

SISKIYOU COUNTY AIR POLLUTION CONTROL DISTRICT

525 So. Foothill Drive, Yreka, California 96097

RULES AND REGULATIONS - CHRONOLOGY

1. Adopted.....October 26, 1971
2. Amended REGULATION IV May 9, 1972
3. Amended REGULATION I, II, III.....November 28, 1972
4. Adopted AG BURN PLAN..... January 9, 1973
5. Amended RULE 4.3..... February 28, 1978
6. Adopted AB 884 CRITERIAJuly 26, 1978
7. Adopted NEW SOURCE RULE..... May 23, 1979
Amended REGULATION II..... May 23, 1979
8. Amended AG BURN PLAN..... September 24, 1980
9. Amended REGULATIONS I, II, III.....November 25, 1986
10. Amended REGULATION IVOctober 27, 1987
Amended/Renamed AG BURN PLAN--REGULATION VII.....October 27, 1987
11. Amended REGULATIONS I, II, III, IV, V January 24, 1989
Retitled NEW SOURCE RULE--REGULATION VI January 24, 1989
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12. Amended REGULATIONS I, II, IV, VII.....July 11, 1989
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13. Adopted REGULATION II; Rule 2.13 (TITLE V).....November 15, 1993
14. Adopted REGULATION VIII; Rule 8.4, 8.5, 8.6, 8.7 June 15, 1994
15. Amended REGULATION II; Rule 2.4, 2.9 December 15, 1998
Adopted REGULATION II; Rule 2.14 December 15, 1998
16. Adopted REGULATION VI; Rule 6.4 June 23, 1999
Amended REGULATION VI; Rule 6.1 June 23, 1999
Amended/name change REGULATION VI; Rule 6.1 June 23, 1999

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- 16. Continued...
 - Amended REGULATION V; Rule 5.4 December 20, 1999
- 17. Amended REGULATION: Rule 1.2, Rule 2.1, Rule 2.2, Rule 2.5, and
 - a. Rule 6.1, 6.2 April 23, 2001
- 18. Amended REGULATION: Rule 2.13 September 25, 2001
- 19. Amended REGULATION: Rule 3.1 January 10, 2002
- 20. Amended REGULATION: Rule 1.2, 2.5, 2.9, 2.14, 5.1, 5.2,
 - 5.4, 5.5, 5.6 and 5.11 January 21, 2003
- 21. Adopted REGULATION VIII, Rule 8.8 August 5, 2003
- 22. Amended REGULATION: 1.2, 4.3, 7.2, 7.3 August 5, 2003
- 23. Amended REGULATION VIII, Rule 8.8.....November 5, 2013

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REGULATION I - GENERAL PROVISIONS

Rule 1.1 Title

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

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REGULATION I - GENERAL PROVISIONS

Rule 1.2 Definitions

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

A1 Actual Emission Reductions

A reduction in allowable emissions from the stationary source selected for emission offsets, from a baseline which is representative of normal operations approved by the Control Officer. This baseline must be based on the average of actual emissions from the three years operation immediately prior to the submission of the complete application. The Control Officer may approve any other time period, within five years prior to the date of application that is more representative of normal source operation.

A2 Affected Pollutant

An air pollutant for which an ambient air quality standard has been established by the EPA and/or the ARB and the precursors to such pollutants. Also those air pollutants which the EPA, and ARB of the District, after public hearing determine may have a significant adverse effect on the environment, public health or public welfare.

A3 Agricultural Burning

Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, range improvement, wildland vegetative management, the improvement of land for wildlife and game habitat, disease or pest prevention or the maintenance of a system for delivery of water used in agricultural operations.

A4 Air Contaminant or Air Pollutant

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

A5 Air Quality Increment

An increment of allowable air quality degradation, beyond baseline, as established in the Clean Air Act Section 163(b) or, for pollutants for which no increment has been established pursuant to the Clean Air Act, an increment of allowable air quality degradation as established by the District.

