direct prevention of fire, and because of its immanency, cannot immediately be abated by any other means. {H & S 41801 (a)}.

1.127.2 A potential fire hazard is described as one which could in reasonable time present a hazard to the health and/or safety of a person or persons but which does not impose imminent fire danger and which cannot be abated by other means.

1.127 Floating Roof, Applied to Petroleum Product Storage Operations: 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 Regulation III, Rule 300 of these Rules and Regulations 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 vapor-tight except when gauging or sampling is taking place.

1.128 Flue: Any duct or passage of air, gases or the like, such as tack or chimney.

1.129 Forest Management Burning: The use of open fires, as part of a forest management practice to remove forest debris or for forest management practices which include timber operations, agriculture practices or forest protection practices.

Forest debris shall cease to be classified as agricultural waste once it has been removed from its original forest location, to its initial processing plant; or is removed to a storage area which is not contiguous with the forested area.

Forest debris created from culling or salvaging operations within the forested area may be classified as agricultural waste if operations result in a net reduction in total forest debris to be burned.

1.130 Fossil Fuel-Fired Steam Generator: 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.

1.131 Fugitive Dust: Solid airborne matter emitted from any non-combustion sources.

1.132 Fugitive Emissions: "Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
[Reference: 40 CFR 70.2 Fugitive Emissions]

1.133 Full – Time Dry Cleaning Employee: Any person who is employed at the dry cleaning facility and averages at least 30 hours per week in any 90-day period.

1.134 Gallons of Perchloroethylene Used, Applied in Dry Cleaning Operations: The volume of perchloroethylene, in gallons, introduced into the dry cleaning equipment, and not recovered at the facility for reuse on-site in the dry cleaning equipment, over a specified time period.

1.135 Garbage: Every accumulation of animal, vegetable and other decomposable matter that attends or results from the preparation, consumption, decomposition or storage of meals, fish, fowl, birds, fruits, vegetables or other food products and food containers soiled with food stuff, and shall include dead animals, fowl, birds, fish and offal.

1.136 Gasoline Storage Tank: Any storage container, reservoir, or tank used for the storage of gasoline that is equipped with no vapor control, or utilizes splash loading, submerged fill

pipe loading, or Phase I or II vapor recovery loading systems.

1.137 Gasoline Tank: The organic compounds in the displaced vapors including any entrained liquid gasoline.

1.138 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.

1.139 Geothermal Operations: Those activities related to the extraction, transmission, and utilization of geothermal steam which may directly, or indirectly, result in air contaminant emissions.

1.140 Halogenated - Hydrocarbon Detector, when Applied to Dry Cleaning Operations: A portable device capable of detecting vapor concentrations of perchloroethylene of 25 ppmv or less and indicating an increasing concentration by emitting an audible signal or visual indicator that varies as the concentration changes.

1.141 Hard Chrome Plating: The process by which chromium is electroplated from a solution containing compounds of chromium onto an object resulting in a chrome layer thicker than 1 micron (0.04 mil).

1.142 Hazardous Air Pollutant (HAP): A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the Federal Clean Air Act.

1.143 Health and Safety Code (H&SC): "Health and Safety Code" refers to the California State Health and Safety Code.

1.144 Hearing Board: The quasi-judicial appellate review board of the AQMD, appointed by the Governing Board Pursuant to Section 40800 of the California Health and Safety Code.

1.145 Hexavalent Chromium and Chromate: Substances identified as toxic air contaminants by the California Air Resources Board.

1.146 Hold Open Latch, Applied to Gasoline Storage or Dispensing Operations: A device which is part of an ARB-certified vapor recovery system and which allows for the hands-off refueling of a vehicle

1.147 Ignition Devices: Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. Approved ignition devices include but are not necessarily limited to: such items as liquid petroleum gas, butane propane torches, drip torches, flares, or other similar materials as approved by the APCO. Approved ignition devices do not include tires, tar, tar paper, oil and other similar materials.

1.148 Incineration: Means an operation in which combustion is carried on for the principal purpose, or with the principle result of oxidizing a waste material to reduce its bulk or facilitate its disposal.

1.149 Incinerator: Any device constructed of non-flammable materials, including metal containers, commonly known as burn barrels, for the purpose of burning dried vegetation, non-glossy paper, and cardboard on residential properties. This does not include AQMD permitted commercial multi-chambered incinerators containing primary and secondary burners.

1.150 Indirect Source: A facility, building, structure or installation, or combination thereof, which indirectly results in emissions of an air contaminant as a result of traffic greater than

20,000 or more vehicles per day within 10 years of construction; any new or modified facility which provides in excess of 1,000 new parking spaces; or any new or modified airport with more than 50,000 operations per year by regularly scheduled air carriers, or used by 1,600,000 or more passengers per year.

1.151 Information, when Applied to AQMD Permit Application or Variances: Data, records, photographs, maintenance records, analyses, plans, or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which a permit was issued or applied or which is subject to state or federal requirements, district rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by a district.

1.152 Initial Permit when Applied to USEPA Title V Permit Requirements: An "initial permit" is the first operating permit for which a source submits an application that addresses the requirements of the federal operating permits program as implemented by Regulation V.

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

1.154 Interagency Smoke Management Council: A council composed of specified members to include: one representative from each of the interested local, state and federal fire protection agencies within the North Coast Unified Air Quality Management District (including the California Department of Forestry and Fire Protection); one representative each from the Forest Service, the Park Service, and the Bureau of Land Management Service; representatives from industry from the North Coast Fuels Management Cooperative; and staff which may be assigned by the Air Pollution Control Officer for the purpose of assisting in the issuance of Coordinated Burn Authorization Permits, assisting in determining Permissive Burn, and Marginal Burn Day(s) in coordination with CARB and assisting in monitoring burn activity within the North Coast Unified Air Quality Management District.

1.155 Kraft Pulp Mill Non-Condensable: The TRS portion of any gases and vapors released in a Kraft pulp mill from the digester flash steam condensers, blow tanks, multiple effect evaporator vacuum seal tanks, multiple effect evaporator condensers, and condensate strippers or from the storage, transport or disposal of foul condensates from the above equipment.

1.156 Kraft Pulp Mill: Any industrial operation which uses for cooking liquor an alkaline sulfide solution containing sodium sulfide in its pulping process.

1.157 Kraft Recovery Furnace: The combustion device in which pulping chemicals are converted to a molten smelt and wood solids are incinerated. For these regulations, and where present, this term shall include the direct contact evaporator.

1.158 Leak Free, when Applied to ETO Sterilization Operations and Gasoline Vapor Recovery Operations:

A. For Ethylene Oxide sources, “leak free” refers to that state which exists when the concentration of sterilizing gas measured 1 cm. away from any portion of the exhaust system of a sterilizer or aerator, during conditions of maximum sterilizing gas mass flow, is less than:

1. 30 ppm for sterilizing gas composed of 12% ethylene oxide/88% chlorofluorocarbon-12 by weight; and
2. 10 ppm for other compositions of sterilizing gas,

As determined by ARB Test Method 21 (Title 17, CCR, Section 94124) using a portable flame ionization detector or a non-dispersive infrared analyzer, calibrated with methane, or an acceptable alternative method or analytical instrument approved by the APCO. A chlorofluorocarbon-12 specific audible detector using a metal oxide semi-conductor sensor shall be considered an acceptable alternative for exhaust systems carrying a sterilizing gas mixture of ethylene oxide and chlorofluorocarbon-12.

B. For gasoline vapor recovery requirements, "leak free" refers to a liquid leak of no more than three drops per minute excluding losses which occur upon disconnecting transfer fittings, provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect, averaged over three disconnects.

1.159 Lime Kiln: Any production device in which calcium carbonate is thermally converted to calcium oxide.

1.160 Liquid Leak, when Applied to Dry Cleaning Operations: A leak of liquid containing perchloroethylene of more than 1 drop every 3 minutes.

1.161 Local Medical Emergency: An unexpected occurrence in the area served by the acute care facility resulting in a sudden increase in the amount of medical treatments which require a significant increase in the operation of an air pollutant emitting equipment, operation or activity(ies).

1.162 Local Responsibility Area (LRA): That area where the local department is responsible for wild land fire protection. This includes incorporated cities and unincorporated areas that are not State Responsibility areas.

1.163 Major Source: A "major source" is a stationary source which has the potential to emit a regulated air pollutant or a hazardous air pollutant in quantities equal to or exceeding the lesser of any of the following thresholds:

(1) 100 tons per year (tpy) of any regulated air pollutant;
(2) 50 tpy of volatile organic compounds or oxides of nitrogen for a federal non-attainment 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 non-attainment area classified as serious;
(4) 10 tpy of one hazardous air pollutant or 25 tpy of two or more hazardous air pollutants; or
(5) Any lesser quantity threshold promulgated by the U.S. EPA.

[Reference: 40 CFR 70.2 Major Source]

1.164 Maximum Achievable Control Technology (MACT): An emission limitation which is not less stringent than the emission limitation achieved in practice by the best controlled similar source, and which reflects the maximum degree of reduction in emissions that the APCO, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.

1.165 May: Means a provision is "permissive"; as opposed to "shall" which is established as a "mandate".

1.166 Medical Facilities: Medical, dental and veterinary offices, clinics and hospitals, skilled nursing facilities, research facilities, research laboratories, clinical laboratories, all

licensed and unlicensed medical facilities, clinics and hospitals, surgery centers, diagnostic laboratories and other providers of health care.

1.167 Medical Waste Incinerator: Any furnace or other closed fire chamber located at a medical facility and used to dispose of waste generated at medical facilities by burning.

1.168 Minimum Fire Safety Requirements: Fire safety requirements for residential open burning which may minimize escape burn and smoke impacts, including but not limited to: maintenance of a 10-foot clearance area around burn, requirement that all burning to be conducted by persons at least 18 years of age who shall remain within line of eyesight of the burn, prohibition against burning when the wind exceeds 20 mph, presence of adequate extinguishing materials and equipment during burning activities, and maintenance of a controllable size burn to prevent escape.

1.169 Minor Permit Modification: A "minor permit modification" is any modification to a federally-enforceable condition on a permit to operate which is not a significant permit modification, and is not an administrative permit amendment.

[Reference: 40 CFR 70.7(e)(2)]

1.170 Minor Violation:

1.0 The failure of any person to comply with administrative or procedural requirements of applicable state requirements, AQMD Rules and Regulations, administrative or procedural plan or permit conditions, or requests for information or records by the APCO which meets the following criteria:

1.1 Does not result in an increase of emissions that exceeds regulatory limits or permit conditions;

1.2 Does not endanger the health, safety, or welfare of any person or persons;

1.3 Does not endanger the environment;

1.4 Does not cause or contribute to the violation of any State or National Ambient Air Quality Standard;

1.5 Does not preclude or hinder the APCO's ability to determine compliance with other applicable state or federal requirements, AQMD Rules and Regulations, administrative or procedural plans or permit conditions, or requests for information or records.

2.0 Notwithstanding subparagraph (1.172.1) above, no violation of an applicable state or federal requirement, AQMD Rule or Regulation, administrative or procedural plan or permit condition, or request for information or records shall be considered a minor violation if:

2.1 The violation involves failure to comply with the emission standards in the applicable rule or regulation, including requirements for control equipment, emissions rates, concentration limits, product material limitations, and other rule provisions directly associated with emissions; or

2.2 The violation is knowing, willful, or intentional; or

2.3 The violation enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage; or

2.4 The violation is chronic; or

2.5 The violation is committed by a recalcitrant violator; or

2.6 The violation results in a public nuisance.

1.171 Model: A procedure for estimating the ambient air concentration of air contaminants based upon emission profiles, dispersion simulations or other techniques approved by the Environmental Protection Agency, California Air Resources Board and the APCO. (52.21(l))

1.172 Modification: Any physical change in an existing facility or change in the method of operation which results or may result in either an increase or decrease in emission of any air pollutants subject to AQMD control, or the emission of any such air pollutant not previously emitted. The following shall not be regarded as physical changes or changes in the method of operation:

1.173.1 Routine maintenance, repair or replacement with identical or equivalent equipment

1.173.2 Increased production rate or increased hours of operation where there is no increase in fixed capital cost, unless such production and hours are limited by permit conditions

1.173 Modified Retail Service Station: Replacement of one or more stationary storage tanks at an existing station or excavation when applied to gasoline dispensing and storing operators of 50 percent or more of an existing retail station's total underground liquid piping from the stationary storage tanks to the gasoline dispensers.

1.174 Motor Vehicle: The same meaning as defined in Section 415 of the Vehicle Code.

1.175 Muck Cooker: When applied to dry cleaning operators, a device for heating perchloroethylene-laden waste material to volatilize and recover perchloroethylene.

1.176 Multiple-Chamber Incinerators: "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning. The incinerator must be comprised of three or more refractory-lined combustion chambers in a series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing primary and secondary burners designed for the combustion of the maximum amount and type of material to be burned. The refractories shall have a pyrometric cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

1.177 Multi-Unit Dwelling: Apartments, condominiums, and other types of dwellings with more than two (2) living units.

1.178 Must: Means a provision is “mandatory”, as opposed to “may” which means a provision is “permissive”.

1.179 National Primary Standards: National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.

1.180 Natural Vegetation: All plants, including but not limited to grasses, trees, shrubs, bushes, canes, leaves, flowers or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated, or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated timber, wood products or paper products.

1.181 NET Increase Emissions: The amount by which the sum of any increase in actual emissions from a particular physical change or change in method of operation at a stationary source, and any other increases and decreases in actual emissions at the source that are creditable in accordance with 40 CFR 52.21(b)(3) and (21), exceeds zero.

1.182 **New Dry Cleaning Facility:** A facility that did not operate any dry cleaning equipment prior to November 21, 1994 in the AQMD. Facility relocations within the AQMD shall not be considered new facilities for the purposes of this control measure.

1.183 **New Retail Service Station:** Any retail service station which is not constructed or being modified as of January 16, 1989.

1.184 **No-Burn Day:** Any day, or portion there-of on which agricultural burning including prescribed burning is prohibited by the California Air Resources Board or the Air Pollution Control Officer of the North Coast Unified Air Quality Management District.

1.185 **Non-Agricultural Burning**, As regulated under State law, means all open burning:

1.185.1 Set or permitted by any public officer when necessary in his or her opinion for the purposes specified in State law which includes:
- **1.185.1.1** Prevention of a fire hazard;
- **1.185.1.2** Public employee instruction in fire fighting methods;
- **1.185.1.3** Industrial site employee instruction in fire fighting methods;
- **1.185.1.4** For disease or pest prevention where there is immediate need and no reasonable alternative to burning;

1.185.2 To dispose of wood waste from trees, vines, or bushes on the property where it was grown as described in State law:
- **1.185.2.1** On property being developed for commercial or residential purposes;
- **1.185.2.2** Cuttings from brush clearance done in compliance with local fire hazard reduction ordinances;

1.185.3 At a solid waste disposal site pursuant to State law;

1.185.4 for residential purposes as described in State law;
- **1.185.4.1** To dispose of combustible or flammable solid waste of a single or two family dwelling on its premises;
- **1.185.4.2** Fires used only for cooking food for human beings;
- **1.185.4.3** Fires for recreational purposes;

1.185.5 By a public entity or utility for purposes described in State law;
- **1.185.5.1** Right of way clearing;
- **1.185.5.2** Levee, reservoir, and ditch maintenance;

1.185.6 For disposal of Russian Thistle pursuant to State law;

1.185.7 For disposal of agricultural or wood waste in a mechanized burner as specified in the HSC.

1.185.8 Ceremonial Fires

1.186 **Non-approved combustibles:** Non-approved combustibles are materials that are illegal to be burned, unless otherwise specifically provided for in this Regulation. Such materials shall include, but are not necessarily limited to: construction and demolition debris, petroleum products, petroleum waste, coated wire, putrescent wastes, tires, tar, tar paper, non-natural wood wastes, processed or treated wood, processed or treated wood products, metals, motor vehicle bodies and parts, rubber, synthetics; plastics, including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates,

excelsior, offal, swill, carcass of dead animals, manure, human or animal parts or wastes (including blood and fecal- and food-contaminated material), asbestos shingles, floor tiles and other similar smoke-producing materials. Unless otherwise specifically authorized by the APCO, prohibited materials shall also include poison oak near any residence. For the purposes of this Regulation, dry, natural vegetation from yard maintenance is not prohibited burn material if reasonably free from dirt, soil and surface moisture.

1.187 Nonresidential Waste Burning: The disposal of natural vegetation from any dwelling unit or residence which is not a single or two family dwelling unit or residence, or burning of natural vegetation by a commercial business or entity for the purpose of fire hazard reduction or land clearing development; and which is not agricultural improvement burning, range improvement management burning, wild land vegetation burning, or cooking, recreational or ceremonial fires. Nonresidential waste burning may include the disposal of prohibited materials only to remove an imminent fire hazard and only with the direction of a fire official and approval of the APCO.

1.188 North Coast Air Basin: That area comprising the North Coast Unified Air Quality Management District, the Mendocino County Air Quality Management District and the Northern Sonoma County Air Pollution Control District.

1.189 North Coast Fuels Management Cooperative: A Council including private timberland owners, private timberland managers, and the California Department of Forestry and Fire Protection, Humboldt-Del Norte Ranger Unit, created by agreement to coordinate weather data gathering and burning activities in order to reduce the potential for adverse affects from smoke within the Humboldt Bay Air Basin and the adjacent areas.

1.190 North Coast Unified Air Quality Management District (AQMD): The local air quality management district established pursuant to California Health and Safety Code Sections 40000 through 40150 et seq. referred to in these Rules and regulations as the AQMD, District or designated local air pollution control authority, and the jurisdiction of the AQMD including the entire geographic jurisdiction of Humboldt County, Del Norte County and Trinity County.

1.191 Notice to Comply: A written method of alleging a minor violation that meets the requirements of California Health and Safety Code section 39151.

1.192 Offset Fill Pipe: When applied to gasoline storage operators, 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 six inches (6") above the bottom of the tank.

1.193 Open Outdoor Fire: Any combustion of combustible material(s) of any type, outdoors where the products of combustion are not directed through a flue.

1.194 Operation: Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action including combustion resulting in a change in the chemical composition or the chemical or physical properties of a material, which results in or may result in the emission of a regulated air pollutant.

1.195 Orchard, Vineyard, or Citrus Grove Heater: 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.

1.196 Organic Gas: Any gas containing carbon and hydrogen, or carbon and hydrogen in combination with any other element.

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

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

1.199 Pathological Waste: Any material including but not limited to human or animal tissue, or natural constituents thereof, being combusted for reasons of waste reduction.

1.200 Perceptible Perchloroethylene Vapor Leak: When applied to dry cleaning operations, an emission of perchloroethylene vapor from unintended openings in the dry cleaning system, as indicated by the odor of perchloroethylene or the detection of gas flow by passing the fingers over the surface of the system. This definition applies for an interim period of 18 months only, beginning after November 21, 1984 in the AQMD.

1.201 Perchloroethelyne (PERC): The substance with the chemical formula "C_2C_{l4}'" also known by the name "tetrachloroethylene", which has been identified by the Air Resources Board and listed as a toxic air contaminant in 17 CCR, Section 93000.

1.202 Perchloroethelyne Dry Cleaning or Dry Cleaning: The process used to remove soil, greases, paints, and other unwanted substances from materials with perchloroethylene.

1.203 Perchloroethylene Equivalent Closed - Loop Vapor Recovery System: When applied to dry cleaning operations, a device or combination of devices that achieves, in practice, a perchloroethylene recovery performance equal to or exceeding that of refrigerated condensers.

1.204 Perchloroethylene Facility Mileage: When applied to dry cleaning operations, the efficiency of perchloroethylene use at a facility, expressed as the pounds of materials cleaned per gallon of perchloroethylene used, and calculated for all dry cleaning machines at the facility over a specified time period.

1.205 Perchloroethylene Fugitive Control System: When applied to dry cleaning operations, a device or apparatus that collects fugitive perchloroethylene vapors from the machine door, button and lint traps, still, or other intentional openings of the dry cleaning system and routes those vapors to a device that reduces the mass of perchloroethylene prior to exhaust of the vapor to the atmosphere.