In establishing air quality increments, the District shall take into consideration the impact of emissions on neighboring areas.

REGULATION I - GENERAL PROVISIONS

A6 Ambient Air Quality Standards

Unless otherwise specifically stated, ambient air quality standards shall be interpreted to be federal and state ambient air quality standards. For the purpose of submittal to the Environmental Protection Agency for the inclusion in State Implementation Plan, all references in this rule are to Ambient Air Quality Standards.

A7 Allowable Combustibles

Non-glossy paper, cardboard, wood and dry vegetative matter.

A8 Atmosphere

The air that envelopes or surrounds the earth.

A9 ARB

The California Air Resources Board.

B1 Baseline Air Quality; Date

The ambient concentration level reflecting actual air quality as monitored or modeled as of May 5, 1979.

B2 Best Available Control Technology (BACT)

For any stationary source, the more stringent of:

1. The most effective emission control device, emission limit, or technique which has been required, used or achieved in practice for the type of equipment comprising such stationary source, unless the applicant demonstrates to the satisfaction of the Control Officer that such limitations are not achievable; or
2. Any other emission control device or technique determined to be technologically feasible and cost effective for such class or category of sources or for a specific source by the Control Officer. For new stationary sources subject to New Source Siting (Rule 6.1), other emissions control techniques can be found to be BACT by the Control Officer and the Air Resources Board after a public hearing; or
3. For those pollutants for which the national ambient air quality standards are violated in the district, the most effective emission limitation contained in any state implementation plan which has been certified by the U.S. Environmental Protection Agency and approved under the Clean Air Act for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable.

BACT shall not be less stringent than the emission controls required by any applicable provision of District, State, or Federal laws or regulations, unless the applicant demonstrates to the satisfaction of the Control Officer that such limitations are not achievable.

REGULATION I - GENERAL PROVISIONS

- B3 Board
The Air Pollution Control Board of the Siskiyou County Air Pollution Control District which is the Board of Supervisors.
- B4 Bulk Plant
Any facility where petroleum products are received by tank car or tank vehicle and are stored or blended in bulk for the purpose of distribution in tank car or tank vehicle.
- C1 Cargo Carriers
Trains dedicated to a specific stationary source.
- C2 Class I Area
Any area which has been or may be designated Class I by a Federal or State authority empowered to make such designation.
- C3 Class I Impact Area
All lands within the District, located within 10 kilometers of any Class I area.
- C4 Cogeneration
The sequential use of energy for the production of electrical and useful thermal energy. The sequence can be thermal use followed by power production or the reverse, subject to the following standards:
1. At least five (5) percent of the facility's total annual energy output shall be in the form of useful thermal energy.
 2. Where useful thermal energy follows power production, the thermal energy output is not less than 42.5 percent of any natural gas and oil energy input.
- C5 Combustible Waste
Any solid or liquid combustible waste material containing carbon in a free or combined state.
- C6 Combustion Contaminants
Particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- C7 Complete Application
Completeness of an application for an authority to construct a new or modified stationary source shall be evaluated on the basis of a list of required information shown in Appendix A of these regulations.

REGULATION I - GENERAL PROVISIONS

- C8 Condensed Fumes
Minute, solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillations, calcination, or chemical reaction, when these processes create air-borne particles.
- C9 Contiguous Property
Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.
- C10 Control Officer
An Air Pollution Control Officer of the Siskiyou County Air Pollution Control District.
- C11 Cost-Effective
A cost per unit of emissions reduction which is lower than or equivalent to the maximum unit costs of the same emission reduction through the use of demonstrated BACT calculated in current year dollars.
- D1 District
The Siskiyou County Air Pollution Control District.
- D2 Dusts
Minute, solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.
- E1 Effective Date
For purposes of Rule 5.11.A, the date upon which a decision of the Hearing Board takes effect, as provided in Rule 5.1.J.
- E2 EPA
The United States Environmental Protection Agency, as established by Title 40 of the Code of Federal Regulations.
- F1 Federal Land Manager
The Secretary of the Department with authority over the specified federal lands.
- F2 Fugitive Emissions
Emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.

REGULATION I - GENERAL PROVISIONS

- G1 Good Engineering Practice
The height necessary to ensure that emissions from a stack do not result in excessive concentrations of any air contaminant in the immediate vicinity of the source.
- H1 Halogenated Hydrocarbons
1,1,1-trichloroethane, methylene chloride, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (CFC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), and chloropenta-fluoroethane (CFC-115).
- H2 Hearing Board
The Hearing Board of the Siskiyou County Air Pollution Control District.
- I1 Impact Analysis
An air quality modeling analysis used to estimate maximum ground level impacts of a source for total suspended particulates, carbon monoxide, oxides of sulfur, and oxides of nitrogen assuming one hundred (100) percent conversion of nitrogen oxides into NO₂ and calculating all emissions of sulfur oxides as SO₂ .
- I2 Implement of Husbandry
A vehicle which is used exclusively in the conduct of agricultural operations, and which is not designed primarily for the transportation of persons or property on a highway.
- I3 Incinerator
Except as defined in Rule 8.8, any furnace or similar enclosed fire-chamber, with or without a draft control, used for burning refuse or other waste material.
- M1 Major Source
Any stationary source which directly emits one hundred tons per year or more of any air pollutant.
- M2 Modeling
The use of an air quality simulation model that has been approved in writing by the Executive Officer of the Air Resource Board and based on specified assumptions and input data specific to the existing or proposed stationary source that have been approved by the Control Officer.

REGULATION I - GENERAL PROVISIONS

M3 Modification

Any physical change, change in method of operation of, or addition to an existing stationary source, or any change in hours of operation or production rate which would necessitate a change in permit conditions, except that routine maintenance or repair shall not be considered a physical change. Unless previously limited by a permit condition, the following shall not be considered changes in method of operation:

1. An increase in the hours of operation or production rate if such increase does not exceed the operating design capacity or the actual demonstrated capacity of the stationary source as approved by the Control Officer.
2. A change in ownership.
3. A replacement of a piece of equipment with an identical piece of equipment with emissions less than or equal to those from the original piece of equipment.

M4 Multi-Component System

A collection, or combination, of mutually dependent articles, structures, or devices customarily or necessarily started, operated and taken out of service as a unit.

M5 Multiple-Chamber Incinerator

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

N1 Net Air Quality Benefit

A net improvement in air quality resulting from actual emission reductions impacting the same general area affected by the new or modified source.

N2 Net Emissions Increase

The sum of all increases in emissions of any given pollutant from a new or modified stationary source occurring after the baseline date, minus any reduction in emissions of that pollutant at the stationary source occurring five years prior to the baseline date. Reductions in emissions shall be valid for determining net emissions increases only if they are established pursuant to Authorities to Construct and Permits to Operate.

O1 Open Outdoor Fire

For the purposes of Rule 4.3 and Rule 7, complete or partial burning or smoldering of any combustible refuse or other material of any type, directly exposed to the atmosphere, whether or not enclosed in a fire-proof container, where the products of combustion are not channeled through a flue.