1.206 Perchloroethylene Still: When applied to dry cleaning operations, a device used to volatilize and recover perchloroethylene from contaminated solvent removed from the cleaned materials.

1.207 Perchloroethylene Vapor Leak: When applied to dry cleaning operations, an emission of perchloroethylene vapor from unintended openings in the dry cleaning system, as indicated by a rapid audible signal or visual signal from a halogenated-hydrocarbon detector or a concentration of perchloroethylene exceeding 50 ppmv as methane as indicated by a portable analyzer. This definition applies beginning 18 months after the effective date of this control measure in the district.

1.208 Perchloroethylene Water Evaporator: When applied to dry cleaning operations, a device that vaporizes perchloroethylene-contaminated waste water through the addition of thermal or chemical energy, or through physical action.

1.209 Permissive Burn Day: Any day, or portion thereof, meeting the requirements of Rule 201 of these Rules and regulations. For the purposes of determining daily burn day status, the

Air Pollution Control Officer shall utilize Designated Smoke Management Areas, shall consider local meteorological and air quality related factors, and shall be guided by CARB daily determination.

1.210 Permit Modification: A "permit modification" is any addition, deletion, or revision to a permit to operate condition.

[Reference: 40 CFR 70.2 Permit Modification and Permit Revisions]

1.211 Permit Unit: A permit unit shall include each basic piece of equipment, or each basic independent functioning system capable of independent operation, which has the potential to emit any air pollutant(s), and it's respective air pollution control device, air pollution control system, and all equipment and conditions associated with the air pollution control requirements of each respective basic piece of equipment.

For example, under this definition, an air pollution control device may be included in two or more separate permit units where it serves as a control for two or more basic pieces of air pollution emitting pieces of equipment; such as an afterburner serving two furnaces or incinerators.)

1.212 Permit: Refers to either an Authority to Construct, Temporary Permit to Operate or Permit to Operate, whichever is required or is legally in effect. For purposes of prevention of significant deterioration enforceability, the permit to operate may be considered a modified authority to Construct when designated by the Air Pollution Control Officer.

1.213 Person or Persons: An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

1.214 Phase I Vapor Recovery System: A CARB-certified gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.

1.215 Phase II Vapor Recovery System: A CARB-certified gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.

1.216 Plating Tank: Any container used to hold a chromium or chromic acid solution for the purposes of chrome plating or chromic acid anodizing.

1.217 Populated Area: The urban areas of Arcata, Eureka, McKinleyville, Crescent City, Weaverville, Ferndale, Fortuna, or any other urban area designated by the APCO.

1.218 Potential to Emit:

Except where otherwise specifically defined in these Rules and Regulations, the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design, after considering physical and operational limitations that are enforceable by conditions imposed by the APCO in both the Authority to Construct and/or Permit to Operate.

(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 hazardous air pollutant 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 or in rules or

regulations that are legally and practicably enforceable by U.S. EPA and citizens or by the District. Physical and operational limitations include, but are not limited to the following: limits placed on emissions; and restrictions on operations such as 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 hazardous air pollutants are emitted at a stationary source, the potential to emit for each of those hazardous air pollutants shall be combined to determine applicability. Fugitive emissions shall be considered in determining the potential to emit for sources as specified in 40 CFR Part 70.2 Major Source (2), and sources of hazardous air pollutant emissions. Notwithstanding the above, any hazardous air pollutant 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 hazardous air pollutants, whether or not such units are located in contiguous areas or are under common control.

[Reference: 40 CFR 70.2 Potential to Emit and Major Source(2)]

1.219 Pounds of Materials Cleaned Per Load: When applied to dry cleaning operations, the total dry weight, in pounds, of the materials in each load dry cleaned at the facility, as determined by weighing each load on a scale prior to dry cleaning and recording the value.

1.220 PPM: Parts per million by volume expressed on a dry gas basis.

1.221 Preconstruction Permit: A "preconstruction permit" is a permit issued prior to construction which authorizes construction, including:

(1) An Authority To Construct issued pursuant to the AQMD's program for the prevention of significant deterioration of air quality required by section 165 of the Clean Air Act or Regulation 1, Rule 102(3) of the AQMD; or

(2) An Authority To Construct issued pursuant to the AQMD's new source review program required by sections 172 and 173 of the Clean Air Act.

(3) Regulation V, Procedures for issuing permits for sources subject to Title V of the Federal Clean Air Act Amendments of 1990.

(4) An authority to construct issued pursuant to Regulation I, Rules 200 (Permit Requirements and Rule 230 (Action on Application).

1.222 Prescribed Burning: The planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning.

1.223 Pressure Tank: A tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

1.224 Prevailing Visibility: The federal 8-hour ozone and fine particulate matter standards promulgated by the U.S EPA on July 18, 1997.

1.225 Prevention of Significant Deterioration (PSD) Increment: The maximum allowable increase of ambient air quality above baseline concentration in the three classified areas.

Established by the EPA to ensure that new or expanded sources of air pollution do not cause a significant deterioration in air quality in areas which currently meet ambient air quality standards. EPA has created a list of 28 major source categories by which types of facilities are classified for PSD regulations. The threshold for determining whether a facility is a major source, and therefore subject to PSD regulations, is whether a facility which falls within one of the 28 listed categories and emits greater than 200 tons per year of a criteria pollutant. If a source triggers PSD requirements for one pollutant category, other pollutants emitted in significant amounts may also be subject to PSD, even if they are emitted in quantities below PSD trigger levels. These significant volumes are presented in the PSD regulations also set ambient impact "increments" that limit the allowable increase of ambient concentrations of criteria pollutants over a determined baseline concentration.

TABLE
PSD SIGNIFICANT EMISSION RATES
$\mu g/m^3$ = micrograms per cubic meter, ppm = parts per million

Pollutant	PSD Significant Emission Rates (tons/year)	PSD Class I Increments (ug/m^3)	PSD Class II Increments (g/m^3)	PSD Class III Increments ($g/m^{3)}$
Total suspended Particulate Matter (TSP)				
Annual Geometric Mean (µg/m)³	25	N/A	N/A	N/A
24-hour Average (µg/m)³	N/A			N/A
Inhale able Particulate Matter (PM10)				
Annual Arithmetic Mean (µg/m)³	15	5	19	37
24-hour Average (µg/m)³	N/A	10	37	75
Sulfur Dioxide (SO^2)				
Annual Average (ppm)	40	2	20	40
24-hour Average (ppm)	N/A	5	91	182
3-hour Average (ppm)	N/A	25	512	700
1-hour Average (ppm)	N/A	N/A	N/A	N/A
Carbon Monoxide (CO)				
8-hour Average (ppm)	100	N/A	N/A	N/A
1-hour Average (ppm)	N/A	N/A	N/A	N/A
Ozone (O^3)				
1-hour Average (ppm) (B)	40	N/A	N/A	N/A
Nitrogen Dioxide (NO^2)				
Annual Average (ppm)	40	N/A	N/A	50

The most stringent increments apply to “Class I” PSD areas, which include wilderness areas and national parks. The remaining areas in the AQMD are designed as Class II areas. PSD regulations required those facilities which trigger PSD review to provide a detailed analysis of source emissions impacts on Class I areas. The intent of the PSD increments is to prevent air quality areas with concentrations below ambient air quality standards from reaching the standards, i.e., keep pristine and clean areas clean.

1.226 **Primary Control System:** When applied to gasoline dispensing and storage operators, a refrigerated condenser or an equivalent closed-loop vapor recovery system approved by the district.

1.227 **Prioritization Score**: A stationary source numerical score for cancer health effects or non cancer health effects, as determined by the AQMD pursuant to HSC Section 44360.

1.228 **Procedural Requirements:** A provision of a rule, regulation or permit condition that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.

1.229 **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. For continuous processes, the average hourly total weight of materials introduced into the process will be used in calculations.

1.230 Prohibited Burn Materials: Non-approved combustibles.

1.231 Prohibited Ignition Devices: Include but are not limited to tires, tar, tar paper, oil and other high smoke-producing material(s) which are not approved ignition devices.

1.232 Public Record: 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 AQMD, except trade secrets, and investigation files involving active criminal investigations, and confidential personnel records.

1.233 Range Improvement Burning: The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land; or reestablishment of an agricultural practice on land inundated by flood deposited debris.

1.234 Reasonably Available: As applied to an initial course for the environmental training program, means that the course is offered within 200 miles of the AQMD boundaries and that all such courses have a capacity, in the aggregate, that is adequate to accommodate at least one person from each facility in the AQMD required to certify a trained operator at that time.

1.235 Recalcitrant Violation: Violations of AQMD Rules and Regulations, State or federal Law by a person or facility where there is evidence indicating that the person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of AQMD Rules and Regulations, permit conditions, or other applicable provisions of state or federal law or regulations.

1.236 Receipt: As applied to asbestos or serpentine containing material, any written acknowledgement that a specified amount of serpentine material was received delivered or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.

1.237 Reclaimer: As applied to dry cleaning operations, a machine, device, or apparatus used only to remove residual perchloroethylene from materials that have been previously cleaned in a separate piece of dry cleaning equipment.

1.238 Record: 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, photographed films and prints, magnetic or punched cards, drums, and other documents.

1.239 Refrigerated Condenser: As applied to dry cleaning operations, a closed-loop vapor recovery system into which perchloroethylene vapors are introduced and trapped by cooling below the dew point of the perchloroethylene.

1.240 Regulated Air Pollutant: A "regulated air pollutant" is any pollutant which is emitted into or otherwise enters the ambient air, and for which the AQMD, CARB or the U.S. EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include the following:

(1) Oxides of nitrogen and volatile organic compounds.
(2) Any pollutant for which a National Ambient Air Quality Standard has been

promulgated pursuant to section 109 of the Clean Air Act;

(3) Any pollutant subject to a New Source Performance Standard promulgated pursuant to section 111 of the Clean Air Act;

(4) Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydro fluorocarbons) substance pursuant to Title VI of the Clean Air Act; and

(5) Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the Clean Air Act, including:

A. Any pollutant listed pursuant to section 112(r) of the Clean Air Act (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.

B. Any hazardous air pollutant subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the AQMD pursuant to 112(g) and (j) of the Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3) of the Clean Air Act.

C. Any hazardous air pollutant subject to an AQMD case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to section 112(g)(2) of the Clean Air Act. In case-by-case emissions limitation determinations, the hazardous air pollutant shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

[Reference: 40 CFR 70.2 Regulated Air Pollutant]

1.241 Regulation: One of the major subdivisions of the Rules of the AQMD.

1.242 Residence: A single- or two-family dwelling and the land and ancillary structures surrounding it.

1.243 Residential Waste Burning: The disposal of the combustible or flammable waste from a single- or two-family dwelling unit or residence by burning outdoors. Residential waste burning is not prescribed burning or other agricultural burning.

1.244 Responsible Official: A "responsible official" is an individual with the authority to certify that a source complies with all applicable federal requirements and federally-enforceable conditions of permits issued to sources, and possess the authority to bind the source to compliance with permit conditions and contractual obligations.

(1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more

manufacturing, production, or operating facilities applying for or subject to a permit and either:

A. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or
B. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;

(2) For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
(3) For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or
(4) For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Regulation 5.

[Reference: 40 CFR 70.2 Responsible Official]

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

1.246 Road Surface: The traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.

1.247 Rule: A Rule of the Air Quality Management District.

1.248 Sand and Gravel Operation: Any aggregate-producing facility operating in alluvial deposits.

1.249 Secondary Control System: As applied to dry cleaning operations, a device or apparatus that reduces the concentration of perchloroethylene in the re-circulating air at the end of the drying cycle beyond the level achievable with a refrigerated condenser alone. An “integral” secondary control system is designed and offered as an integral part of a production package with a single make and model of dry cleaning machine and primary control system. An “add-on” secondary control system is designed or offered as a separate retrofit system for use on multiple machine makes and models.

1.250 Self – Service Dry Cleaning Machine: A perchloroethylene dry cleaning machine that is loaded, activated, or unloaded by the customer.

1.251 Sensitive Receptor: Any Class I Area and/or any other areas deemed to be sensitive by the APCO including, but not limited to K-12 schools, senior retirement housing and hospitals.

1.252 Separator: Any device used to recover perchloroethylene from a water-perchloroethylene mixture.

1.253 Serpentine: Any form of hydrous magnesium silicate minerals - including, but not limited to, antigorite, lizardite, and chrysotile.

1.254 Shall: A provision is “binding” upon anyone subject to the respective rule.

1.255 Shutdown: The cessation of operation of an affected facility for any purpose.

1.256 Significant Permit Modification: A "significant permit modification" is any modification to either an AQMD or a federally-enforceable condition on a permit to operate which:

(1) Involves any modification under section 112(g) of Title I of the Clean Air Act or under U.S. EPA regulations promulgated pursuant to Title I of the Clean Air Act, including 40 CFR Parts 51, 52, 60, 61, and 63;
(2) Significantly changes the operations or monitoring conditions;
(3) Provides for the relaxation of any reporting or recordkeeping conditions;
(4) Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including: 1) a federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification requirement of Title I of the Clean Air Act, or 2) an alternative hazardous air pollutant emission limit pursuant to section 112(i)(5) of the Clean Air Act;
(5) Involves a case-by-case determination of any emission standard or other requirement; or
(6) Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.

[Reference: 40 CFR 70.7(e)(2) and (4)]

1.257 Significant: The potential of a new or modified stationary source to emit air contaminants that would equal or exceed any of the following rates in tons per year.

Air Contaminant	Significant Emission Rate
For BACT determinations:	Tons Per Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter	25
PM-10	16
Ozone	40 as VOC
Lead	0.6
Beryllium	0.0004

Air

Contaminant	Significant Emission Rate
For BACT determinations:	Tons Per Year
Mercury	0.1
Vinyl chloride	1
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H2S)	10
Total reduced sulfur (including H2S)	10
Reduced sulfur compounds (including H2S)	10
For MACT determinations:	
Hazardous Air Pollutant (HAPS)	
listed pursuant to section 112(b)	
of the Clean Air Act 1990:	10 for any one HAP
	25 for two or more HAP

Not withstanding the above significant emission rates for various air contaminants, significant also means any net emission increase from any new or modified stationary source which would be constructed within 10 kilometers of a Class I area and have an air quality impact on such area equal to or greater than 1 microgram per cubic meter (24 hour average).

1.258 Single and Two-Family Dwelling: A permanent or temporary building or structure and the area immediately adjacent to the residence, used as a one- or two-family residence, including pre-fabricated structure(s), mobile home(s) and house trailer(s).

1.259 Silviculture: The establishment, development, care and reproduction of stands of timber.

1.260 Smelt Dissolving Tank: A vessel used for dissolving the molten salts (smelt) recovered from the Kraft recovery furnace.

1.261 Solid Particulate Matter: Any material except uncombined water, which can exist in a finely divided form as solid at standard conditions.

1.262 Solid Waste Dump: Any accumulation for the purpose of disposal of any solid waste.

1.263 Solid Waste Incinerator: A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to sections 111 or 129 of the Clean Air Act. The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Regulation V:

(1) Any hazardous waste incinerator required to obtain a permit under the authority of section 3005 of the Solid Waste Disposal Act (42 U.S.C. section 6925);
(2) Any materials recovery facility which primarily recovers metals;
(3) Any qualifying small power production facility as defined in 16 U.S.C.A. section 796(17)(C);
(4) Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C.A. section 796(18)(B); or
(5) Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the U.S. EPA.

1.264 Solvents: Include diluents and thinners and are defined as materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or have an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

1.265 Source: Any operation that produces and/or emits air pollution.

1.266 Stacking: The venting of geothermal steam from associated unit steam supply transmission line into the atmosphere during associated power plant shutdowns (outages), startups or load curtailments.

1.267 Standard Conditions: As used in these regulations, refers to a gas temperature of 20 degrees Centigrade (68 degrees Fahrenheit) and a gas pressure of 760 millimeters of mercury absolute (14.7 pounds per square inch absolute) at 20 degrees Centigrade or 29.92 inches mercury at 68 degrees Fahrenheit. Results of all analysis and tests shall be calculated and reported at this temperature and pressure.

1.268 Standard Cubic Meter of Gas (Standard Cubic Foot of Gas): The amount of gas that would occupy the specified cubic measure, if free of combined water, at standard conditions.

1.269 Startup: The setting in operation of an affected facility for any purpose.

1.270 State Responsibility Area (SRA): That area as defined in Public Resources Code Section 4126 and classified by the Board of Forestry and Fire Protection where the State is responsible for wild land fire protection. This excludes incorporated cities and lands owned or controlled by the federal government or other federal agencies.

1.271 Stationary Source: Any building, structure, facility, or installation (or any such grouping) that:

(1) Emits, or may emit, or has the potential to result, cause, or create the emissions of any regulated air pollutant or hazardous air pollutant;
(2) Is located on one or more contiguous or adjacent properties;
(3) Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
(4) Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

[Reference: 40 CFR 70.2 Stationary Source]

1.272 Steam Generating Unit: Any furnace or boiler used in the process of burning fuel for the purpose of producing steam by heat transfer.

1.273 Submerged Fill Pipe: As applied to gasoline storage and dispensing operations, any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches (6") above the bottom of the tank.

1.274 Sunset: The event or time of daily disappearance of the sun below the western horizon.

1.275 Surfacing: The act of covering any surface used for purposes of pedestrian, vehicular, or non-vehicular travel including, but not limited to, roads, road shoulders, streets, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas and fairgrounds.

1.276 Tank Installation: As applied to gasoline storage and dispensing operations, the installation of one or more stationary storage tanks at any facility or excavation of fifty percent (50%) or more of an existing facility's total underground liquid piping from stationary storage tanks to the gasoline dispensers.

1.277 Throughput: The volume of gasoline dispensed at a retail service station in any calendar year.

1.278 Timber Operations: Cutting or removal of timber or other forest vegetation.

1.279 Topping Off: As applied to gasoline storage and dispensing operations, an attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.

1.280 Total Reduced Sulfur (TRS): "TRS" means 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 mists are not to be included in the determination of TRS.

1.281 Toxic Air Contaminants: A toxic air contaminant is defined as any substance with the potential to contaminate the air with or to create, air contaminates which are referenced in 39660 of the Health & Safety Code or determined by the APCO to be toxic.

The CARB has identified lead and vinyl chloride as "toxic air contaminants" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

1.282 Trade Secrets: As used in these Rules and Regulations, Trade Secrets include, but are not limited to, any formula, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or to perform a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

1.283 Trained Operator: The owner, the operator, or an employee of the facility, who holds a record of completion for the initial course of an environmental training program and maintains her/his status by successfully completing the refresher courses as required.

1.284 Treated Brush: Vegetative material to be burned that has been felled, crushed uprooted or crushed by manual or mechanical equipment or has been desiccated with herbicides or is dead.

1.285 Uncontrolled Chromium Emissions From the Hard Chrome Plating or Chromic Acid Anodizing Facility: The chromium emissions from the emissions collection systems at the facility calculated as if no control equipment is in use. For the purpose of determining compliance, the uncontrolled chromium emissions shall be calculated using an emission factor based on tests conducted in accordance with ARB Test Method 425 or 14 mg/ampere-hour, whichever is less.

1.286 Uncontrolled Emissions: The emission rate of the basic equipment to the control equipment, measured from the flue at a location downstream of the last combustion chamber and before the control equipment.

1.287 United States Environmental Protection Agency (U.S. EPA): "United States Environmental Protection Agency" refers to the Administrator or designated representative of the United States Environmental Protection Agency.

1.288 Vapor Adsorber: As applied to dry cleaning operations, a bed of activated carbon or other adsorbent into which perchloroethylene vapors are introduced and trapped for subsequent desorbtion.

1.289 Vapor Leak: As applied to gasoline storage and dispensing operations, any source of gasoline vapors which cause a combustible gas detector meter reading of 100 percent of the Lower Explosive Limit (LEL). A marginal vapor leak may be verified by conducting a vacuum leak test. A vapor leak does not include any vapor resulting from liquid spillage or liquid leaks.

1.290 Vapor Recovery System: As applied to gasoline storage and dispensing operations, a vapor gathering system capable of collecting the hydrocarbon vapors and discharged gases and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices vapor-tight except when gauging or sampling is taking place.