REGULATION I - GENERAL PROVISIONS

- P1 Particulate Matter
Any material, except uncombined water vapor, which exists in a finely divided form as a liquid or solid at standard conditions.
- P2 Permissive Burn Day or Burn Day
Any day on which agricultural burning, including prescribed burning, is not prohibited by the ARB and agricultural and prescribed burning is authorized by the air district consistent with the Smoke Management Guidelines for Agricultural and Prescribed Burning, set forth in sections 80100-80330 of title 17 of the California Code of Regulations.
- P3 Permit
A Certificate of Compliance, Authority to Construct, Temporary Permit to Operate, Permit to Operate, Non-Agricultural Burn or Agricultural Burn whichever is legally in effect.
- P4 Person
Any person, firm, association organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.
- P5 PM₁₀
Particulate matter that includes only those particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers.
- P6 Portable Source
Any machine, equipment or other contrivance or multi-component system, the use of which may cause the emittance of air contaminants and is relocated from time to time and is not used to propel mobile equipment or motor vehicles.
- P7 Potential to Emit
The maximum capacity of a stationary source to emit an air pollutant under its physical or operational design, after considering physical or operational limitations that are enforceable by permit conditions.
- P8 Precursor
A directly emitted pollutant that, when released to the atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant for which an ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more ambient air quality standards.

REGULATION I - GENERAL PROVISIONS

P9 Process

For any stationary source, separate items of equipment shall be considered as part of the same process if the operation of each item of equipment is dependent upon or affects the operation of the others and the operation of all such equipment involves a common raw material or product.

P10 Process Weight

The total weight of all materials introduced into any specific process which may cause discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The weight of wood products shall be calculated at 12% moisture on a dry basis.

P11 Process Weight Rate

Total process weight divided by the number of hours in one complete operation, from the beginning to completion of any given process, excluding any time during which the equipment is idle.

P12 PSD Permit

A Permit to Operate issued pursuant to Section 105 of the Federal Clean Air Act.

R1 Reactive Organic Compound

Any volatile compound containing carbon except: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, and halogenated hydrocarbons.

R2 Reconstructed Source

Any source undergoing reconstruction where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source. Fixed capital cost means the capital needed to provide all the depreciable components. A reconstructed source shall be treated as a new stationary source.

R3 Regulation

One of the major subdivisions of rules of the Siskiyou County Air Pollution Control District.

R4 Resource Recovery Project

A project which would convert liquid or solid waste in such a manner as to produce energy as a by-product.

R5 Rule

A rule of the Siskiyou County Air Pollution Control District.

REGULATION I - GENERAL PROVISIONS

- S1 Seasonal Source
Any source with more than 75 percent of its annual emissions within a consecutive 90-day period.
- S2 Section
A section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.
- S3 Shall and May
"Shall" is mandatory; "May" is permissive.

REGULATION I - GENERAL PROVISIONS

S4 Significance Level

The emission level at which a new or modified stationary source emits or has the potential to emit an air contaminant that would equal or exceed any rates specified in this definition S4. New or modified sources that emit or have the potential to emit air contaminants at or above the significance level are required to have an Authority to Construct permit in order to build, erect, alter, operate or replace any article, machine, equipment or other contrivance that comprises the stationary source as described in Rule 2.1. The following thresholds represent the significance levels for the air contaminants listed.

POLLUTANT	TONS/YEAR	
Halogenated Hydrocarbons		40
Reactive Organic Compounds	40	
Nitrogen Oxides	40	
Sulfur Oxides		40
Particulate Matter	25	
Carbon Monoxide	100	
Lead	0.6	
Asbestos	0.007	
Beryllium	0.0004	
Mercury	0.1	
Vinyl Chloride	1	
Fluorides	3	
Sulfuric Acid Mist	7	
Hydrogen Sulfide	10	
Total Reduced Sulfur Compounds	10	
Reduced Sulfur Compounds		10
PM ₁₀	15	

The Control Officer may determine that sources emitting contaminants below these significance levels may be exempted from the requirement to obtain an Authority to Construct permit as described in Rules 2.2-I.

Furthermore, significance level 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 an area equal to or greater than 1 microgram per cubic meter (24-hour average).

REGULATION I - GENERAL PROVISIONS

S5 Source Operation

The last operation preceding the emission of an air contaminant which operation:

1. Results in the separation of air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuels.
2. Is not an air pollution abatement operation.

S6 Standard Conditions

Dry gas temperature of 68 degrees Fahrenheit and dry gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.