1.291 Vapor Tight: As applied to gasoline storage and dispensing operations, 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 (1 in.) from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

1.292 Vented Machine: As applied to dry cleaning operations, dry cleaning equipment in which

washing, extraction, and drying are all performed in the same single unit and in which fresh air is introduced into the drum in the last step of the drying cycle and exhausted to the atmosphere, either directly or through a control device.

1.293 **Volatile Organic Compound (VOC**): Any compound containing at least one (1) atom of carbon, excluding any Exempt Compound as identified in this Rule 101 Definitions. (For the purposes of implementing the AQMD *New Source Review* the term ROC (Reactive Organic Compound) is assumed to be the same as those compounds defined under the VOC definition.)

1.294 **Voluntary Emissions Cap:** A "voluntary emissions cap" is an optional, federally-enforceable emissions limit on one or more emissions unit(s) which a source assumes in order to avoid an applicable federal requirement. The source remains subject to all other applicable federal requirements.

1.295 **Waste:** All discarded putrescent and non-putrescent solid, semisolid and liquid materials, including but not limited to petroleum wastes, construction and demolition debris, coated wire, tires, tar, tarpaper, wood waste, processed or treated wood and wood products, petroleum products, metals, motor vehicle bodies and parts, rubber, synthetics; plastics including plastic film, twine and pipe; fiberglass, Styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products, cardboard, boxes, crates, excelsior, offal, swill, carcass of dead animals, manure, human or animal parts of wastes (including blood; fecal- and food-contaminated materials), asbestos shingles, floor tiles and other similar smoke-producing materials including felled trees; tree stumps; brush; plant cuttings and pruning; branches; garden waste; weeds; grass clippings, pine needles, leaves and other natural vegetation waste.

1.296 **Water – Repelling Operations:** As applied to dry cleaning operations, the treatment of materials with a water-repellent solution that contains perchloroethylene.

1.297 **Wild land Vegetation Management Burning:** 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.

1.298 **Wood Fired Boiler:** Any boiler used for steam generation from which the products of combustion are directed through a flue or chimney and which derives at least 80 percent of its fuel input heat content from wood, or wood associated waste.

1.299 **Wood Waste for the Purpose of Open Outdoor Burning:** Combustible waste from trees, vines, bushes or other vegetative material.

Rule 102 Required Permits

(Adopted November 3, 1982; Revised September 26, 1997, Proposed for Revision December 16, 2004, Revised May 19, 2005).

RULE 102 CONTENTS

RULE 102: REQUIRED PERMITS

1.0 GENERAL REQUIREMENTS:

1.1 No person shall cause or permit the construction or modification of any new source of air contaminants, including an indirect source, without first obtaining an Authority to Construct Permit from the Air Pollution Control Officer (APCO), which specifies the location and design of such new source and incorporates necessary permit conditions so as to ensure compliance with applicable Rules and Regulations and State and Federal Ambient Air Quality Standards.

1.2 The APCO shall not approve such construction for any source of air contaminants subject to Section 1.1 or 2.0 or modification unless the applicant demonstrates to the satisfaction of the APCO that the new source can reasonably be expected to comply with all applicable State and Federal laws and AQMD Rules and Regulations.

2.0 AUTHORITY TO CONSTRUCT PERMIT: Before any person building, erecting, altering or replacing any article, machine, equipment or other contrivance or indirect source, 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, the person shall first obtain written authorization in the form of an Authority to Construct Permit for such construction from the APCO. An Authority to Construct Permit shall remain in effect until a Permit to Operate for the equipment for which the application was filed, is granted or denied by the APCO or the application is cancelled either voluntarily, by operation of law or by the APCO.

3.0 PERMIT TO OPERATE: Before any article, machine, equipment or other contrivance described in Section 2 above may be operated or used, or leased or rented for operation or use including any

indirect source, a written authorization must first be obtained from the APCO in the form of a Permit to Operate. No Permit to Operate shall be granted either by the APCO or the AQMD Hearing Board for any article, machine, equipment or contrivance described in Rule Section 2 above, constructed or installed without authorization as required by Section 2 above, until the information required pursuant to these Rules and Regulations is presented to the APCO and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards ensure compliance with all Rules and regulations, State or Federal laws. The equipment shall not be operated or out of compliance with the conditions specified in the Permit to Operate.

A stationary source subject to Regulation V of these Rules and Regulations shall obtain a Federal Operating Permit from the AQMD under Title V of the Federal Clean Air Act as amended in 1990. The AQMD will issue a Federal Operating Permit separately from, and in addition to, the permits required pursuant to Regulation V of these Rules and Regulations. The requirements of Regulation V shall augment and take precedence over conflicting administrative requirements of other provisions of the AQMD's Rules and Regulations.

4.0 EXEMPTION TO PERMIT TO OPERATE: The exemptions contained in this Rule shall not apply to any new stationary source or modification as defined in Section 4 of Rule 102 of this Regulation, New Source Review (NSR), which would emit any pollutants in excess of the quantities stated in Section 5 of Rule 102. The exemptions set forth do not supersede the provisions of Regulation V, Title V-Federal Operating Permits of these Rules and Regulations. An Authority to Construct and Permit to Operate shall not be required for:

4.1 Vehicles as defined by the Vehicle Code of the State of California, 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.

4.2 Vehicles used to transport passengers or freight.

4.3 Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for no more than two (2) families, including multi-chambered incinerators used exclusively in connection with such a structure.

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

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

4.6 Equipment used exclusively for steam cleaning.

4.7 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, except those which have the potential to emit or may emit chrome in any chemical forms (e.g. hexavalent chrome).

4.8 Steam generators, water boilers or water heaters fired exclusively by natural gas, liquefied petroleum gas or a combination thereof, having a maximum fuel input heating value of less

than one million (1,000,000) British Thermal Units (BTU) per hour or thirty (30) horsepower.

4.9 Space heaters which do not operate on diesel fuel.

4.10 Equipment used in eating establishments for the purpose of preparing food for human consumption.

4.11 Self-propelled mobile construction equipment other than pavement burners.

4.12 Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals that are exempt from AQMD permit requirements pursuant to the applicable provisions of the California Health and Safety Code.

4.13 Any article, machine, equipment or other contrivance which the Control Officer finds emits air contaminants below the significance level and he determines should be exempted. No exemption from the requirements listed herein under Rule 102 (1.5) for an Authority to Construct or Permit to Operate may be allowed for any individual source which is subject to new source review.

5.0 PERMIT CONDITIONS: To assure compliance with all applicable Regulations, the APCO may impose written conditions on any Authority to Construct or Permit to Operate. Commencing work or operation under such a permit shall be deemed acceptance of all the conditions so specified.

6.0 EMISSIONS CALCULATIONS: The APCO shall retain at all times the sole authority relating to emissions calculations. Calculations shall be based on the most current information available to the AQMD at the time of submittal of the initial application or annual renewal.

7.0 ANNIVERSARY DATE: Permits issued prior to the adoption of this Rule shall expire on the next anniversary date of issuance. The APCO may, at his discretion, combine permit anniversary dates for facilities with more than one (1) Permit to Operate.

8.0 POSTING OF PERMITS: A person or entity to whom a Permit to Operate and/or Authority to Construct has been granted shall post such permit in a conspicuous location clearly visible and accessible to the operator of the article, machine, equipment or other contrivance under permit.

9.0 REVOCATION OF PERMIT: The APCO may request that the AQMD Hearing Board hold a hearing to revoke an existing Authority to Construct and/or Permit to Operate or Burn Permit if the applicant or permittee violates the conditions of such permit as specified by the APCO.

The APCO may grant the previously revoked permit at such time as the applicant or permittee shows that the condition(s) previously violated are currently being attained or can demonstrate to the APCO that the condition(s) can be attained and that the violation which was the basis of the revocation will not recur. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation which resulted from the failure to meet any permit condition as specified by the APCO.

Rule 103 Action on Applications, Required Testing and Environmental Assessment
(Adopted November 3, 1982; Revised on October 12, 1983, March 14, 1984, August 10, 1984, March 13, 1986, January 19, 1989, December 7, 1989, June 28, 1990, August 30, 1990, February 27, 1991, August 29, 1991, March 5, 1992, May 6, 1993, December 10, 1993, September 26, 1007, September 25, 1998, Proposed for Revision December 16, 2004, Revised May 19, 2005).

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RULE 103
ACTION ON APPLICATIONS, REQUIRED TESTING AND ENVIRONMENTAL ASSESSMENT

1.0 ACCESS TO SOURCE TESTING LOCATIONS: Before an Authority to Construct or Permit to Operate is granted, the Air Pollution Control Officer (APCO) may require the applicant to 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 or air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authority to Construct or Permit to Operate. In the event of such a requirement, the APCO shall notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform, and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

2.0 AUTHORITY TO CONSTRUCT PERMIT DENIAL: In acting upon an Authority to Construct Permit application, if the APCO determines that the application does not demonstrate the article,

machine, equipment or other contrivance cannot be constructed so as to comply with these Rules and Regulations, State and Federal laws, the APCO shall deny the request for an Authority to Construct Permit in writing and shall specify the basis for the denial. The applicant may withdraw and Authority to Construct Permit application at any time, provided however, no refund of fees paid to the date of the withdrawal shall be allowed.

3.0 PERMIT TO OPERATE DENIAL: In acting upon a Permit to Operate application, if the APCO determines that the article, machine, equipment or other contrivance either cannot or has not been constructed in accordance with the Authority to Construct Permit, the APCO shall deny the Permit to Operate. The APCO shall not accept any further application for a permit to operate the article, machine, equipment or other contrivance so constructed until the APCO determines that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authority to Construct.

4.0 APPLICANT'S RESPONSIBILITY: The fact that an Authority to Construct Permit or a Permit to Operate for an article, machine, equipment or other contrivance described therein shall have been issued by the APCO, shall not be construed as an implied or actual endorsement of such article, machine, or other contrivance, nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the APCO or the AQMD that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance, the person, firm or corporation to whom such authorization or permit is issued shall be, and remain responsible, under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

5.0 CONDITIONAL APPROVAL: The APCO may issue an Authority to Construct Permit or a Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment, or other contrivance within the permit standards of these Rules and Regulations, in which case the conditions shall be specified in writing. Commencing work under such an Authority to Construct, or operation under such a Permit to Operate, shall be deemed acceptance of all the conditions so specified. The APCO shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the permit standards under the revised conditions.

6.0 REQUIRED INFORMATION: Before acting on an application for an Authority to Construct Permit or Permit to Operate, the APCO may require the applicant to furnish information or further plans or specifications.

In addition, the APCO may, at any time, require from any source which, in the opinion of the APCO, has the potential to emit any air contaminants, such information, analysis, plans or specifications which will disclose the nature, extent, quality or degree of air contaminants which are or may be discharged into the atmosphere.

7.0 PRELIMINARY DETERMINATIONS: In acting upon an application for an Authority to Construct Permit, the Control Officer shall make the following determinations:

7.1 Whether the project application is ministerial, categorically exempt, or subject to an environmental evaluation in accordance with the requirements of the California Environmental Quality Act of 1970;

7.2 Whether the project application is subject to the New Source Review (NSR) Procedures;

7.3 Whether the project is subject to the New Power Plant Preview (NPPP) Procedures;

7.4 Whether the project application is subject to the requirements of Federal New Source Performance Standards (NSPS);

7.5 Whether the project application is subject to National Emission Standards for Hazardous Air Pollutants (NESHAPS); and

7.6 Whether the project is classified as a major stationary source or major modification under the provisions of the Code of Federal Regulations 52.21 and subject to all applicable Prevention of Significant Deterioration (PSD) Review Requirements.

8.0 ACTION ON APPLICATIONS: Unless the APCO has notified the applicant of a Authority to Construct Permit or Permit to Operate in writing that such application is under further consideration or that additional information is necessary to determine the application is complete, the APCO shall either grant or deny the application for permit within thirty (30) days after applicant furnishes further information, plans, and specifications requested by the APCO. Within thirty (30) days after the first day on which the application is denied, the applicant may appeal pursuant to the procedures set forth in Section 9 below of this Rule.

8.1 In acting upon any application for an Authority to Construct Permit involving Indirect sources, or new or modified stationary sources of air contaminants subject to the requirements of Rule 110 (New Source Review and Prevention of Significant Deterioration), the APCO shall provide for public notice in accordance with the provisions of RULE 110.

8.2 **Administrative Requirements:** The APCO shall grant an Authority to Construct Permit only after the APCO has determined that the new or modified stationary source of air contaminants:

8.2.1 Will cause the article, machine, equipment or other contrivance, so constructed or modified, to operate within all applicable AQMD Rules and Regulations, and State and Federal laws pertaining to the emission of air contaminants; and

8.2.2 Will not prevent the attainment, interfere with the maintenance, or cause a violation, of any State or National Ambient Air Quality Standard and will not interfere with the control strategy contained in the State of California Air Quality Implementation Plan (SIP); and

8.2.3 Has complied with all applicable requirements of 40 CFR 52.21 and will not cause deterioration of existing air quality in excess of the maximum allowable PSD increments; and

8.2.4 Will not result in air contaminant emissions in the excess of the allowable standards established by the Environmental Protection Agency for new stationary sources subject to National Emission Standards for Hazardous Air Pollutants, and employs Best Available Control Technology, (BACT), for each air contaminant for which the significance level is exceeded and which is the more restrictive conditioner; and provides adequate facilities for sampling, emissions monitoring, and reporting procedures as specified by the APCO; and,

8.2.5 Provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the APCO.

8.3 Denial of Application: The APCO shall deny an application for an Authority to Construct for any new or modified stationary source of air contaminants which does not meet the requirements specified in these Rules and Regulations. In the event of such denial the APCO shall notify the applicant in writing of the reasons thereof. Service of this notification may be made in person or by mail, addressed to the applicant on the addressee set forth on the application, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person(s) making the service. The APCO shall not accept a further application unless the applicant has satisfied the requirements which were the basis for denial of Authority to Construct.

8.4 Temporary Permit to Operate: Upon completion of construction or modification of and before operating or using of any new or modified stationary source of air contaminants for which an Authority to Construct Permit has been issued pursuant to the provisions of this Chapter, the Authority to Construct or modify shall serve as a Temporary Permit for Operation of the equipment until the Permit to Operate is granted or denied, or a period not to exceed thirty (30) days provided, however the APCO may extend the temporary operating period for good cause shown for an additional thirty (30) days.

9.0 STATE IMPLEMENTATION PLAN: The APCO may issue an Authority to Construct for a new stationary source or modification which is subject to Rule 110 of this Regulation only if all North Coast Unified Air Quality Management District Rules and Regulations contained in the State Implementation Plan approved by the United States Environmental Protection Agency, are being carried out in accordance with that plan.

10.0 APPEALS: Within ten (10) days after serviced of notice by the APCO of denial or conditional approval of an Authority to Construct Permit or a Permit to Operate, the applicant may petition the DISTRICT Hearing Board, in writing, pursuant to the provisions of Regulation VI of these Rules and Regulations, for a Public Hearing. The AQMD Hearing Board, after notice and a public hearing held within thirty (30) days after filing of the petition, may order the action of the APCO sustained or reversed. Such order may be made subject to specified conditions as the Hearing Board so determines is necessary or appropriate. Any such order by the Hearing Board shall include the basis for the Hearing Board's action.

Any applicant filing an appeal pursuant to this Rule shall pay the filing fee specified for petitions submitted before the Hearing Board.

11.0 ENVIRONMENTAL ASSESSMENT: if the APCO determines that a permit application is for a project or a portion of a project for which another public agency has already acted as the lead in

compliance with the California Environmental Quality Act of 1970 (CEQA) and CEQA compliance has not yet been completed, no further processing of environmental documents shall be required by the APCO. The APCO shall then follow the procedure set forth in Appendix A to these Rules and Regulations.

If the APCO determines that the permit application is for a project which does not fall within the above paragraph, and the APCO determines that the project is ministerial, categorically exempt or will have no significant effect on the environment, the project shall be exempt from the requirements of CEQA. If the APCO determines that such project is not ministerial, is not categorically exempt but that it may have a significant effect on the environment, the Procedures for the Environmental Impact Review as found in Appendix A to this Regulation, shall be followed. Other project reviews performed by the APCO may proceed concurrently with a detailed environmental assessment, but no Authority to Construct permit may be issued by the APCO until completion and filing of the Notice of Determination.

12.0 CONTINUOUS RECORDING INSTRUMENTS: As a condition of an Authority to Construct Permit and/or a Permit to Operate, the APCO may require that the owner or operator of the permitted equipment provide, install, collaborate, maintain, and operate continuous recording instrument(s) to measure emission rates to the atmosphere and/or to measure air contaminant concentrations at specific emission points or at locations adjacent to the plant property line. The APCO shall forego the requirements of this subsection if the application demonstrates to the satisfaction of the APCO that there is no reasonable achievable technology available to accomplish the monitoring requirements.

12.1 Permit Conditions: The permit conditions may, in addition, require:

12.1.1 That the measuring instruments meet minimum standards of measurement accuracy, calibration procedure and calibration frequency.

12.1.2 That the recording section of such measuring instruments shall be installed in a location subject to frequent operator surveillance or be equipped with suitable alarm devices.

12.2 The information recorded shall be summarized and reported to the APCO in the manner and form as approved by the APCO.

12.3 Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the AQMD Office, or submitted to the EPA or CARB, upon request.

12.4 Monitoring records shall be retained by the owner for a period of not less than two years.

12.5 AQMD personnel may inspect and confirm calibration of measuring instruments, as necessary.

12.6 Any violation of an Emission Standard, Ambient Air Quality Standard, or breakdown of emission measuring instruments, is to be reported to the APCO in accordance with the provisions of Rule 105(5), Equipment Breakdown.

13.0 MANDATORY MONITORING REQUIREMENTS: Notwithstanding other monitoring requirements set out by the APCO, monitoring instruments shall be provided, installed, calibrated, maintained and continuously operated by the owner and operators of the following stationary source categories to measure air containment emissions or opacity from sources for which there is an applicable federal, state, or AQMD emission standard.

13.1 Fossil-fuel fired steam generators with a heat input of 250 million British Thermal Units (63 million kilogram calories) or more per hour with a use factor of at least 30% per year for:

13.1.1 Oxides of Nitrogen.
13.1.2 Carbon dioxide or oxygen.
13.1.3 Opacity, except: where gaseous fuel is the only fuel burned, or where oil or a mixture of gas and oil is the only fuel.
13.1.4 Sulfur Dioxide, if control equipment is used.

13.2 All sulfur recovery plants and sulfuric acid plants for sulfur dioxide.

13.3 Nitric Acid Plants.

13.3.1 For oxides of nitrogen emissions.

13.4 CO boilers of regenerators of fluid catalytic cracking units, and CO boilers of fluid cookers if feed rate is grater than 10,000 barrels (1,500,000 liters) per day for:

13.4.1 Sulfur dioxide.
13.4.2 Opacity

13.5 Kraft Pulp Mills for Total Reduced Sulfur (TRS) from Kraft recovery furnaces and lime kilns.

13.6 All monitoring calibrations, reporting requirements and specifications shall be in accordance with the requirements of Appendix B of the Regulation.

Rule 104 Prohibitions

(Adopted November 3, 1982; Revised on January 19, 1989, August 30, 1990, August 29, 1991, March 5, 1992, Proposed for Revision December 16, 2004, Revised May 19, 2005).

RULE 104 CONTENTS

RULE 104

1.0 GENERAL LIMITATIONS:

1.1 PUBLIC NUISANCE: No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the health, comfort, repose or safety of any such persons or the public or which cause or have an natural tendency to cause injury or damage to business or property.

The limitations of Rule 400(a) do not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

1.2 **Circumvention:** A person shall not construct, erect, modify, operate or use any equipment which conceals an air contaminant emission, which would otherwise constitute a violation of these Rules and Regulations, unless the operation or use of said equipment results in a significant reduction in the total emission of air contaminants.

2.0 VISIBLE EMISSIONS:

2.1 No person shall not discharge into the atmosphere from any source whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; or of such opacity as to obscure an observer's view to a degree equal to or greater than Ringlemann 2 or forty (40) percent opacity.