S7 Stationary Source

Any building, structure, facility, or installation which emits or may emit any affected pollutant. "Building", "structure", or "facility" includes all pollutant-emitting activities, including activities located adjacent to the District boundaries which:

1. Belong to the same industrial grouping, and
2. Are located on one or more contiguous or adjacent properties and
3. Are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

Pollutant-emitting activities shall be considered as part of the same industrial grouping if:

1. They belong to the same two-digit standard industrial classification code, or
2. They are part of a common production process. (Common production process includes industrial processes, manufacturing processes, and any connected processes involving a common raw material.) The emissions within District boundaries from cargo carriers dedicated to a specific stationary source, shall be considered emissions from the stationary source.

T1 Total Reduced Sulfur (TRS)

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

T2 Trade Secrets

May include but not limited to any formula, plan, 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 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.

REGULATION I - GENERAL PROVISIONS

T3 Toxic Air Contaminant

Any air contaminant identified by the California Air Resources Board as a toxic substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

V1 Variance

An authorization by the Hearing Board to permit some act contrary to the requirements specified by these rules and regulations.

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REGULATION I - GENERAL PROVISIONS

Rule 1.3 Public Records

- A. All air monitoring data, including emissions data compiled from stationary sources are public records.
- B. All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants which any article, machine, equipment, or other contrivance will produce, which the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records, with the exception of certified trade secrets.
- C. Trade secrets which may include that information described in Government Code Section 6254.7, are not public records. Trade secrets may only be certified upon written request by the owner of said secrets and concurrence of the Control Officer. Within 10 days of receipt of any documents containing trade secrets, so designated by the owner, the Control Officer shall:
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 District or to the public following a court order.
 2. Return to the owner all documents which have been designated as trade secrets, following a determination by the Control Officer that they are not necessary in conducting the activities of the District.
 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 Board. Upon request, any specific public records in the possession of the District 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.

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REGULATION I - GENERAL PROVISIONS

Rule 1.4 Enforcement

- A. These rules and regulations shall be enforced by the Control Officer pursuant to all applicable law. the pursuit of any one remedy shall not be deemed an election of remedies. All available remedies may be pursued individually, collectively, concurrently, or consecutively, at the option of the Control Officer.
- B. Any person who violates any provision of these rules and regulations, or any order, permit, rule or regulation of the California Air Resources Board or of the District, including the District Hearing Board, is guilty of a misdemeanor and is subject to penalties as provided in the California Health and Safety Code (Sec. 42400, 42400.1, 42400.2, 42400.5 and 42401.)
- C. Any person who violates any provision of these rules and regulations, or any order, permit, rule or regulation of the California Air Resources Board or of the District, including the District Hearing Board, is liable for civil penalties as provided in the California Health and Safety Code (Sec. 42402, 42402.1, 42402.2, 42402.5, and 42403).
- D. Any person who intentionally or negligently violates any order of abatement issued by the District Board or Hearing Board pursuant to Rule 5.10, shall be liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) for each day in which such violation occurs.

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REGULATION I - GENERAL PROVISIONS

Rule 1.5 Validity

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.

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REGULATION II - PERMIT SYSTEM

Rule 2.1 Permits Required

A. Authority to Construct

Except as provided in Rule 2.2, any person building, constructing, erecting, altering, replacing, operating or using any article, machine, equipment or other contrivance, or multi-component system, the use of which may emit air contaminants, or which may eliminate, reduce or control air contaminant emissions, shall first obtain written authorization for such construction from the Control Officer.

B. Permit to Operate

Except as provided in Rule 2.1.F., before any article, machine, equipment or other contrivance, or multi-component system, described in Rule 2.1.A. may be operated or used, a written permit shall be obtained from the Control Officer. For any article, machine, equipment, or other contrivance subject to Rule 2.13, the requirements of Rule 2.13 shall augment and take precedence over conflicting administrative requirements of other provisions in these Rules and Regulations. No Permit to Operate or Use shall be granted either by the Control Officer or the Hearing Board for any article, machine, equipment, or contrivance constructed or installed without authorization as required by Rule 2.1.A, until the information required is presented to the Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in these regulations.