2.2 The provisions of Rule 104(2.1) & (2.2) do not apply to excessive visible emissions caused by:

2.2.1 Failure of the emission to meet the requirements solely because of the presence of uncombined water.

2.2.2 Smoke from fires set pursuant to Regulation II of the North Coast Unified Air Quality Management District.

2.2.3 Smoke from fires set or permitted by any public officer in the performance of his official duty for the improvement of watershed, range or pasture.

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

2.2.5 Open outdoor fires used only for cooking of food for human beings or for recreational purposes.

2.2.6 The use of orchard, vineyard, or citrus grove heaters which do not produce more than one gram per minute of unconsumed solid carbonaceous material.

2.2.7 Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when the emissions result from start-up or shut-down of the combustion process or from the malfunction of emissions control equipment. This exception does not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period, or which result from the failure to operate and maintain in good working order any emission control equipment.

2.3 Notwithstanding the limitation established in Section 2.1, no owner or operation subject to Section 2.0 shall cause to be discharged into the atmosphere from any new or modified recovery furnace, gases which exhibit an opacity of 20 percent or greater on a six minute average basis.

2.3.1 Section 2.3 shall not apply during periods of start-up or shutdown, or during a breakdown condition. For recovery furnace operations, start-up and shutdown is defined as those periods of time when black liquor is not being fired in the recovery furnace.

3.0 PARTICULATE MATTER:

3.1 **General Combustion Sources:** A person shall not discharge particulate matter into the atmosphere from any combustion source in excess of 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon

dioxide; or in excess of the limitations established in NSPS applicable provisions set out in Rule 104(11).

3.2 Steam Generating Units: No person shall discharge particulate matter into the atmosphere from any steam generating unit, installed or modified after July 1, 1976, in excess of 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas, calculated to 12 percent carbon dioxide; or in excess of the limitations established in applicable NSPS provisions set out in Rule 104(11).

3.3 Steam Generating Utility Power Plants: All steam generating power plants which produce electric power for sale to any public utility shall not discharge particulate matter into the atmosphere in excess of 0.10 pounds per million BTU heat input or any other specific applicable permit limitation, which ever is the more restrictive emission condition.

3.4 Kraft Pulp Mills:

3.4.1 Recovery Furnaces:

3.4.1.1 The emissions of particulate matter from any Kraft recovery furnace shall not exceed 0.23 grams per standard cubic meter (0.10 grains per standard cubic foot) of exhaust gas corrected to 8 percent oxygen or 4.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.

3.4.1.2 The emissions of particulate matter from any new or modified Kraft recovery furnace shall not exceed 0.025 grains per standard cubic foot of exhaust gas corrected to 8 percent oxygen.

3.4.2 Lime Kiln:

3.4.2.1 The emissions of particulate matter from any lime kiln shall not exceed 0.46 grams per standard cubic meter (0.20 grains per standard cubic foot) of exhaust gas corrected to 10 percent oxygen or 1.0 pounds per ton of Kraft pulp mill production, whichever is the more restrictive condition.

3.4.3 Smelt Dissolvers:

3.4.3.1 The emissions of particulate matter from any smelt dissolving tank shall not exceed 0.5 pounds per ton of Kraft pulp mill production.

3.4.3.2 The emissions of particulate matter from any new or modified smelt dissolving tank shall not exceed 0.20 pounds per ton of black liquor solids on a dry basis.

3.4.4 The requirements of Rule 104 (3.4) shall be applied to all Kraft Pulp Mills, except where more restrictive NSPS, BACT, or permit conditions are required, and in this event the more restrictive standard shall apply.

3.5 Non-Combustion Sources: No person shall discharge or allow the discharge of particulate matter into the atmosphere from any non-combustion source in excess of 0.46 grams per actual cubic meter (0.20 grains per cubic foot) of exhaust gas or in total quantities in excess of the amount shown in Table I, whichever is the more restrictive condition.

3.6 Geothermal Well Drilling: Notwithstanding the provisions of Rule 104(3.4), no person shall discharge or allow the discharge of particulates into the atmosphere from any geothermal steam source in excess of the quantity established by the following formula:

$$Y = .00069X + 1.4$$

Where y is the particulate emission rate limitation in kilograms per hour (averaged over one hour) and X is the steam rate in kilograms per hour passing through a geothermal well drilling operation or any geothermal well being vented for clean out.

TABLE I

ALLOWABLE RATE OF EMISSION BASED ON

PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr	Kg/Hr	Lb/Hr	Lb/Hr	Kg/Hr	Lb/Hr
100	45	0.55	6,000	2,720	8.6
200	92	0.88	7,000	3,380	9.5
400	183	1.40	8,000	3,680	10.4
600	275	1.83	9,000	4,134	11.2
800	377	2.22	10,000	4,540	12.0
1,000	454	2.58	12,000	5,460	13.6
1,500	681	3.38	16,000	7,260	16.5
2,000	920	4.10	18,000	8,220	17.9
2,500	1,147	4.76	20,000	9,070	19.2
3,000	1,362	5.38	30,000	13,600	25.2
3,500	1,690	5.96	40,000	18,100	30.5
4,000	1,840	6.52	50,000	22,700	35.4
5,000	2,300	7.58	60,000 or more	27,200	40.0

Where the process weight per hour is between two listed figures, such process weight and maximum allowable particulate emission per hour shall be interpolated linearly. The total process weight of all similar process operations located at a single plant or of similar multiple plants located on a single premise, shall be used for determining the maximum allowable particulate emission from the combination of such operations.

4.0 FUGITIVE DUST EMISSIONS:

4.1 No person shall do or allow handling, transporting, or open storage of materials in such a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.

4.2 Reasonable precautions shall be taken to prevent particulate matter from becoming airborne, including, but not limited to, the following provisions:

4.2.1 Covering open bodied trucks when used for transporting materials likely to give rise to airborne dust.

4.2.2 Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Containment methods can be employed during sandblasting and other similar operations.

4.2.3 Conduct agricultural practices in such a manner as to minimize the creation of airborne dust.

4.2.4 The use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

4.2.5 The application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can give rise to airborne dusts.

4.2.6 The paving of roadways and their maintenance in a clean condition.

4.2.7 The prompt removal of earth or other track out material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water, or other means.

5.0 SULFUR OXIDE EMISSIONS: No person shall discharge into the atmosphere from any single source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide (SO2) in excess of 1,000 ppm; or in excess of the specific source emission limitations established in applicable NSPS provisions set out in Rule104(11) of these Rules and Regulations.

6.0 SULFIDE EMISSION STANDARDS FOR KRAFT PULP MILLS:

6.1 Kraft Recovery Furnace:

The emission of Total Reduced Sulfur (TRS), from any Kraft recovery furnace shall not exceed:

6.1.1 10 ppm of TRS or 0.30 pound of TRS per ton of Kraft pulp mill production as a monthly arithmetic average, whichever is the more restrictive condition.

6.1.2 15 ppm of TRS as a daily arithmetic average.

6.1.3 40 ppm of TRS for more than 60 cumulative minutes in any one day.

The daily and monthly arithmetic averages for TRS shall be based upon the actual hours of operation of burning liquor in the recovery furnace(s) and calculated on a calendar month basis.

Effective February 1, 1989 the emission of TRS from any new or modified Kraft recovery furnace shall not exceed 3 ppm of TRS, measured and reported in accordance with 40 CFR 60.284.

6.2 Lime Kiln: The emission of TRS from any lime kiln shall not exceed 20 ppm of TRS or 0.10 pound of TRS per ton of Kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition. Daily arithmetic averages shall be calculated from 7:00 a.m. to 7:00 a.m. of the following day.

6.3 Other Kraft Mill Sources: The emission of TRS from other Kraft mill sources shall not exceed 20 ppm of TRS or a cumulative value of 0.20 pound of TRS per ton of Kraft pulp mill production as a daily arithmetic average, whichever is the more restrictive condition. Daily arithmetic averages shall be calculated from 7:00 a.m. to 7:00 a.m. of the following day.

Notwithstanding these emission limits for other Kraft mill sources, in no event shall the gases from any smelt dissolving tank shall not contain TRS in excess of 0.0084 g/kg black liquor solids (0.0168 lb/ton black liquor solids) calculated on a dry basis. This corresponds approximately to 0.025 lb TRS per ton pulp production.

6.4 Kraft Mill Non-Condensable: No person shall discharge any non-condensable compound into the atmosphere from any emission point, until said non-condensable compound has been treated in an air pollution abatement operation for removal, thermal oxidation or chemical destruction of the TRS compounds contained therein. The net

emission of non-condensable compounds from any such air pollution abatement operation shall not exceed a TRS concentration of 5 parts per million by volume except during periods when switching from one control system to another; which period or periods shall not aggregate more than 30 minutes in any one day.

6.5 Kraft Mill Monitoring: Recording instruments to measure Total Reduced Sulfur emissions shall be provided, installed, maintained and continuously operated by the owner in the exhaust stack from the Kraft recovery furnace flue gas system, from the Kraft pulp mill lime kiln and from all other emission points releasing in excess of 100 pounds of TRS per day into the atmosphere. The recording section of such instruments shall be installed in a location subject to frequent operator surveillance or equipped with suitable alarm devices.

6.6 Compliance Verification: A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the APCO once each calendar month no later than the fifteenth day of the following calendar month. This summary shall be presented in the manner and form as prescribed by the APCO.

7.0 GEOTHERMAL EMISSION STANDARDS:

7.1 No person shall discharge into the atmosphere from any geothermal operation sulfur compounds, calculated as sulfur dioxide (SO2), in excess of 1,000ppm (v).

7.1.1 Notwithstanding Rule 104 (1.2) and Rule 104 (7.1) geothermal wells on standby bleed shall be authorized in writing by the APCO to exceed 1000 ppm(v) (as measured in the bleeding steam) provided all the following conditions, which shall be annually verified, are satisfied:

7.1.1.1 The geothermal well on standby bleed will emit less H_2S in pounds hour than if operated at or below 1000 ppm (v).
7.1.1.2 An air aspirator or other device(s) approved by the APCO is used to lower the emissions level to below 1000 ppm (v) at the point of emissions exit.
7.1.1.3 All applicable emissions limitations in Regulation I are not exceeded.
7.1.1.4 The geothermal well on standby bleed, singularly or when combined with sources on the same well pad site or from adjacent well pad sites (within 33 meters), will not create a public nuisance.

7.1.2 No person shall discharge hydrogen sulfide (H2S) into the atmosphere at a rate which exceeds those set forth in Table II and Table III as follows:

TABLE II

Effective Date (Note *2)	GEOTHERMAL Initially operated on or before March 31, 1979, (includes PG&E Geysers Units 1-12).	POWER PLANTS Initially operated after March 31, 1979, but initially issued an Authority to Construct or Determination of Compliance by March 31, 1980, (Includes PG&E Geysers Units 14, 15, & 17 and NCPA #2).	(NOTE *1 AND *3) Initially issued an Authority to Construct or Determination of Compliance after March 31, 1989, (includes all others).
	GEOTHERMAL For Units 3,4, 5,6,11, & 12 emit no more than	POWER PLANTS	(NOTE *1 AND *3)

January 1, 1979	10% of the H_2S in the supplied steam at full power plant load or 200 g/hr/GMW ave. using allocation (See Notes *7).		

TABLE III

January 1, 1980		100 g/hr/GMW	100 g/hr/GMW
July 15, 1981	10% of the H_2S in the supplied steam at full load operation for Units 3,4, & 11 and 200 g/hr/GMW for Units 5, 6, & 12 (Comply as shown or per Note *8).		
June 1, 1985	Units 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, & 12: Each at 200 g/hr GMW (Comply as shown or per Note *8).	50 g/hr/GMW (Note * 8)	50/g/hr/GMW or 1 kg/hr (Note *10)
June 1, 1986	Units 1-12 each at 200 g/hr/GMW (Comply as shown or per Note *8).		

NOTES FOR TABLES II AND III

NOTE 1 All geothermal emission sources, including new construction, must comply with all applicable future emission rate limits specified in these tables as they become effective.

NOTE 2 H_2S emissions limitations for each category of emission source will become effective henceforth on the "Effective Date" set out at the left of the Table(s).

NOTE 3 The term "g/hr/GMW" shall read "grams/hr per Gross Megawatt". The rates of emission may be equaled but not exceeded. Gross Megawatt refers to the source's full load gross generating capacity of the turbine generator as guaranteed by the turbine generator manufacturer. Compliance shall be verified by the source testing or protocol method approved by the APCO for the applicable emission source(s). (See also note *8.)

NOTE 4 Individual well emissions shall be limited to 2.5 kg/hr/well unless a higher rate was determined by New Source Review or unless applicant provides data which subsequently can justify a re-determination of the emission rate by the APCO.

NOTE 5 Small sources include continuous well and pipeline bleeds. Allowable emissions are those shown in Table III unless otherwise determined by the APCO.

NOTE 6 "Reduce H_2S by 50%" shall mean "to emit no more than 50% of the H_2S normally found in the supplied stream at full power load". "Dual Units" shall refer to those "steam transmission lines associated with two power plant units located in the same building", and therefore such associated steam transmission lines shall be considered as one source.

NOTE 7 Allocation method - If an emissions rate less than the required gm/hr/GMW is attained at one power plant unit, the excess reduction (in grams) can be credited to another power plant unit or apportioned to other power plant units. For instance, a 10 Megawatt plant can be allowed to emit 2,000 gm H_2S/hr, but if a credit of 500 gm H_2S were allocated from another unit, it can emit 2,500 gm H_2S/hr or 250 gm/hr/GMW. The allocation should be modified no more than quarterly and only if needed based on new data. (The major purpose of the allocation method is for individual power plant unit compliance verification and credit for greater H_2S reduction than required.)

NOTE 8 Protocol Method - Each geothermal facility may be allowed to establish a protocol to be approved by the APCO which specifies the manner in which the facility will be operated to meet the emissions limitations set forth in Table II and Table III of this rule. Each protocol shall specify if applicable:

1. The frequency and method of sampling the incoming steam quality and flow rates;
2. The frequency and method of adjusting chemical feed rate settings;
3. The frequency and method of instrument and testing equipment calibration;
4. The predicted relationship between incoming steam quality and flow rates, chemical feed rates, and H_2S emissions;
5. The frequency and method of emissions source testing;
6. Data logging requirements;
7. The locations of all logs and source test records; and,
8. The requirement that periodic source tests be performed.

Each operating protocol can be modified upon approval by the APCO. Changes in operating protocol(s) shall not take effect until copies of the revised protocol(s) are filed with the APCO and the facility. Compliance with the operating protocol approved by the APCO shall be deemed compliance with the H_2S emissions limitations of this Rule.

The major purpose of the protocol method is to provide a practical means of compliance with the specified emissions limitations given variations in incoming steam quality, chemical abatement system performance, and emission source test accuracy. A form of transferable emissions credits or allocation (pound for pound) among specified power plants shall be allowed in the protocol(s) as long as the APCO determines that enforceability can be reasonably achieved and ambient air quality would not be substantially degraded.

NOTE 9 Stacking emission standards will be required of any steam transmission line or power plant which is expected to have on the average three (3) or more stacking events per year; the normal enforcement of equipment breakdown and procedures for the applicable stacking facility will be followed.

NOTE 10 The 1.0 kg H_2S/hr limit shall apply only to geothermal power facilities with an electrical generation capacity of 20 Megawatts or less, provided:

1. no more than one such facility is within a 1.0 km radius area from any existing power plant facility (as of Jan. 1, 1985), and no more than one such facility is within a 0.5 km radius area of another, or

2. The facility can provide a significant net annual H_2S emissions reduction.

NOTE 11 Load Curtailment Emission Requirements - Each steam transmission line has a minimum steam flow rate, defined as "E", which results in the emission levels of Column "A" (Column D for Units 1 and 2). Each power plant unit, after curtailment, operates at a steam transmission line flow rate, defined as "F".

1. If the curtailed steam flow rate, "F", is greater than the minimum flow rate, "E", then the supplier shall eliminate within 30 minutes curtailment emissions from the unit stacking facility.

2. If the curtailed steam flow rate, "F", is less than the minimum flow rate, "E", then the supplier shall be allowed no more curtailment emissions from the unit stacking facility than that H_2S associated with the difference in steam flows, ("F"-"E"). In the event the curtailed power plant unit is part of a dual unit system, and the companion unit is operational at a level of 50% of full steam flow, then the supplier shall eliminate, within 1 hour, curtailment emissions from the unit stacking facility regardless of steam flow to the curtailed unit.

7.3 Any geothermal power plant and associated steam transmission line, for which applications are submitted for Authority to Construct Permit processing after January 1, 1985, shall employ Best Available Control Technology for stacking event avoidance.

7.4 A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the APCO. This summary shall be presented in the manner, frequency and form as prescribed by the APCO.

8.0 REDUCTION OF ANIMAL MATTER: No person shall operate or use any article, machine, equipment or other contrivance for the reduction of animal matter, unless all gases, vapors and gas-entrained effluents which contain odorous material are:

8.1 Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second; or,

8.2 Processed in such a manner determined by the APCO to be equally, or more effective for the purpose of air pollution control than (8.1) above.

8.3 A person incinerating or processing gases, vapors, or gas entrained effluents pursuant to this Rule shall provide, install, maintain in calibration, and continuously operate instruments and monitoring devices, as specified by the APCO, for indicating temperature, pressure or other operating conditions.

8.4 For the purpose of this Section 8.0, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

9.0 ORCHARD, VINEYARD, AND CITRUS GROVE HEATERS:

9.1 No new orchard, vineyard or citrus grove heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. (H&S 41860)

9.2 No person shall use any orchard, vineyard or citrus grove heater except where the heater is of a type from an approved listing by the California Air Resources Board which does not produce more than one gram per minute of unconsumed solid carbonaceous material. (H&S 41860)

10.0 PETROLEUM LOADING AND STORAGE:

10.1 All petroleum storage tanks in excess of 40,000 gallons capacity shall conform to the NSPS requirements of Rule 104(11).

10.2 No person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe. (H&S 41950)

10.2.1 For the purpose of Rule 104(10.2) "gasoline", means any petroleum distillate having a Reid Vapor Pressure of four pounds or greater.

10.2.2 For the purpose of Rule 104(10.2) "submerged fill pipe", means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

10.3 The requirements of Rule 104(10.2) shall not apply:

10.3.1 To any stationary tank which is used primarily for the fueling of implements used in agricultural operations.

10.3.2 To any “pressure tank" which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.

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

10.3.4 To any tank equipped with a "floating roof" which consists of a pontoon-type or double-deck-type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. A floating roof tank shall not be used if the gasoline or petroleum distillate has a vapor pressure of 570 millimeters of mercury absolute (11.0 pounds per square inch absolute) or greater, under actual storage conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.

11.0 FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS): All new sources of air contaminants or modifications to existing sources shall comply with the rules, standards, criteria and requirements of Part 60, Chapter 1, Title 40, Code of Federal Regulations, and dated as follows, which are adopted by reference and incorporated here in as a part of these Rules and Regulations as though set forth in their entirety. For the purpose of this Rule, the word “Administrator” as used in these federal New Source Performance Standards shall mean the APCO of the AQMD except that the APCO shall not be empowered to approve alternate or equivalent test methods nor alternative standards/work practices. Other deviations from these federal standards as presented in the CFR and which were ordered by the AQMD governing Board to suit the needs of the AQMD are noted in the affected Subpart. Whenever any source is subject to more than one Rule, Regulation, provision, or requirement relating to the control of any air contaminant in cases of conflict or duplication, the most stringent rule, regulation provision, or requirement shall apply.

Source Category types subject to NSPS include:

CATEGORY - NSPS	**40 CFR 60 Subpart**	**Last Amended**

General Provisions	A	June 24, 1985
Adoption and Submittal of State Plans for Designated Facilities	B	
Fossil - Fuel Fired Steam Generators	D	September 27, 1984
Electric Utility Steam Generating Units	Da(1)	September 27, 1984
Industrial-Commercial-Institutional Steam Generating Units	Db(1)	December 16, 1987
Incinerators	E	March 3, 1978
Portland Cement Plants	F	March 3, 1978
Nitric Acid Plants	G	April 23, 1985
Sulfuric Acid Plants	H	October 20, 1983
Asphalt Concrete Plants	I	January 24, 1986
Petroleum Refineries - Fluid Catalytic Cracking Unit Generators	J	August 17, 1989
Petroleum Storage Vessels (constructed June 11, 1973 to May 19, 1978)	K	January 27, 1983
Petroleum Storage Vessels (constructed after May 19, 1978)	Ka	January 27, 1983
Volatile Organic Liquid Storage Vessels	Kb(2)	June 16, 1989
Secondary Lead Smelters	L	March 3, 1978
Secondary Brass and Bronze Ingot Production	M	October 30, 1984
Iron and Steel Plants	N	January 2, 1986
Secondary Emissions from Basic Oxygen Process Steelmaking Facilities	Na	February 14, 1990
Sewage Treatment Plants	O	March 3, 1978
Primary Copper Smelters	P	May 25, 1983
Primary Zinc Smelters	Q	May 25, 1983
Primary Lead Smelters	R	May 25, 1983
Primary Aluminum Reduction Plants	S	May 23, 1983
Wet Process Phosphoric Acid Plants	T	February 17, 1983
Super Phosphoric Acid Plants	U	February 17, 1983
Diammonium Phosphate Plants	V	February 17, 1983
Triple Super Phosphate Plants	W	February 17, 1983
Granular Triple Super Phosphate Storage	X	January 27, 1983
Coal Preparation Plants	Y	January 27, 1983
Ferro Alloy Production	Z	January 27, 1983
Steel Plants - Electric Arc Furnaces	AA	October 31, 1984
Elec. Arc Furnaces & Argon-Oxygen Vessels	AAa	October 31, 1984
Kraft Pulp Mills	BB	May 20, 1986
Glass Manufacturing [except Sec.60292(d & e)]	CC	October 19, 1984
Grain Elevators	DD	August 3, 1978
Surface Coating of Metal Furniture	EE(1)	April 30, 1985
Stationary Gas Turbines	GG	July 31, 1984
Lime Manufacturing	HH	April 26, 1984
Lead - Acid Battery Manufacture	KK	April 16, 1982
Metallic Mineral Processing Plants	LL	February 21, 1984
Auto and Light - Duty Truck Surface Coating	MM(1)	September 9, 1985
Phosphate Rock Plants	NN	April 16,1982
Ammonium Sulfate Manufacturing	PP	November 12,1980
Graphic Arts Industry - Rotogravure Printing	QQ(1)	January 10,1983
Pressure Sensitive Tape & Label Surface Coating	RR(1)	October 18,1983
Industrial Surface Coating, Large Appliances	SS(1)	October 27,1982
Metal Coil Surface Coating	TT(1)	January 10,1983
Asphalt Processing and Asphalt Roofing Manufacture	UU	August 6,1982

Synthetic Organic Chemical Manufacturing Industry	VV(2)	June 29,1984
Beverage Can Surface Coating Industry	WW(1)	August 25,1983
Bulk Gasoline Terminals	XX(3)	June 24,1986
New Residential Wood Heaters	AAA	April 12,1988
Rubber Tire Manufacturing Industry	BBB	September 19,1989
Flexible Vinyl and Urethane Coating & Printing	FFF(1)	August 17,1984
Equipment Leaks of VOC in Petroleum Refineries	GGG(2)	May 30, 1984
Synthetic Fiber Production Facilities	HHH(1)	April 27, 1984
Petroleum Dry Cleaners	JJJ(2)	September 21, 1984
Equipment Leaks of VOC from Onshore Natural Gas Processing Plants	KKK	June 24, 1985
Onshore Natural Gas Processing Plants; SO2	LLL	February 14, 1989
Non-metallic Mineral Processing Plants	OOO	August 1, 1985
Wool Fiberglass Insulation Mfg. Plants	PPP	February 25, 1985
VOC Emissions from Petroleum Wastewater Systems	QQQ	November 23, 1988
Magnetic Tape Coating Facilities Industrial Surface Coating of Plastic	SSS	October 3, 1988
Parts for Business Machines	TTT	January 29, 1988
Polymeric Coating of Supporting Substrates Facilities	VVV	September 11, 1989

NOTES

NOTE 1 The emissions averaging periods specified in the federal NSPS standards are emissions averaging periods for affected facilities in the AQMD.

NOTE 2 The observation of a leak in excess of the requirements of the Rule constitutes a violation of the Rule.

NOTE 3 California Air Resources Board (CARB) Certification and Test Procedures for Vapor Recovery Systems of Gasoline Delivery Tanks shall be followed in lieu of the federal procedure as shown in the CFR. Documentation and record keeping requirements shall record results of CARB Certification Tests.

12.0 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS): The provisions of Part 61, Chapter 1, Title 40, Code of Federal Regulations, and dated as follows, are adopted by reference and made a part of these rules and regulations. For the purpose of this Rule, the word "Administrator" as used in these national emission standards for hazardous air pollutants shall mean the APCO of the AQMD, except that the APCO shall not be empowered to approve alternate or equivalent test methods nor alternative standards/work practices. Other deviations from these federal standards as presented in the CFR and which were ordered by the AQMD Governing Board to suit the needs of the AQMD are noted in the affected Subpart. Whenever any source is subject to more than one rule, regulation, provision, or requirement relating to the control of any air contaminant, in cases of conflict or duplication, the most stringent rule, regulation, provision, or requirement shall apply.

Source Category types subject to NESHAPS include:

Category - NESHAPS	40 CFR 61 Subpart	Last Amended

General Provisions	A	March 7, 1990
Beryllium	C	November 7, 1985
Beryllium Rocket Motor Firing	D	November 7, 1985
Mercury	E	March 14, 1987
Vinyl Chloride	F	July 10, 1990
Equipment Leaks of Benzene (Fugitive Emissions)	J	August 19, 1988
Benzene Emissions from Coke By-Products Recovery Plants	L	September 19, 1991
Asbestos	M(1)	November 20, 1990
Equipment Leaks (Fugitive Emissions)	V	September 30, 1986
Benzene Emissions from Benzene Storage Vessels	Y	September 14, 1989

NOTES

NOTE 1 View ports: Any owner or operator of a demolition or renovation project that is subject to 40 CFR.-61, Subpart M (NESHAPS) and required to construct physical barriers for the purpose of controlling asbestos emissions, shall install transparent viewing ports which allow observation, to the extent possible, of all stripping and removal of regulated asbestos containing material from outside the containment area.

13.0 INCINERATOR BURNING: No person shall burn combustible material in any incinerator within the North Coast Unified Air Pollution Control District, except in a multiple-chamber incinerator as defined in Rule 101, or in equipment found by the APCO to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

Rule 105 Enforcement & Penalty Actions

(Adopted November 3, 1982; Revised September 25, 1998; Proposed for Revision December 16, 2004, Revised May 19, 2005).

RULE 105 CONTENTS

RULE 105
ENFORCEMENT & PENALTY ACTIONS

1.0 ENFORCEMENT: No person shall violate any condition of an Authority to Construct, any condition of a Permit to Operate, any provision of these Rules and Regulations; or any order, rule, or regulation of the California Health and Safety Code. Any person violating any such Rule or statute is guilty of a misdemeanor and/or is liable for a civil penalty and shall be subject to a fine or imprisonment in the county jail, or both as allowed by the California Health and Safety Code or other such criminal and civil penalties as may be lawful. Every day during any portion of which the violation occurs constitutes a separate offense.

2.0 ORDERS OF ABATEMENT:

2.1 The AQMD Hearing Board may, after notice and a hearing, issue an order for abatement whenever it finds that any person is in violation of Section 41700 or 41701 of the California Health and Safety Code, or of any order, rule or regulation prohibiting or limiting the discharge of air contaminants into the air.

2.2 The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met. (H&S 42452)

3.0 CIVIL PENALTIES:

3.1 Except as otherwise provided in Rule 105(3.2)(3.3), any person who violates Section 41700 or 41701 of the California Health and Safety Code, or any Rule or Regulation of the AQMD, shall be liable for a civil penalty not to exceed one thousand dollars ($1,000) for each day in which such violation occurs. (H&S 42402)

3.2 Any person who negligently emits an air contaminant in violation of any rule, regulation or order CARB or of the AQMD pertaining to emission regulations or limitations shall be liable for a civil penalty of not more than ten thousand dollars ($10,000) for each day in which such violation occurs. (H&S 42402.1)

3.3 Any person who emits an air contaminant in violation of any order, rule, or regulation of CARB or of the AQMD pertaining to emission regulations or limitations, and who knew of the emission and failed to take corrective action within a reasonable period of time, or which causes actual injury to the health or safety of a considerable number of persons or the public, shall be liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) for each day in which such violation occurs. (H&S 42402.2)

3.4 Any person who intentionally or negligently violates any order for abatement issued by the AQMD Hearing Board pursuant to Rule 105(2.1) (2.2) (2.3), shall be liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000) for each day in which such violation occurs. (H&S 42401)

3.5 The civil penalties prescribed in Rule 104(3.1) & (3.2)(3.3)(3.4) shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any District Attorney in whose jurisdiction the violation occurs, or by the attorney for the AQMD in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.

4.0 NOTICE TO COMPLY:

4.1 **Purpose:** The purpose of this Rule is to implement the provisions of Chapter 3 of Part 1 of Division 26 of the California Health and Safety Code (commencing with section 39150) which define a minor violation and establish guidelines for issuing a Notice to Comply.

4.2 **Applicability**: This rule applies to any person, owner, operator, employee or representative of a facility subject to state requirements, AQMD Rules or Regulations, administrative or procedural plan/policy or permit conditions, or requests for information or records by the APCO.

4.3 Definitions:

4.3.1 **Chronic Violation**: A violation that reflects a pattern of neglect or disregard that results in the same or similar violation at the same source or facility or same piece of equipment.

4.3.2 **Information:** Data, records, photographs, maintenance records, analyses, plans, or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which a permit

was issued or applied or which is subject to state or federal requirements, AQMD Rules or Regulations, administrative or procedural plan or permit conditions, or requests for information or records by the APCO.

4.3.3 Minor Violation:

4.3.3.1 The failure of any person to comply with administrative or procedural requirements of applicable state requirement(s), AQMD Rules and Regulations, administrative or procedural plan or permit conditions, or requests for information or records by the APCO which meets the following criteria:

4.3.3.1.1 Does not result in an increase of emissions that exceeds regulatory limits or permit conditions;

4.3.3.1.2 Does not endanger the health, safety, or welfare of any person or persons;

4.3.3.1.3 Does not endanger the environment;

4.3.3.1.4 Does not cause or contribute to the violation of any State or National Ambient Air Quality Standard;

4.3.3.1.5 Does not preclude or hinder the APCO's ability to determine compliance with other applicable State or Federal requirements, AQMD Rules and Regulations, administrative or procedural plan or permit conditions, or requests for information or records.

4.3.3.2 Notwithstanding subparagraph (4.3.3.1) above, no violation of an applicable State or Federal requirement, AQMD Rule or Regulation, administrative or procedural plan or permit condition, or request for information or records shall be considered a minor violation if:

4.3.3.2.1 The violation involves failure to comply with the emission standard(s) in the applicable rule or regulation, including requirements for control equipment, emissions rates, concentration limits, product material limitations, and other rule provisions directly associated with emissions; or

4.3.3.2.2 The violation is knowing, willful, or intentional; or

4.3.3.2.3 The violation enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage; or

4.3.3.2.4 The violation is chronic; or

4.3.3.2.5 The violation is committed by a recalcitrant violator; or

4.3.3.2.6 The violation results in a public nuisance.

4.3.4 Notice to Comply: A written method of alleging a minor violation that meets the requirements of Health and Safety Code section 39151.

4.3.5 Procedural Requirements: A provision of a rule, regulation or permit condition that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.

4.3.6 Recalcitrant Violation: A person or facility where there is evidence indicating that the person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of AQMD Rules and Regulations, permit conditions, or other applicable provisions of state or federal law or regulations.

4.4 Requirements:

4.4.1 Except as otherwise provided in paragraph (4.4), a Notice to Comply shall be the means by which the APCO shall cite a minor violation. The APCO shall not take any other enforcement action on a minor violation, if the person or facility has complied with the provisions of the Notice within the specified time.

4.4.2 Any person or facility who receives a Notice to Comply pursuant to this subparagraph shall have a date specific in which compliance is to be achieved. Within five (5) working days of achieving compliance, the person or facility representative who received the Notice to Comply shall sign and return it to the APCO, stating that the person or facility has complied with the Notice to Comply. The return shall also include a written statement describing when and how compliance was achieved. Failure to respond or giving a false statement describing when and how compliance was achieved is a violation subject to further legal action pursuant to the Health and Safety Code, section 42400, et seq.

4.4.3 A single Notice to Comply shall be issued for all minor violations cited during the same inspection and the Notice to Comply shall separately list each cited minor violation and the manner in which each minor violation may be brought into compliance.

4.4.4 A Notice to Comply shall not be issued for any minor violation that is corrected immediately in the presence of the AQMD Representative. Immediate compliance in that manner may be noted in the inspection report or other AQMD documents, but the person or facility shall not be subject to any further action by the AQMD's Representative or an authorized or designated officer. Corrected minor violations may be used to show a pattern of disregard or neglect by a recalcitrant violator.

4.4.5 Notwithstanding any other provision of paragraph (4.4), if a person or facility fails to comply with a Notice to Comply within the prescribed period, or if the APCO determines that the circumstances surrounding a particular minor violation are such that immediate enforcement is warranted to prevent harm to the public health or safety or to the environment, the APCO may take any needed enforcement action authorized by law.

4.4.6 Nothing in this rule shall be construed as preventing the reinspection of a site or facility to ensure compliance or to verify that minor violations cited in a Notice to Comply have been corrected.

4.4.7 Nothing in this rule shall be construed as preventing the APCO, on a case-by-case basis, from requiring a person or facility subject to a Notice to Comply to submit information to support a claim of compliance by the person or facility.

4.4.8 The issuance of a Notice to comply for a violation of state law will not interfere with an agency's ability to enforce all federal requirements or laws.

4.4.9 Notwithstanding any other provisions of paragraph (d), if the APCO determines that the circumstances surrounding a particular minor violation are such that the assessment of a penalty pursuant to this Rule is warranted or required by federal law, in addition to issuance of a Notice to Comply, the APCO shall assess a penalty

in accordance with Division 26 of the Health and Safety Code, section 42400, et seq., if the APCO makes written findings that set forth the basis for the determination of the APCO.

4.5 Appeals: Any person who is issued a Notice to Comply may appeal the issuance by filing a written appeal with the APCO within 10 working days of receipt of the Notice. The appeal shall state the grounds and basis for the appeal and include any evidence as to why the Notice to Comply should not have been issued. The APCO shall grant or deny the appeal within 30 days of receiving the appeal. The APCO's decision shall be final.

4.6 Penalty for failure to comply: Any person or facility who fails to comply by the date specified on the Notice to Comply shall be subject to further enforcement action pursuant to the Health and Safety Code section 42400, et seq., or any other applicable law.

4.7 Expiration: This rule shall remain in effect only until January 1, 2006, and as of that date is repealed unless a later enacted rule, which is enacted on or before January 1, 2006, extends that date, or unless Health and Safety Code sections 39150 - 39153 are extended beyond that date by an act of the Legislature which is signed into law by the governor.

5.0 EQUIPMENT BREAKDOWN:

5.1 Breakdown Conditions: For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, or by State law, or similar failure of any required in-stack continuous monitoring equipment where such failure or malfunction:

5.1.1 Is not the result of neglect or disregard of any air pollution control law or rule or regulation;
5.1.2 Is not intentional or the result of negligence;
5.1.3 Is not the result of improper maintenance;
5.1.4 Does not constitute a nuisance; or,
5.1.5 Is not an abnormally recurrent breakdown of the same equipment.

5.2 Breakdown Procedures:

5.2.1 Any breakdown condition meeting the qualifications of Rule 105(5.1) shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the APCO may elect to take no enforcement action if the owner or operator demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:

5.2.1.1 The breakdown is reported to the AQMD as soon as reasonably possible, but no later than one (1) hour after its detection during normal office hours (9:00 a.m. to 4:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.
5.2.1.2 The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.
5.2.1.3 The breakdown does not interfere with the attainment or maintenance of any National Ambient Air Quality Standard.

5.2.2 The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform AQMD procedures.

5.2.3 Upon receipt of notification of a breakdown condition, the APCO shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, the APCO may take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.

5.3 Reporting Requirements: Within ten (10) days after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the APCO including, but not limited to, the following details:

5.3.1 Duration of excessive emissions.
5.3.2 Estimate of quantity of emissions.
5.3.3 Statement of the cause of the occurrence.
5.3.4 Corrective measures to be taken to prevent recurrences.

Documentation of the breakdown condition may be required by the APCO.

5.4 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 APCO shall take enforcement action.

5.5 Failure to Comply with Reporting Requirements: Any failure to comply, or comply in a timely manner, with the reporting requirements established in subparagraphs (5.2.1.1) and (5.3.1) through (5.3.4) of this Rule shall constitute a separate violation of this rule.

5.6 False Claiming of Breakdown Occurrence: It shall constitute a separate violation of this rule for any person to file with the APCO a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.

5.7 Extended Breakdown Provisions: For any occurrence which causes a breakdown condition meeting the requirements of Rule 105(5.1) and which may persist for longer than twenty-four (24) hours (ninety-six hours for monitoring equipment), the owner or operator may, in lieu of shutdown, may petition the Hearing Board for an emergency variance.

Rule 106 Emission Reduction Credits and Banking

(Proposed for Adoption/Revision December 16, 2004, Adopted May 19, 2005).

RULE 106 CONTENTS

RULE 106
EMISSION REDUCTION CREDITS AND BANKING

1.0 PURPOSE

1.1 To provide a mechanism for permitted and non-permitted emission sources to deposit, transfer, and use Emission Reduction Credits (ERCs) as offsets as allowed by applicable laws and regulations. To ensure that all emission reductions are transferred through the North Coast Air Quality Management District's (AQMD's) emission reduction credit bank pursuant to the California Health and Safety Code (HSC). All transfers and uses of emission reductions that are required under the AQMD's New Source Review (NSR), Rule 130 of this Regulation, shall be processed in accordance with this Rule.

1.2 To define ERC eligibility standards, quantitative procedures, and administrative practices and to ensure that ERCs are real, permanent, quantifiable, surplus, and enforceable.

1.3 To ensure that open biomass burning is restricted or prohibited for a parcel for which an ERC certificate has been issued exists.

2 APPLICABILITY: The provisions of this Rule apply to the deposit, transfer, and use of ERCs from stationary sources and open biomass burning sources of air pollution emissions. References in this Rule to non-permitted source, permit exempt, shutdown, curtailment, authority to construct and permit to operate do not apply to open biomass burning sources.

3 DEFINITIONS:

3.1 Actual Emissions: Means the measured or estimated emissions that most accurately represent the emissions from an emissions unit.

3.2 Actual Emission Reductions: Means a reduction in actual emissions from an emissions unit. Actual emission reductions shall be calculated on a quarterly basis, pursuant to Sections 10 or 15 of this Rule, and shall meet the following requirements:

3.2.1 Emission reductions shall be real, enforceable, quantifiable, and permanent.

3.2.2 Emission reductions shall be in excess of any emission reductions that are:

3.2.2.1 Required or encumbered by any laws, rules, regulations or orders; or

3.2.2.2 Attributed to a control measure proposed or contained in a State Implementation Plan; or

3.2.2.3 Contained as measures in the adopted AQMD Air Quality Attainment Plan for attaining annual reductions required for the California Clean Air Act (CCAA) and the Federal Clean Air Act. Actual emission reductions attributed to a proposed control measure may be re-eligible as actual emission reductions in the following circumstances:

3.2.2.3.1 For control measures identified in the AQMD Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two (2) years from the scheduled adoption date provided, however, the APCO has not extended the scheduled adoption date;

3.2.2.3.2 For control measures not identified in the AQMD Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two (2) years from the date of the latest public workshop notice.

3.3 Affected Pollutants: Means all air pollutants for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (CARB), and the precursors to such pollutants.

3.4 Applicable Requirements: Means air quality requirements with which a facility must comply pursuant to the State Implementation Plan, the Federal Clean Air Act as amended in 1990 and implementing regulations, and other provisions of the United States Code of Federal Regulations, and AQMD Rules, Regulations or permit requirements.