C. Posting of Permit to Operate

A person who has been granted a Permit to Operate any article, machine, equipment, or other contrivance shall display such Permit to Operate, or an approved facsimile, in such a manner as to be clearly visible and accessible. In the event that the Permit to Operate cannot be so displayed the Permit to Operate shall be maintained readily available at all times on the operating premises.

D. Alteration of Permit

A person shall not willfully deface, alter, forge, counterfeit or falsify any permit as defined in Rule 1.2.

E. Existing Sources

Any existent source of air contaminant emissions, operating on or before January 1, 1987, shall apply for a Permit to Operate within 30 days of written notification by the Control Officer. Such permit shall be subject to fees as specified in Regulation III.

REGULATION II - PERMIT SYSTEM

F. Temporary Permit to Operate

Before operating or using any new or modified stationary source for which an Authority to Construct has been issued pursuant to the provisions of these regulations, the applicant shall notify the Control Officer in writing. Upon such notification, 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.

G. New Source Siting

All new stationary sources and modifications to existing stationary sources, including power plants and cogeneration and resource recovery projects, with a net emissions increase of air contaminants that would exceed the limits stated in Rule 6.1.B. shall be subject to the provisions of Regulation VI.

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REGULATION II - PERMIT SYSTEM

Rule 2.2 Exemptions

An Authority to Construct or a Permit to Operate shall not be required for the following sources; provided that said sources are not subject to the requirements of Rule 2.13 and provided that said sources shall comply with all other applicable rules and regulations:

- A. 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.
- B. Equipment utilized exclusively in connection with any structure designed for and used exclusively as a dwelling for not more than four families.
- C. Single chambered incinerators used exclusively to burn less than fifty pounds per day of approved combustibles.
- D. Outdoor recreational and cooking fires to include barbecues.
- E. Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals.
- F. Steam generators, water boilers, water heaters, or space heaters having an input heating value of less than 5 million BTU per hour and which are fired exclusively with one of the following:
 - 1. Natural gas.
 - 2. Liquefied petroleum gas.
 - 3. Distillate fuel oil.
 - 4. Any combination of items 1, 2, and 3.
- G. Containers, reservoirs, or tanks used exclusively for:
 - 1. Storage of liquefied gases.
 - 2. The storage of fuel used primarily for implements of husbandry.
 - 3. The storage of lubricating oils.
 - 4. The storage of gasoline and fuel oils and having a capacity of 20,000 gallons or less, provided that a permit may be required for any bulk plant and for any retail service station subject to Rule 8.1.
- H. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

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- I. Any article, machine, equipment or other contrivance which emits air contaminants below the significance level as defined in Rule 1.2-S4 and which the Control Officer determines should be exempted.

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REGULATION II - PERMIT SYSTEM

Rule 2.3 Transfers

An Authority to Construct or Permit to Operate shall not be transferable, whether by operation of law or otherwise from one location to another, from one person to another, or from one piece of equipment to another, except on written approval of the Control Officer.

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REGULATION II - PERMIT SYSTEM

Rule 2.4 Applications

A. Applications

Every application for an Authority to Construct or Permit to Operate shall be filed in the manner and form prescribed by the Control Officer and shall give all the information necessary to enable the Control Officer to make the determination required by these regulations.