3.5 Applicant: The person, entity, landowner or their designee applying for an ERC certificate.

3.6 Bankable Emissions: Reductions in affected pollutants which meet the applicable provisions of the AQMD 's banking and NSR Rules.

3.7 Banking System: The procedures of quantifying, certifying, recording, and storing ERCs for future use or transfer.

3.8 Banking Register: The document that records all ERC applications, deposits, withdrawals, transfers, and other transactions including the claiming of open biomass burning offset credits by stationary sources existing prior to first adoption of this Rule.

3.9 Biomass: Material derived from the harvesting of crops or removal of vegetation, including timber, except for material from processed dimensional timber.

3.10 Control Efficiency: Means the ratio of controlled emissions to uncontrolled emissions of the proposed air pollution control technology which will be incorporated, by means of enforceable permit conditions, in the Authority to Construct and Permit to Operate. Emission reductions attributed to lowering throughput rates or operating hours shall be considered in determining control efficiency.

3.11 Emission Reduction Credits: Reductions of actual emissions from an emission source that is registered with the AQMD in accordance with this Banking Rule. Reductions will be specified by pollutant, by location, and in units of pounds per calendar quarter.

3.12 Emissions Unit: Means an identical operation, parcel(s), process, or control equipment, such as an article, machine, or other contrivance, which emits, may emit, or results in the emissions of any affected pollutant directly or as fugitive emissions.

3.13 Enforceable: Means real, quantifiable, permanent, verifiable and legally binding.

3.14 ERC Certificate: A document certifying title to defined quantities and types of emission reductions issued by the AQMD to the owner(s) identified on the certificate.

3.15 Historic Actual Emissions: Means actual emissions from an existing emissions unit averaged over the two (2) consecutive years immediately preceding the date of application. If the last two (2) years are unrepresentative of normal operations as determined by the APCO, then two (2) consecutive years of the previous five (5) years may be used. Where an emissions unit has been in operation for less than two (2) years, a shorter averaging period of at least one (1) year may be used, providing it represents the full operational history of the emissions unit.

3.16 No-burn List: A list of parcels for which ERCs exist and which will not receive burn permits.

3.17 Non-permitted Emissions: Emissions of pollutants into the atmosphere from sources that do not have air pollution operating permits. Non-permitted sources include exempt facilities.

3.18 Offsets: The use of an emission decrease from one or more sources to compensate for an emission increase in a non-attainment pollutant or its precursor from a new or modified source subject to the requirements of the AQMD's NSR Rule.

3.19 Parcel(s): A legally identifiable piece of land, or a portion of that land, or combined lands under common ownership, as registered with the County Assessor's office for property tax purposes.

3.20 Permanent: Means verifiable, real, quantifiable and legally binding emission reductions which continue or endure without fundamental or marked change.

3.21 Potential to Emit: Refers to the maximum daily capacity of a stationary source or emissions unit to emit affected pollutants under its physical and operational design. Any physical or operational limitation on the daily capacity of the source or unit to emit a pollutant, including pollution control equipment and restrictions in hours of operation, type of material combusted, stored, or processed, shall be treated as part of its design limitation if they are incorporated into the applicable permit as enforceable permit conditions.

3.23 Proposed Emissions: The potential to emit for a new or post-modification emissions unit.

3.24 Quantifiable: Means the ability to estimate emission reductions in terms of both their amount and characteristics. The same method of estimating emissions should generally be used to quantify the emission levels before and after the reduction.

3.25 Quarterly: Means calendar quarters beginning in January, April, July and October.

3.26 Real: Means emission reductions that are not artificial, fraudulent or illusory.

3.27 Registered owner: The person, entity, landowner or their designee in whose name the ERC certificate is issued and listed in the banking register.

3.28 Restricted Burn List: Means a list of parcels for which ERCs exist and can receive a restricted burn permit.

3.29 Restricted Burn Permit: Means a permit to burn specific fields within an emissions unit or parcel of land for which an ERC certificate has been issued. The restricted burn permit ensures that the actual emissions are less than or equal to the amount allotted to the permit holder.

3.30 Shutdown: Either the earlier of the permanent cessation of emissions from a source or an emissions unit or the surrender of that unit's or source's operating permit. If prior to the surrender of the operating permit, the APCO determines that the source or emissions unit has been removed or fallen into an inoperable or un-maintained condition, the APCO may notify the owner of the intent to cancel the permit. If the owner cannot demonstrate to the satisfaction of the APCO, or does not respond within 60 days from the AQMD'S notice to cancel the permit, that the owner intended to operate again, then the APCO may cancel the permit and deem the source shutdown as of the date of the last emissions.

3.31 **Source:** Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission. A source may have a Permit to Operate or be exempt from permit. For purposes of this Rule open biomass burning will be considered a source and such activity requires an annual burning permit.

3.32 **Surplus:** Means emission reductions that are in excess of any emission reductions which are proposed or contained in a AQMD Air Quality Attainment Plan for attaining reductions required to attain and maintain federal and State ambient air quality standards. Emission reductions due to the decreased open burning of rice fields that were planted prior to the Connelly-Areias-Chandler Rice Straw Burning Reduction Act of 1991 shall qualify as surplus emission reductions in accordance with HSC Section 41865(r) (1).

3.33 **Transfer:** The conveyance of an ERC certificate from one entity to another by the AQMD.

4 REGISTRATION OF EMISSION REDUCTION CREDITS

4.1 The AQMD shall maintain a bank register, which shall consist of the following:

4.1.1 A record of all deposits, withdrawals, and other transactions with regard to the AQMD's banking system.

4.1.2 A record of all open biomass burning offset credits derived from reduced burning within the AQMD and which credits are claimed by stationary sources existing prior to the adoption of this Rule (pre-existing source).

4.2 In the event that open burning biomass emission credits are claimed by a new or modified stationary source as offsets and obtained from outside the AQMD, the AQMD shall report the claiming of such offset credits to the district of origin of the biomass material.

4.3 The APCO may only grant an ERC certificate after the emission reductions have actually occurred and upon satisfaction of the following applicable provisions:

4.3.1 If the emission reductions were created as a result of greater operating efficiencies, reduced throughput, shortened operating hours, or from the application of more efficient control technology, a revised Permit to Operate must be issued. This revised permit must include specific quantifiable emission limits reflecting the reduced emissions.

4.3.2 If the emission reductions were created as a result of the shutdown of a permitted source or emitting unit, the Permit to Operate or permit to burn has been surrendered and voided or modified to ensure that the emissions reductions are permanent.

4.4 When all the requirements of this Rule have been satisfied and the emission reductions have actually occurred, the APCO shall issue the ERC certificate. After granting an ERC certificate, the name on the certificate shall be entered into the banking register. Such information may be made available for public inspection.

4.5 All ERC certificate information concerning titles, interests, liens, restrictions, encumbrances, and other changes of record shall be identified in the AQMD 's banking register until the certificate is canceled or nullified by operation of law.

4.6 Each ERC certificate shall be numbered, bear the date of issuance, be signed by the APCO, bear the seal of the AQMD, and contain information regarding the quantity and type of ERCs. One copy of the ERC certificate shall be retained by the AQMD and the original shall be delivered to the applicant. Transmittal of the ERC certificate to the owner shall be accomplished in person or by registered mail. The person accepting the ERC certificate shall sign a receipt therefore and provide such proof of identity as the APCO may require.

4.7 ERC certificates issued pursuant to Section 7 of this Rule shall be valid and effective only after, and on the condition that, the ERC certificate is recorded as a condition of the parcel deed. The notice of recording shall be in a form approved by the AQMD, and include the following information at a minimum: owner of the ERC certificate, Assessor Parcel Number, owner of the property, notice of open burning restriction and date of recording.

4.8 At the option of joint owners of ERCs, such persons may receive one ERC certificate for the entirety or separate ERC certificates reflecting each proportional share and separate ownership. The AQMD's bank shall reflect the consolidation or separation of the ERCs.

4.9 Title to an ERC certificate shall be deemed registered at the time the required information concerning the ERC is entered into the banking register. Title will be vested in the applicant's name or his/her designee and shall inure to the benefit of his or her heirs. In the case of ERCs granted for open burning of biomass, title will be vested with the landowner or landowner's designee.

4.10 All dealings with ERCs and all liens, restrictions, encumbrances, and changes subsequent to the first registration shall be deemed to be subject to the terms of this Regulation, and to such amendments and alterations as may hereafter be made.

4.11 The APCO may reissue lost or destroyed ERC certificates after the registered owner certifies in writing that the original has been lost or destroyed.

5 ADJUSTMENTS TO EMISSION REDUCTION CREDITS

5.1 Except as provided in Section 5.2 below, the AQMD shall take five percent (5%) of the emission reductions before the ERCs are granted and apply the emissions toward attainment of the air quality standards or place the emissions into a community bank controlled by the AQMD for use by essential public services, such as sewage treatment, schools, hospitals, fire fighting, police, jail, water delivery, and mandated cleanup operations.

5.2 An applicant may restrict use of the ERCs only for the applicants own future use, at the same parcel or site, in which case the AQMD will not adjust the ERCs. The applicant may have the restriction removed by the AQMD upon payment of costs incurred by the AQMD to re-issue an unrestricted ERC certificate.

5.3 Deposits are permanent until used by the depositor or any party to whom the ERC certificate has been transferred. After issuance of the certificate, subsequent changes in regulations to require the type of emission reductions which have been banked shall not reduce or eliminate the ERC.

5.4 Owners of ERC certificates may donate their ERCs to the AQMD for purposes of assisting the AQMD towards attainment of the air quality standards.

6 TRANSFER AND USE OF EMISSION REDUCTION CREDITS

6.1 The ERCs may be used at the time of, or anytime after deposit into the AQMD's banking system by the registered owner, or owner's designee of the ERC certificate to provide offsets for increase in emissions from new or modified sources subject to the AQMD's NSR Rule.

6.2 Transfer in whole or in part of an ERC certificate shall be done by the registered owner in accordance with applicable procedures of this Rule. Upon payment of a transfer fee a new ERC certificate, certifying the title or interest in the ERC, shall be issued and the original certificate shall be canceled. Such cancellation shall be recorded in the banking register.

6.3 Nothing in this Rule prevents the lease or temporary transfer, in whole or in part, of ERCs represented by certificates to be used as offsets, provided the AQMD has procedures for adjusting the ERC at the end of the lease period to account for the facility historic actual emissions. However, no transfers shall be made until application is made to the AQMD and approval given by the APCO.

6.4 Except as provided below, all emission reductions to be used as offsets under the NSR Rule must first be processed through this Rule and receive an ERC certificate in accordance with the requirements of this Rule. Onsite reductions in emissions which are contemporaneous with onsite increases in emissions from other emissions units and meet the requirements of the NSR Rule are not required to go through this ERC/Banking Rule.

6.5 ERCs which result from stationary source shutdowns and curtailments shall not be used as offsets for a new or modified stationary source where permitted emissions would exceed emission thresholds established for the AQMD in the Federal Clean Air Act for major source modifications, unless the applicant can establish the following:

6.5.1 The proposed new source or modification is a replacement, and the shutdown or curtailment occurred after August 7, 1977, or

6.5.2 An application for credit was filed with the AQMD within 180 days of the date of the last emission; and

6.5.2.1 The crediting of shutdown emissions complies with the most recent emission trading policy or regulations of EPA; and

6.5.2.2 The AQMD has met statutory planning mandates and air quality improvement milestones.

6.6 On transfer of ownership of ERCs to a stationary source for use as offsets the registered owner shall provide information to the AQMD on costs, if any, in dollars per ton, on a per pollutant basis, of emission offsets purchased for, or acquired by, the new or modified source.

7.1 ELIGIBILITY OF OPEN BIOMASS EMISSION REDUCTION CREDITS: Except as noted below, emission reductions must comply with the definition of historic actual emission reductions, and will be deemed to have occurred when the parcel(s) has been placed on the no-burn list or restricted burn list. An applicant may apply for ERCs for the amount calculated using Section 10 of this Rule.

8 APPLICATION PROCEDURES FOR OPEN BIOMASS EMISSION REDUCTION CREDITS

8.1 Any person, entity, landowner, or authorized agent, which owns or operates an emissions unit for which eligible emission reductions have occurred or will occur, may apply for an ERC certificate in accordance with the requirements of this Rule. If the applicant is not the landowner, written authorization from the landowner must be included with the application for an ERC certificate.

8.2 The person or entity requesting the ERC certificate shall make an application on forms supplied by the AQMD.

8.3 The application may be for reductions in one or more affected pollutants.

8.4 Applicants may claim confidentiality of information contained in the application pursuant to applicable provisions of the Federal Clean Air Act, Government Code, and HSC.

9 ADMINISTRATIVE PROCEDURES AND TIMETABLE FOR OPEN BIOMASS EMISSION REDUCTION CREDITS: The APCO shall prepare the administrative procedures and timetable for open biomass ERCs in the DISTRICT Administrative Code Part B.

10 OPEN BIOMASS BURNING EMISSION REDUCTION CREDIT CALCULATIONS: The DISTRICT Administrative Code Part B contains emission factors (EF), fuel loading factors (FL), default historical burn fractions (HBF), and default quarterly burn fractions (QBF). Default HBFs and QBFs may be used to calculate the ERCs. The following information will be used in the calculation of ERCs; however, when using default HBF and QBF factors, Sections 10.3 and 10.4 below do not apply:

10.1 Basic Information: The applicant shall provide data on the crop type, exact location of the parcel including assessor's parcel number and other information regarding parcel location required in the AQMD Administrative Code Part B, and acreage burned (AB) during the eligibility period. The applicant shall use county burn permit/authorization records or other verifiable records to validate the information as specified in the AQMD Administrative Code Part B. The type of biomass residue and the AB will be used in the ERC calculation.

10.2 Acreage Burned (AB): The applicant for emission reductions from open biomass burning shall provide the acreage burned for each parcel(s) of land for which ERCs are applied. Phase down acreage must have been burned for at least one of the five (5) baseline years of 1988 through 1992. The applicant shall use county burn permit/authorization records or other verifiable records to determine the acreage.

10.3 Historical Burn Fraction (HBF): The applicant shall provide available data on historical biomass burn percentage for the parcel(s). The historical burn fraction (0-1) is an adjustment to the amount of ERCs available. The applicant may use county burn permit authorization records or other verifiable records to determine the amounts of prior burning. For rice straw burning a historical burn fraction of one (1) will be used for the phase down period.

10.4 Quarterly Burn Fraction (QBF): The applicant may provide available data on quarterly biomass burning for the parcel(s). The applicant may use county burn permit authorization records or other verifiable records to determine the date(s) of burning.

10.5 The biomass fuel loading (FL) and emission factors (EF) set forth in the AQMD Administrative Code Part B or other best available data as approved by the APCO shall be used for the crops indicated.

10.6 Discount Acreage (DA): The applicant may reduce the total acreage covered by the ERC certificate to allow for continued burning of a portion of the total acreage of the parcel. This reduction in the total acreage covered will be reflected in the emission credits applicable to the parcel(s). The AQMD shall either:

10.6.1 Identify the portion(s) of the parcel(s) covered by the discount acreage (i.e. the acreage eligible for a burn permit) and place the remaining acreage on a no-burn list. This portion will not be allowed to change without prior AQMD notification and approval; or,

10.6.2 Place the parcel(s) covered by the ERC certificate on a restricted burn list. Burning can only occur on specified fields within the parcel(s) after the AQMD has issued a restricted burn permit for the emissions unit (parcel(s)).

10.7 The District will determine a quarterly ERC value for each pollutant based on the following calculation:

ERCs = (AB-DA)*HBF*FL*EF*QBF

11 DISTRICT ENFORCEMENT CONSIDERATIONS FOR OPEN BIOMASS EMISSION REDUCTION CREDITS

11.1 Revision or cancellation of ERC certificates at the request of the registered owner to allow burning of a parcel(s) for which ERCs have been granted may be handled as follows, with prior written approval from the APCO:

11.1.1 The registered owner may request that the AQMD reduce the quantities of the emissions covered by the ERC certificate by the amount of emissions associated with the reduced acreage requested. After the AQMD revises the ERC certificate, that portion of the parcel may be burned in accordance with current agricultural burning regulations. The portion of the parcel that is covered by the discount acreage (i.e. the acreage eligible for a burn permit) must be clearly identified. This portion will not be allowed to change without prior AQMD notification and approval.

11.1.2 The registered owner may surrender the ERC certificate to the AQMD for cancellation and burn the parcel(s) pursuant to current agricultural burning regulations.

11.2 AQMD enforcement considerations related to ERC certificates are the following:

11.2.1 To meet the requirement of enforceability, a contract, permit conditions, No-burn list or restricted burn list, and/or other means shall be utilized.

11.2.1.1 The primary means of enforcing open biomass burning ERCs will be by placing the parcels on a No-Burn list or restricted burn list. Based on the AQMD's enforcement and tracking policy for biomass ERCs, a restricted burn permit or No-burn list will be issued for a parcel(s) if an ERC is currently in effect for that parcel unless the registered owner applies for cancellation, modification or substitution of the ERC under Section 11.1 of this Rule.

11.2.1.2 At the time of application, the applicant for an open biomass burning ERC certificate must provide information to the AQMD on the disposition of the biomass.

11.2.1.3 Emission reduction credits used to offset project emissions in another district shall be implemented through an inter-district agreement to ensure their enforceability and permanence.

11.2.2 Prior to the issuance of an ERC certificate, the registered owner of an ERC-designated parcel(s)/field(s) shall provide notification by certified mail to all growers leasing land covered by the certificate that open biomass burning is restricted. A copy of the certified letter and receipt shall be provided to the AQMD and maintained in the AQMD files.

11.2.3 Facilities that claim open burning emission reduction offsets pursuant to HSC Sections 41605.5 and 42314.5 must keep a daily log of biomass received by type, origin, quantity, and date. Such facilities will also be required to prepare and submit to the AQMD a quarterly report on their emissions and corresponding biomass offsets. The AQMD will further require an annual status report on biomass contracts for the next year prior to re-issuance of the annual Permit to Operate.

12 ELIGIBILITY OF STATIONARY SOURCE EMISSION REDUCTIONS FOR CREDITS: Upon application to the AQMD, within 365 days after the emission reductions occurred, the following emission reductions may qualify for ERC certificates. Emission reductions will be deemed to have occurred on the date when emissions actually decreased. The AQMD may claim emission reductions not applied for as ERCs under this Rule, from any source, and use such emission reductions toward attainment of air quality standards or deposit the emission reductions into the community bank.

12.1 For non-permitted sources the following additional requirements shall apply:

12.1.1 Emissions must have been included in the Emission Inventory.

12.1.2 The applicant for the ERCs must apply for and obtain a Permit to Operate from the AQMD or execute a legally binding contract with the AQMD or through other enforceable means.

12.1.3 An applicant who proposes to bank emissions from permit exempt sources must relinquish the exempt status and obtain permits for any new or modified sources of the same type.

12.1.4 If the emission reductions are due to the shutdown of a non-permitted source, the applicant must demonstrate to the satisfaction of the APCO that the emission reductions from the source meet all applicable requirements of this Rule. The source can no longer be operated within the AQMD unless and until a Permit to Operate is obtained from the AQMD.

12.2 Under no circumstances shall any emission reductions occurring before the date of adoption, other than as described in Section 12.3 of this Rule, be eligible for ERC certificates.

12.3 Emission reductions occurring after December 31, 2000 and before the date of adoption. The following criteria must be met in order to deem such emission reductions eligible for ERC banking:

12.3.1 Emission reductions formally recognized by the AQMD (in written form, emission databases, etc.), shall be deemed eligible emission reductions, provided the APCO determines that such emission reductions comply with the definition of actual emission reductions.

12.4 A stationary source which obtained offsets pursuant to the AQMD's NSR Rule and was issued an Authority to Construct after December 31, 2000, may apply to bank such offsets if the Authority to Construct is canceled or if the Permit to Operate is voluntarily modified or surrendered or is revoked by the AQMD.

12.5 The following emission reductions are not eligible for ERCs for banking:

12.5.1 Emission reductions from the shutdown or curtailment of retail gasoline dispensing or retail dry cleaning operations. These facilities may be eligible if they can demonstrate to the satisfaction of the APCO that their emission reductions are not offset by increases in demand and emissions from other similar sources within the AQMD.

12.5.2 Emission reductions occurring from the shutdown or curtailment of a stationary source for which the offsets originally provided are no longer enforceable by the AQMD.

12.5.3 Emission reductions occurring from the shutdown or curtailment of a stationary source for which the AQMD originally provided the required offsets.

12.6 Emission reduction credits resulting from shutdowns or curtailment of sources shall not be more than the quantity of emissions that would have been emitted had the source operated in compliance with rules and regulations applicable to the source at the time of shutdown or curtailment.

Shutdowns or curtailments must have occurred after December 31, 2000 for State requirements, and November 15, 1990 for federal requirements applicable to major stationary sources and major modifications; or

The emissions from the emissions unit to be shutdown or curtailed are included in the AQMD's 2000 Emission Inventory for State requirements, and in the 1990 Emission Inventory for federal requirements applicable to major stationary sources and major modifications; and

Applicants for ERCs due to the shutdown of permitted or non-permitted emissions units shall demonstrate to the satisfaction of the APCO that such equipment will no longer operate within the district, except as provided in Section 12.1.4 of this Rule.

13 APPLICATION PROCEDURES FOR STATIONARY SOURCE EMISSION REDUCTION CREDITS

13.1 Any person, entity, land owner, or authorized agent, which owns or operates a source at which eligible emission reductions have occurred or will occur, may apply for an ERC certificate in accordance with the requirements of this Rule.

13.2 The person or entity requesting the ERC certificate shall make an application on forms supplied by the AQMD.

13.3 The application may be for reductions in one or more affected pollutants. The application shall contain sufficient information to allow for adequate evaluation of actual emission reductions.

13.4 Applicants may claim confidentiality of information contained in the application pursuant to applicable provisions of the Federal Clean Air Act, Government Code, and HSC.

13.5 To verify emission reductions claimed in conjunction with an application for an ERC certificate, the AQMD may require source tests by CARB approved methods, continuous monitoring, production records, fuel use records, or any other appropriate means.

14 ADMINISTRATIVE PROCEDURES AND TIMETABLE FOR STATIONARY SOURCE EMISSION REDUCTION CREDITS

14.1 The APCO shall determine whether an ERC application is complete no later than thirty (30) calendar days following receipt of the application, or after a longer time period agreed upon in writing by both the applicant and the APCO.

14.2 If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the additional information that is required. The applicant shall have sixty (60) days, or a longer time period agreed upon in writing by both the applicant and the APCO to submit the requested information. Upon receipt of additional information, the APCO shall have another thirty (30) days to determine completeness. If no information is submitted or the application is still incomplete, the APCO may cancel the application with written notification to the applicant.

14.3 Upon determination that the application is complete, the APCO shall notify the applicant and CARB in writing. Thereafter, only information to clarify, correct or otherwise supplement the information submitted in the application may be requested by the District.

14.4 Withdrawal of an ERC application by an applicant shall result in cancellation of the application; any re-submittal will be processed as a new application.

14.5 Upon acceptance of an application as complete, the APCO shall have 180 days to take final action on the application after considering all written comments. Upon completion of the initial assessment, the APCO shall provide written notice of such to the applicant and shall also provide written notice to CARB and EPA and publish notice in a local newspaper of general circulation. The notice shall specify the applicant, the quantity of emission reduction credits requested and a copy of the initial assessment.

14.6 Publication of the notice shall commence a thirty (30) day public comment period during which the APCO shall accept written comments on the merits of the ERC application. Upon conclusion of this thirty (30) day period, the APCO shall have another thirty (30) days to render a decision to approve, conditionally approve, or deny the application. This decision shall be provided in writing to the applicant.

14.7 The applicant or any other party may appeal the APCO's decision following provisions specified in AQMD Regulations.

15 STATIONARY SOURCE ERC CALCULATIONS

Calculations of emission reductions shall be determined by the methods described in the AQMD's NSR rule.

Rule 107 Failure to Respond to Notices of Noncompliance:

(Adopted May 19, 2005, Revised May 15, 2008)

RULE 107

1.0 FAILURE TO RESPOND TO NOTICES OF NONCOMPLIANCE: Every person issued a Notice of Noncompliance (NON) by the Air Pollution Control Officer, or Fiscal Designee shall respond in writing to the NON within the time frame specified on the NON, not to exceed fifteen (15) days from issuance of the NON unless otherwise approved by the APCO.

For good cause shown, the APCO may extend the 15 day response period.

Rule 108 Severability of Rules and Regulations

(Proposed for Revision December 16, 2004; Adopted May 19, 2005).

RULE 108

1.0 SEVERABILITY OF RULES AND REGULATIONS: Severability Clause; it is hereby declared to be the intention of the Board of the North Coast Unified Air Quality Management District that the Rules, paragraphs, sentences, clauses and phrases of these Regulations, or entire Regulation, shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and Rules of these Regulations.

Rule 109 Entry Upon Private Property

(Proposed for Adoption/Revision December 16, 2004, Adopted May 19, 2005).

RULE 109

1.0 ENTRY UPON PRIVATE PROPERTY: The North Coast Unified Air Pollution Control Officer or his designated deputies are hereby empowered to enter upon private property in order to make investigations for the purpose of enforcing the provisions of these Regulations.

Rule 110 New Source Review (NSR) And Prevention of Significant Deterioration (PSD)

(Adopted November 3, 1982; Revised on October 12, 1983, March 14, 1984, August 10, 1984, March 13, 1986, January 19, 1989, December 7, 1989, June 28, 1990, August 30, 1990, February 27, 1991, August 29, 1991, March 5, 1992, May 6, 1993, December 10, 1993, September 26, 1007, September 25, 1998, Proposed for Revision December 16, 2004, Revised May 19, 2005)

RULE 110 CONTENTS

RULE 110
NEW SOURCE REVIEW (NSR)

1.0 PURPOSE

1.1 The purpose of this Rule is to establish pre-construction review requirements for new and modified stationary sources of air pollution for use of Best Available Control Technology (BACT), analysis of air quality impacts, and to ensure that the operation of such sources does not interfere with the attainment or maintenance of State or Federal Ambient Air Quality Standards.

1.2 This Rule shall provide for no net increase in emissions, pursuant to Section 40918 of the California Health & Safety Code (HSC), from new or modified stationary sources which emit, or have the potential to emit, 25 tons per year or more of any non-attainment pollutant or its precursors.

2 APPLICABILITY:

2.1 This Rule shall apply to all new and modified stationary sources which are subject to the North Coast Unified Air Quality Management District (AQMD) permit requirements and, after construction, emit or may emit any affected pollutants. This Rule shall apply to any application for an Authority to Construct which is deemed complete after the effective date.

2.2 Any facility or source subject to this rule which has ceased operation for two or more continuous years, excluding minimal maintenance activities, shall be presumed to have been permanently shutdown. Any permanently shutdown facility or source seeking reactivation is subject to re-evaluation under the requirements of Rule 110, NSR and PSD, including the requirement for BACT, NSR and PSD, provided, however, the APCO may determine that retrofit BACT is not economical based on the expected life of the facility and if the calculated increased incidence of cancer risk value is less than ten (10) increased incidences of cancer per million population taking into consideration all compounds designated by CARB as carcinogenic. The presumption a facility is permanently shutdown is refutable, and the burden of disproving the presumption rests with the permittee. In rebutting this presumption, the APCO shall take into consideration the totality of the circumstances including but not limited to: intent of the owner or operator, age of the facility, likelihood of reactivated operations may cause or contribute to a public nuisance, conflicting statements of intent by the owner and operator, frequently of equipment and facility upsets and equipment breakdowns, and ongoing maintenance. However, in any event, every facility and source subject to the provisions of this rule which has not operated for five (5) or more continuous years shall be considered to have been permanently shutdown for the purposes of this Rule.

3 EFFECTIVE DATE:

This Rule shall become effective April 22, 2005.

4 DEFINITIONS:

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

4.1 **Actual Emissions** means the measured or estimated emissions which most accurately represent the emissions from an emissions unit.

4.2 **Actual Emissions Reduction (AER)** means a reduction in actual emissions from an emissions unit selected for emission offsets or banking. Actual emissions reductions shall be calculated pursuant to Section 6 of this Rule and meet the following criteria:

4.2.1 Actual emission reductions shall be real, enforceable, quantifiable, and permanent.

4.2.2 Actual emission reductions shall be in excess of any emission reduction which is:

4.2.2.1 required or encumbered by any laws, rules, regulations, or orders; or

4.2.2.2 attributed to a control measure noticed for workshop, or proposed or contained in a State implementation plan; or,

4.2.2.3 contained as near-term measures in the adopted AQMD Air Quality Attainment Plan for attaining annual reductions required for the California Clean Air Act (CCAA).

4.2.3 Actual emission reductions attributed to a proposed control measure may be re-eligible as actual emission reductions in the following circumstances:

4.2.3.1 for control measures identified in the AQMD'S Air Quality Attainment Plan or State Implementation Plan, if no rule has been adopted within two (2) years from the scheduled adoption date, provided, however, the Air Pollution Control Officer (APCO) has not extended the scheduled adoption date;

4.2.3.2 for control measures not identified in the AQMD'S Air Quality Attainment Plan or State Implementation Plan, if no rule has been adopted within two (2) years from the date of the latest public workshop notice.

4.3 **Affected Pollutant** means an air pollutant for which an ambient air quality standard has been established by the United States Environmental Protection Agency (EPA) or the California Air Resources Board (CARB), the precursors to such pollutants, and those substances regulated by EPA or CARB, or listed under Section 5.1 of this Rule.

4.4 **Ambient Air Quality Standards** means those ambient air quality standards which include federal and State ambient air quality standards. For purposes of applicability of this Rule to the State Implementation Plan (SIP), all references to ambient air quality standards shall be interpreted as National Ambient Air Quality Standards. For the purposes of applicability of this Rule to the AQMD'S Air Quality Attainment Plan, all references to ambient air quality standards shall be interpreted as State Ambient Air Quality Standards.

4.5 **Best Available Control Technology (BACT)** means for any emissions unit, the more stringent of:

4.5.1 the most effective emission control device, emission limit, or technique which has been required or used for the type of equipment comprising such emissions unit unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not achievable; or

4.5.2 any other emission control device or technique, alternative basic equipment, different fuel or process, determined to be technologically feasible and cost-effective by the APCO. The cost-effective analysis shall be performed in accordance with the methodology and criteria specified by the APCO.

Under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of AQMD, State, or federal laws or regulations, unless the applicant demonstrates to the satisfaction of the APCO that such limitations are not achievable.

4.6 **Complete Application** means an application that contains all information required by the AQMD to adequately evaluate the nature and extent of potential emissions of the new or modified emissions unit proposed for use in accordance with a list of required information as adopted by the AQMD pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5, Division 1, Title 7 of the Government Code.

4.7 **Contiguous Property** means two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.

4.8 **Cost-Effective** means a cost per pound of emission reduction which is deemed to be acceptable and feasible, on a pollutant and emissions unit basis, by the APCO.

4.9 **Daily Emissions Limitation** means one or a combination of permit conditions specific to an emissions unit which restricts its maximum daily emissions in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limitation must be:

4.9.1 contained in the latest Authority to Construct and contained in or enforceable by the latest Permit to Operate for the emissions unit; and

4.9.2 enforceable on a daily basis; and,

4.9.3 established pursuant to permitting action occurring after January 12, 1993 and used in the calculation of the net emissions change.

4.10 **Emissions Unit** means an identifiable operation or piece of process equipment such as an article, machine, or other contrivance which emits, may emit, or results in the emission of any affected pollutant directly or as fugitive emissions.

4.11 **Fluorides** means elemental fluorine and all fluoride compounds.

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

4.13 **Halogenated Hydrocarbons** means 1, 1, 1-trichloroethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (CFC-23), methylene chloride, trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC-115).

4.14 **Impact Analysis** means an air quality modeling analysis used to estimate the maximum ground level concentration of any pollutant subject to this Rule. Maximum ground level concentration added to background levels shall be compared to ambient air quality standards.

4.15 **Modification** means any physical change or operational change to an existing emissions unit, including changing hours of operation or production rate, which would necessitate a change in permit conditions. A modification to a stationary source shall include any modification of its permitted emissions units or addition of any new emissions units. A reconstructed stationary source shall be treated as a new stationary source and not as a modification. A modification also occurs when there is an increase of emissions from an emissions unit which is not subject to a daily emissions limitation. The following shall not be considered a modification:

4.15.1 Routine maintenance or repair.

4.15.2 A change in ownership.

4.15.3 Replacement of an existing emissions unit, part of an emissions unit, or emissions control device with an identical (the same in all respects except for the serial number) piece of equipment resulting in emissions less than or equal to those from the original equipment or device and not requiring a change in permit conditions.

4.16 **Net Air Quality Benefit** means a net improvement in air quality resulting from actual emissions reductions impacting the same general area affected by the new or modified

source.

4.17 **Non-attainment Pollutant** means any pollutant, as well as any precursors of such pollutant, which has been designated non-attainment by EPA in the Federal Register, or which has been designated non-attainment by CARB pursuant to HSC Section 39607.

4.18 **PM-10** means particulate matter with aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method, or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).

4.19 **Potential to Emit** means the maximum daily capacity of an emission unit to emit a pollutant under its physical and operational design. Any physical or operational limitation on the daily capacity of the unit to emit a pollutant, including pollution control equipment and restrictions in hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on daily emissions is incorporated into the applicable permit as an enforceable permit condition.

4.20 **Precursor** means a directly-emitted pollutant that, when released to the atmosphere, forms, or contributes to the formation of a secondary pollutant for which an ambient air quality standard has been adopted. The following precursor relationships shall be used:

PRECURSOR	SECONDARY AIR
Reactive organic compounds	a. Photochemical oxidants (ozone) b. The organic fraction of PM-10
Nitrogen oxides	a. Nitrogen dioxide b. The nitrate fraction of PM-10 c. Photochemical oxidants (ozone)
Sulfur oxides	a. Sulfur dioxide b. Sulfates c. The sulfate fraction of PM-10

4.21 **Reactive Organic Compound or Reactive Organic Gas (ROC or ROG)** means any compound containing carbon, except methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, and halogenated hydrocarbons.

4.22 **Reconstructed Source** means any source undergoing physical modification where the fixed capital cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new stationary source. Fixed capital cost means that capital needed to provide all the depreciable components.

4.23 **Reduced Sulfur Compounds** means the sulfur compounds hydrogen sulfide, carbon disulfide, and carbonyl sulfide.

4.24 **Stationary Source (Facility)** means any building, structure, or emissions unit which emits

or may emit any affected pollutant directly or as a fugitive emission. "Emissions unit" includes any operation, article, machine, equipment or other contrivance which emits or may emit any affected pollutant. "Building or structure" includes all pollutant-emitting activities including emissions units which:

4.24.1 are located on one or more contiguous or adjacent properties, and which may be separated by a public right-of-way; and,

4.24.2 are under the same or common ownership, operation, or control, or which are owned or operated by entities which are under common control and belong to the same industrial grouping, either by virtue of falling within the same two-digit Standard Industrial Classification (SIC) Code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

4.25 Total Reduced Sulfur Compounds means the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

5 REQUIREMENTS: Any emissions unit subject to this Rule shall be subject to the following requirements:

5.1 Best Available Control Technology (BACT): An applicant shall apply BACT to any new emissions unit or modification of an existing emissions unit which results in an emissions increase and the potential to emit for the emissions unit exceeds the following amounts:

Pollutant	Pounds per Day
Asbestos	0.030
Beryllium	0.002
Carbon monoxide (non-attainment area)	137.000
Carbon monoxide (attainment area)	500.000
Fluorides	15.000
Hydrogen sulfide	50.000
Lead	3.200
Mercury	0.500
Nitrogen oxides	50.000
Particulate matter (PM-10)	80.000
Reactive organic compounds	50.000
Reduced sulfur compounds	50.000
Sulfur oxides	80.000
Sulfuric acid mist	35.000
Total reduced sulfur compounds	50.000
Vinyl chloride	5.000

5.2 Offset Requirements, General: Emission reductions shall be required from existing emission sources, sufficient to offset calendar quarter emission increases of non-attainment pollutants or their precursors associated with a new or modified stationary source and shall be determined as follows:

5.2.1 Offsets shall be required for a new stationary source with a potential to emit,

calculated pursuant to Section 6.5 of this Rule, non-attainment pollutants or their precursors equal to or exceeding 25 tons per year. The amount of offsets required shall be at least equal to that portion of the potential to emit which exceeds 25 tons per year.

5.2.2 Offsets shall be required for a modified stationary source under the following conditions:

5.2.2.1 An existing stationary source which has a potential to emit less than 25 tons per year as of January 12, 1993, of non-attainment pollutants or their precursors shall offset that portion of the stationary source's potential to emit which, after modification of the stationary source, exceeds 25 tons per year from new or modified emissions units. A stationary source's potential to emit shall be calculated pursuant to Section 6.5 of this Rule. After the potential to emit for a stationary source has exceeded these levels, and the applicant has provided actual emissions reductions to offset emission increases in excess of these levels, all future increases from new or modified emissions units shall be offset;

5.2.2.2 An existing stationary source which has a potential to emit, calculated pursuant to Section 6.5 of this Rule, non-attainment pollutants or their precursors equal to or exceeding 25 tons per year as of January 12, 1993, shall offset any increases in potential to emit resulting from the permitting of a new or modified emissions unit.

5.2.3 Offset requirements for increases in carbon monoxide: Offsets shall not be required for increases in carbon monoxide if the applicant demonstrates to the satisfaction of the APCO, through an impact analysis, that the ambient air quality standards are not violated in the areas to be affected, and such emissions will not cause or contribute to a violation of ambient air quality standards.

5.3 Location of Offsets and Offset Ratios

5.3.1 Offset ratios and the corresponding distances from the proposed stationary source shall be:

5.3.1.1 on-site, at a ratio of 1:1;
5.3.1.2 within 20 miles, at a ratio of 1.2:1;
5.3.1.3 from 20 miles to 50 miles, at a ratio of 1.5:1;
5.3.1.4 over 50 miles, at a ratio of 2:1.
Use of offsite offsets must result in a net air quality benefit, as determined by the APCO.

5.3.2 Offsets which are obtained from a source located in another District may be used only if the provisions of HSCode Section 40709.6 are met and the involved Districts enter into an agreement formalized by a memorandum of understanding.

5.4 Inter-pollutant Offsets: The APCO may approve inter-pollutant offsets on a case-by-case basis, provided that the applicant demonstrates to the satisfaction of the APCO, through the use of an impact analysis, that the emission increases from the new or modified source will result in a net air quality benefit and will not cause or contribute to a violation of any air

quality standard. In such cases, the APCO may, based upon an air quality analysis, impose offset ratios greater than the requirements of this Rule.

5.5 Ambient Air Quality Standards: In no case shall the emissions from the new or modified stationary source cause or worsen the violation of an ambient air quality standard. An impact analysis may be used to estimate the effects of a new or modified source. In making this determination, the APCO shall take into account the mitigation of emissions through offsets obtained pursuant to this Rule.

5.6 Denial, Failure to Meet Standards: The AQMD shall deny any Authority to Construct or Permit to Operate if the APCO finds that the subject of the application would not comply with the standards set forth in this Rule.

5.7 Compliance by Other Owned, Operated, or Controlled Sources: The owner or operator of a proposed new or modified source shall certify to the APCO that all sources having a potential to emit in excess of 25 tons per year that are owned or operated by such person (or by an entity controlling, controlled by, or under common control) in California are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards.

6 CALCULATIONS

6.1 Purpose: The following calculations procedures shall be used to determine:

6.1.1 the emissions change for all new or modified emissions units; and
6.1.2 actual emissions reductions for all shutdowns and modified emissions units; and
6.1.3 the cumulative emissions increase from all new and modified emissions units for a stationary source.

6.2 Definitions: The following terms are used in the calculations procedure and are defined as follows:

6.2.1 Control Efficiency means the estimated control efficiency of the proposed air pollution control technology which will be incorporated, by means of (an) enforceable permit condition(s), in the Authority to Construct and Permit to Operate. Emission reductions attributed to lowering throughput rates or operating hours shall not be considered in determining control efficiency.

6.2.2 Historic Actual Emissions means actual emissions averaged over the two (2) year period immediately preceding the date of application. If the last two (2) years are unrepresentative of normal operations as determined by the APCO, then two (2) consecutive years of the last five (5) years may be used. Where an emissions unit has been in operation for less than two (2) years, a shorter averaging period of at least one (1) year may be used, providing it represents the full operational history of the emissions unit. If, at any time during the specified period, actual emissions exceeded allowed emission levels, then actual emissions shall be reduced to reflect emission levels that would have occurred if in compliance with all applicable limitations and rules.

6.2.3 Historic Emissions means the potential to emit of an existing emissions unit prior to modification. For a new emissions unit, historic emissions are equal to zero.

6.2.4 **Proposed Emissions** means the potential to emit for a new or post-modification emissions unit.

6.3 **Procedure:** The calculation procedure shall be performed separately for each pollutant and each emissions unit. Emission increases and decreases shall be calculated separately for each calendar quarter pursuant to the following procedure:

6.3.1 Calculate the emissions change for each new or modified emissions unit and for each pollutant using Section 6.4 of this Rule.

6.3.2 If an increase is calculated for a pollutant, follow the procedures in Sections 5.1 and 6.5 of this Rule to determine the amount of offsets required.

6.3.3 If a decrease is calculated for a pollutant, follow the procedures in Section 6.4.2 of this Rule to determine if emission reduction credits (ERC's) are generated.

If no emissions change is calculated for a pollutant, no further calculations are required.

6.4 **Calculating Emissions Changes**

6.4.1 Emissions Increase

6.4.1.1 New or Modified Emissions Unit: The emissions change for a new or modified emissions unit shall be calculated by subtracting historic emissions from proposed emissions:

Emissions change = Proposed emissions minus Historic emissions

6.4.2 Actual Emissions Reductions (AER)

6.4.2.1 Shutdown of an Emissions Unit:

AER = Historic actual emissions

6.4.2.2 Modification consisting solely of application of control equipment or implementation of more efficient process:

AER = Historic actual emissions multiplied by Control efficiency

6.4.2.3 Other Modifications:

AER = Historic actual emissions minus Proposed emissions

6.5 **Determining Potential to Emit for a Stationary Source:** The potential to emit for a stationary source shall be equal to the sum of potentials to emit for Permits to Operate (or Authority to Construct for emissions units for which a Permit to Operate has not been issued), issued prior to January 12, 1993 for each emissions unit within a stationary source. In addition, emissions increases from new or modified emissions units occurring on or after January 12, 1993, shall be added to the sum of potentials to emit for existing emissions units. In no case shall the potential to emit for a stationary source be adjusted for actual emissions reductions which occur after January 12, 1993.

7 AIR QUALITY IMPACT ANALYSIS: In no case shall emissions from a new or modified emissions unit cause or worsen the violation of an ambient air quality standard. The APCO may require an applicant to use an air quality model to estimate the effects of a new or modified emissions unit. For the purpose of performing an impact analysis, the following shall apply:

7.1 Air quality models shall be consistent with the requirements contained in the most recent edition of EPA's "Guidelines on Air Quality Models, OAQPS 1.2-080", unless the APCO finds that such model is inappropriate for use. After making such a finding, the APCO may designate an alternative model only after allowing for public comment and only with the concurrence of CARB and EPA. All modeling costs associated with the site of a new or modified emissions unit shall be borne by the applicant;

7.2 In performing an impact analysis, if the proposed stack height is higher than is dictated by good engineering practices, the actual height used for the purposes of modeling shall be calculated in accordance with good engineering practices.

8 ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply to this Rule:

8.1 Complete Application: The APCO shall determine whether the application is complete not later than thirty (30) days after receipt of the application, or after such longer time mutually agreeable to the applicant and the APCO. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision and of the required additional information. Upon receipt of any re-submittal of the application, a new thirty (30)-day period to determine the completeness shall begin. Completeness or re-submittal of an application shall be evaluated on the basis of the information requirements set forth in AQMD Regulations (adopted pursuant to Article 3, Section 65940 through 65944 of Chapter 4.5, Division 1, Title 7 of the Government Code) as they exist on the date on which the application or re-submitted application was received. Upon determination that the application is complete, the APCO shall notify the applicant in writing. The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

8.2 Air Quality Models: Only those models approved by the APCO may be used in the impact analysis.

8.3 Preliminary Decision: Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine the compliance with this Rule and make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a written analysis.

8.4 Publication and Public Comment: This Section shall only apply to an emissions unit subject to the requirements of Section 5.2 of this Rule. Within ten (10) calendar days following a preliminary decision on the Authority to Construct, the APCO shall publish in at least one (1) newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO noting how pertinent information can be obtained, and inviting written public comment for a thirty (30)-day period following the date of publication. Copies of

such notice shall be sent to CARB and EPA.

8.5 Public Inspections: The APCO shall make available at the AQMD offices the information submitted by the applicant and the APCO's analysis no later than the time that the notice of preliminary decision is published. All such information shall also be transmitted, no later than the date of publication, to CARB and EPA. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the Government Code and relevant sections of the Administrative Code of the State of California. Further, all such information shall be transmitted no later than the date of publication to CARB and EPA.

8.6 Authority to Construct, Final Action: Within 180 days after acceptance of an application as complete, the APCO shall take final action on the application after considering all written comments. The APCO shall provide written notification of the final action to the applicant, CARB, and EPA, and shall make the notification and all supporting documents available for public inspection at the AQMD offices for all Authorities to Construct issued for emissions units subject to the requirements of Section 5.2 of this Rule.

8.7 Requirements Permit to Operate: As a condition for the issuance of a Permit to Operate, the APCO shall require that the new source or modification, and any sources which provide offsets will be operated in the manner assumed in making the analysis to determine compliance with this Rule. The Permit to Operate shall include daily emissions limitations which reflect applicable emissions limitations, including BACT. As a condition for the issuance of a Permit to Operate, any stationary source which provides emission offsets shall be subject to enforceable permit conditions, containing specific emissions limitations, and/or operational limitations which ensure that the emission reductions will be provided in accordance with the provisions of this Rule and shall continue for the reasonably expected life of the proposed source. When the source of offsets is not subject to a permit, a written contract shall be required between the applicant and the owner or operator of such offset source, which contract, by its terms, shall be enforceable by the APCO. A violation of the emission limitation provisions of any such contract shall be chargeable to the applicant.

Where the source of offsets is a non-permitted source, the AQMD shall require the non-permitted source to obtain an enforceable permit, complete with operational and emission limitations. If the source of offsets is a permit-exempt piece of equipment, that particular source must relinquish its exempt status.

If the AQMD, pursuant to state laws or AQMD Regulations, cannot permit the source of offsets, the source creating the offsets shall execute a legally binding contract between the applicant and the owner or operator of such offset source, which contract, by its terms, shall be enforceable by the APCO. A violation of the emission limitation provisions of any such contract shall be chargeable to the applicant.

8.8 Issuance, Permit to Operate: The APCO shall issue a Permit to Operate for any stationary source which meets the requirements of this Rule.

Any offsets required as a condition of an Authority to Construct or amendment to a Permit to Operate shall commence not later than the initial operation of the new or modified source, and the offsets shall be maintained throughout the operation of the new or modified source which is the beneficiary of the offsets. Further, the APCO shall determine that all conditions

specified in the Authority to Construct have been or will be complied with by any dates specified. Where a new or modified stationary source is, in whole or part, a replacement for an existing stationary source on the same property, the APCO may allow a maximum of ninety (90) days as a start-up period for simultaneous operations of the existing stationary source and the new source or replacement.

8.9 Regulations in Force Govern: The granting or denial of an Authority to Construct shall be governed by the requirements of this Rule in force on the date the application is deemed complete. In addition, the APCO shall deny an Authority to Construct for any new stationary source or modification, or any portion thereof, unless the new source or modification, or applicable portion thereof, complies with the provisions of this Rule and all other applicable AQMD Rules and Regulations.

8.10 Permit Conditions: The APCO shall have the authority to place conditions on the Authority to Construct and/or Permit to Operate which will ensure that the construction, modification, or operation of such source will comply with all applicable rules and regulations. Such conditions may include, but not be limited to: hours of operation; processing parameters; periods of use; and emission limitations on an hourly, daily, or yearly basis.

9 POWER PLANTS REVIEW PROCEDURES: A power plant shall be defined as a stationary source that produces electricity.
This section shall apply to all power plants proposed to be constructed in the district and for which a Notice of Intention (NOI) or Application for Certification has been accepted by the California Energy Commission (CEC). The APCO may apply for reimbursement of all costs incurred, including lost fees, in order to comply with the provisions of this section.

9.1 Intent to Participate and Preliminary Report: Within fourteen (14) days of receipt of an NOI, the APCO shall notify CARB and the CEC of the AQMD'S intent to participate in the NOI proceeding. If the AQMD chooses to participate in the NOI proceeding, the APCO shall prepare and submit a report to CARB and the CEC prior to the conclusion of the non-adjudicatory hearing specified in Section 25509.5 of the Public Resources Code. That report shall include, at a minimum:

9.1.1 A preliminary specific definition of BACT for the proposed facility; and

9.1.2 A preliminary discussion of whether there is a substantial likelihood that the requirements of this Rule and all other AQMD Regulations can be satisfied by the proposed facility; and

9.1.3 A preliminary list of conditions which the proposed facility must meet in order to comply with this Rule or any other applicable AQMD Regulation.

The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the NOI.

9.2 Determination of Compliance Review: Upon receipt of an Application for Certification (AFC) for a power plant, the APCO shall conduct a Determination of Compliance review. This determination shall consist of a review identical to that which would be performed if an application for an Authority to Construct had been received for the power plant. If the information contained in the AFC does not meet the requirements of this Rule, the APCO shall, within twenty (20) calendar days of receipt of the AFC, so inform the Commission,

and the AFC shall be considered incomplete and returned to the applicant for re-submittal.

9.3 Equivalency of Application: The APCO shall consider the AFC to be equivalent to an application for an Authority to Construct during the Determination of Compliance review, and shall apply all provisions of this Rule which apply to an application for an Authority to Construct.

9.4 Need for Additional Information: The APCO may request from the applicant any information necessary for the completion of the Determination of Compliance review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner for an order directing the applicant to supply such information.

9.5 Preliminary Determination: Within 180 days of accepting an AFC as complete, the APCO shall make a preliminary decision on:

9.5.1 whether the proposed power plant meets the requirements of this Rule and all other applicable DISTRICT Regulations; and

9.5.2 in the event of compliance, what permit conditions will be required, including the specific BACT requirements and a description of required mitigation measures. The preliminary written decision under Section 8.5 of this Rule shall be treated as a preliminary decision under Section 8.3 of this Rule, and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Sections 8.4 through 8.6 of this Rule. The APCO shall not issue a Determination of Compliance unless all requirements of this Rule are met.

9.6 Determination of Compliance: Within 240 days of the filing date, the APCO shall issue and submit to the Commission a Determination of Compliance or, if such a determination cannot be issued, shall inform the CEC. A Determination of Compliance shall confer the same rights and privileges as an Authority to Construct only when and if the Commission approves the AFC, and the Commission certificate includes all conditions of the Determination of Compliance.

9.7 Permit to Operate: Any applicant receiving a certificate from the CEC Pursuant to this Section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the APCO.

10.0 EXCLUSIONS:

10.1 New Source Review Procedures in accordance with Rule 130.7 shall not be required for temporary stationary sources which will be in operation for less than 90 days duration providing best available control technology is applied and such operations will not interfere with the control strategy of the SIP.

10.2 New Source Review Procedure in accordance with Rule 130.7 shall not be required for geothermal power plants or steam transmission lines which will not, under all normal operating conditions, emit greater than 5 lbs. H2S/1,000,000 lbs. steam or 1.0 kg H2S/hr (as provided below) provided it is not considered a major source or a major modification (Reference: 40 CFR 52.21 (b)). The 1.0 kg H2S/hr exclusion shall apply only to geothermal power facilities with an electrical generating capacity of 20 Megawatts or less, provided:

10.2.1 No more than one such facility is within a 1.0 km radio area from any existing power plant facility (as of Jan. 1, 1985), and no more than one such facility is within a 0.5 km radius area another, or

10.2.2 The facility can provide a significant net annual H2S emissions reduction.

11.0 PREVENTION OF SIGNIFICANT DETERIORATION (PSD):

11.1 Pursuant to the Federal Clean Air Act in addition to any other requirements imposed in these rules and regulations, and not withstanding any other permit requirements, no sources subject to these rules and regulations shall be permitted to release emissions into the atmosphere which cause or create an exceedance of the maximum allowable prevention of significant deterioration (PSD) increments for Class I, Class II, or Class III areas as defined in Regulation I, Rule 101**.**

11.2 An applicant for a PSD permit is required to conduct an air quality analysis of the ambient impacts associated with the construction and operation of the proposed new source or modification to demonstrate that the new emission emitted from the proposed major source or, modification, in conjunction with other applicable emissions from existing sources (including secondary emission from growth associated with the new project), will not cause or contribute to a violation of any PSD increment.

11.3 A separate air quality analysis must be submitted for each regulated pollutant if the applicant proposes to emit a pollutant in a significant amount from a new major stationary source, or proposes to cause a significant net emission increase from a major modification.

11.4 Generally, the air quality analysis shall involve; (1) an assessment of existing air quality, which may include ambient air monitoring date and air quality dispersion modeling result, and (2) predictions, using dispersion modeling, of ambient concentrations that will result from the applications proposed project and future growth associated with the project.

11.5 All increment consumptions shall be determined using a baseline emission date established as a reference point for determining air quality deterioration in an area. The baseline concentration is pollutant specific and is essentially the air quality level existing at the time of the first complete PSD permit application submittal in the AQMD. On or before the first PSD application, emissions are considered to be part of the baseline concentration, and emissions of after that date affect the amount available PSD increments.

11.6 The amount of PSD increment that has been consumed in a PSD area is determined from the emissions increases and decreased which have occurred from sources since the applicable baseline date. In order to determine the amount of PSD increment consumed (or the amount of available increment), no determination of the baseline concentration needs to be made. Instead, increment consumption calculations must reflect only the ambient pollutant concentration change attributable to increment-affecting emissions.

Emissions increases that consume a portion of the applicable increment are, in general, all those not accounted for in the baseline concentration and specifically include;

Actual emissions increased occurring after the major source baseline date, which are

associated with physical changes or changes in the method of operation (i.e., construction) at a major stationary source.

The amount of available increment may be added to, or "expanded".

11.7 From the reduction of actual emissions after the major source baseline date, if the reduction results from a physical change or change in the method of operation (i.e., construction) at a major stationary source. The reduction will add to the available increment only if the reduction is included in the federally enforceable permit or SIP provision.

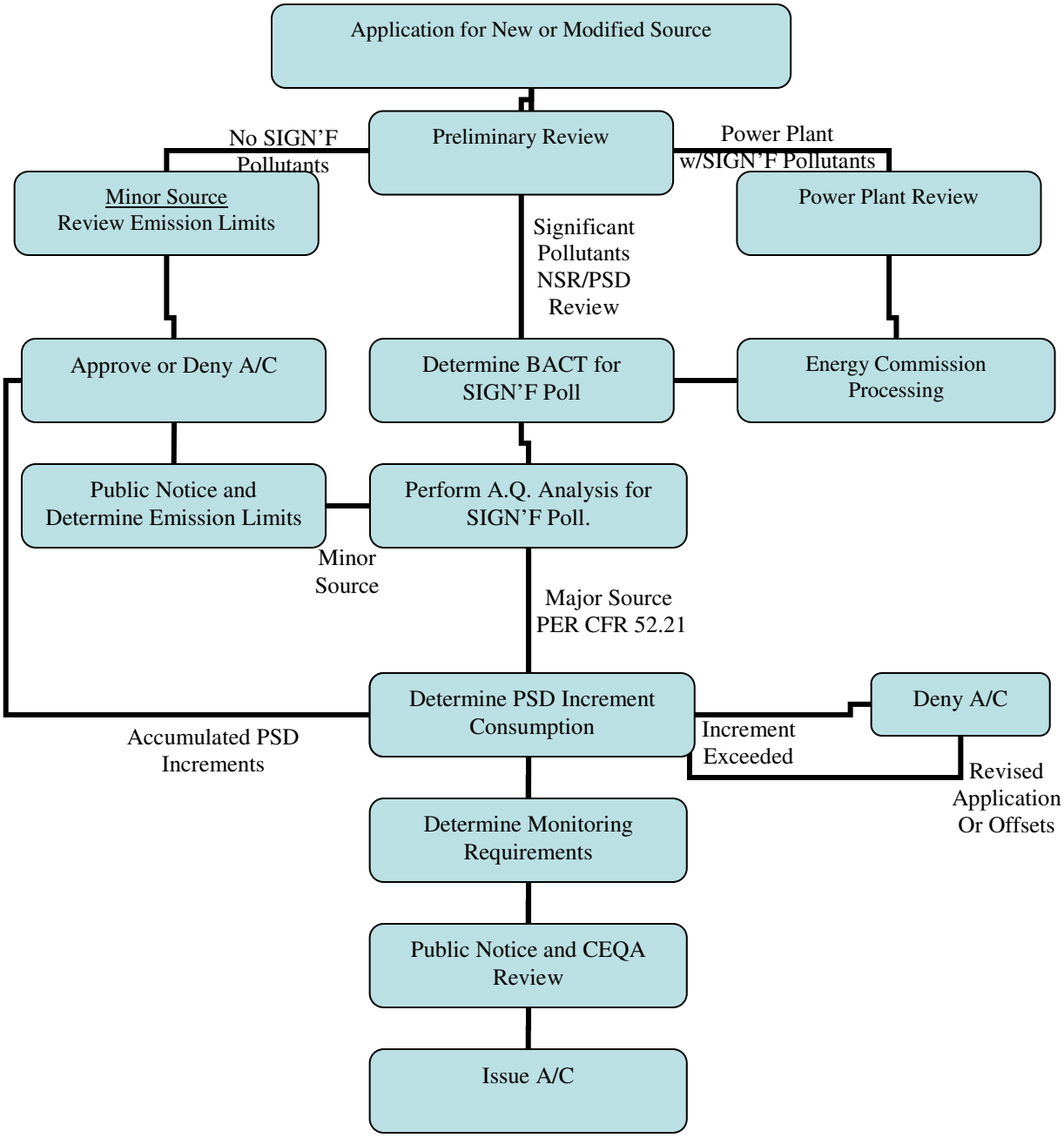
11.8 The credible increase of an existing stack height or the application of any other credible dispersion technique may affect increment consumption or expansion in the same manner as an actual emissions increase or decrease. (The effects that a change in the effective stack height would have on ground level pollutant concentrations generally should be factored into increment analysis.) Any increase in a stack eight, in order to be creditable, must be consistent with the EPA's stack height regulations; credit cannot be given for that portion of the new height which exceeds the height demonstrated to be the good engineering practice (GEP) stack height.

11.9 Increment consumption (and expansion) will generally be based on changes in actual emissions reflected by the normal source operation for a period of 2 years. However, if the little or no operating data are available, as in the case of permitted emission units not yet in operation at the time of the increment analysis, the potential to emit must be used instead.

12.0 PERMIT PROCESSING FLOW DIAGRAM

New Source Review & Prevention of Significant Deterioration Project Requirements.
(See following page)

NSR/PSD


Application for New or Modified Source
Preliminary Review
No SIGN'F Pollutants
Power Plant w/SIGN'F Pollutants
Minor Source Review Emission Limits
Power Plant Review
Significant Pollutants NSR/PSD Review
Approve or Deny A/C
Determine BACT for SIGN'F Poll
Energy Commission Processing
Public Notice and Determine Emission Limits
Perform A.Q. Analysis for SIGN'F Poll.
Minor Source
Major Source PER CFR 52.21
Determine PSD Increment Consumption
Deny A/C
Increment Exceeded
Accumulated PSD Increments
Revised Application Or Offsets
Determine Monitoring Requirements
Public Notice and CEQA Review
Issue A/C