B. Complete Applications

The Control Officer shall determine whether an application is complete not later than 30 days after receipt of the application or after such longer time as both the applicant and the Control Officer may agree. If the Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any resubmittal of the application, a new thirty (30)-day period to determine completeness shall begin. Completeness of an application shall be evaluated on the basis of the List/Criteria set forth in Appendix A. Upon determination that the resubmitted application is complete, the Control Officer shall notify the applicant in writing. The Control Officer may, at any time during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

C. Final Action

Unless an extension of any applicable time limit is mutually agreed to in writing by a project applicant and the District, in the manner specified below, where the District is the lead agency under the California Environmental Quality Act (ACEQA@), Public Resources Code section 21000 *et seq.*, for a development project requiring an Authority to Construct or Permit to Operate, the control Officer shall take final action to grant or deny the application within whichever of the following periods applies:

1. One hundred eighty (180) days from the date of certification by the District of the Environmental Impact Report, if an Environmental Impact Report is prepared pursuant to section 21100 or 21151 of the Public Resources Code for the development project.
2. Sixty (60) days from the date of adoption by the District of the negative declaration, if a negative declaration is completed and adopted for the development project.
3. Sixty (60) days from the determination by the District that the project is exempt from CEQA, if the project is exempt from CEQA.
4. Ninety (90) days from the date of adoption of a combined Environmental Impact Report/Environmental Impact Statement.

REGULATION II - PERMIT SYSTEM

When, after making a CEQA determination regarding an Authority to Construct for a development project, the District receives an application for a Permit to Operate for that same project, the Control Officer shall take final action to grant or deny the application for the Permit to Operate within one hundred eighty (180) days after accepting the application as complete, unless the APCO determines that supplemental environmental review is required under CEQA. In the event the APCO determines that supplemental environmental review is required, the Control Officer shall take final action to grant or deny the application for the Permit to Operate within whichever of the above time periods applies to the new CEQA determination (e.g., 180 days from the certification of a subsequent or supplemental EIR, 90 days from the adoption of a subsequent negative declaration, etc.)

These time limits may be extended once upon mutual written agreement of the applicant and the District for a period not to exceed ninety (90) days from the date of the extension.

Where the District is not the lead agency under CEQA, the Control Officer shall take final action to grant or deny the application within one hundred eighty (180) days after accepting the application as complete.

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REGULATION II - PERMIT SYSTEM

Rule 2.5 Expiration of Applications

- A. An Authority to Construct or an application for Permit to Operate shall remain in effect until the deadline to pay permit fees in accordance with Rule 3.1, or until the Permit to Operate is granted or denied, or the application is canceled, whichever occurs first. Payment of the permit fees in accordance with Rule 3.1 shall constitute a request by an applicant for extension of an Authority to Construct or an application for Permit to Operate in accordance with paragraph B of this rule.
- B. An Authority to Construct or the application for Permit to Operate may be extended on an annual basis, at the request of the applicant. However, the Control Officer shall not grant more than five such requests for extension for any specific source with the exception of large facilities for which the intended development and construction period defined in the authority to construct or permit to operate application extends for more than one year, in which case the Control Officer may grant additional annual extensions up to ten years if the Control Officer determines that the Authority to Construct or the application is still in compliance with Rule 2.4 and/or 2.6, whichever is appropriate.

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REGULATION II - PERMIT SYSTEM

Rule 2.6 Standards for Granting Application

The Control Officer shall deny an Authority to Construct or Permit to Operate, except as provided in Rule 2.7, if the applicant does not show that such stationary source:

- A. Is so designed, controlled, or equipped that it may be expected to operate in compliance with all applicable rules and regulations and applicable provision of the Health and Safety Code pertaining to the emission of air contaminants.
- B. Provides adequate facilities for sampling, emission monitoring, and reporting procedures as specified by the Control Officer.
- C. Has been constructed or modified in accordance with the Authority to Construct.
- D. Will not prevent the attainment, interfere with the maintenance, or cause a violation of any state or national ambient air quality standard, nor interfere with the control strategy contained in the State of California Air Quality Implementation Plan.
- E. Will not result in air contaminant emissions in excess of the allowable standards established by the EPA for new stationary sources subject to federal New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAPS). NOTE: The variance provision of the California Health and Safety Code do not apply to Sources or emissions subject to the requirements of NSPS or NESHAPS.
- F. Will comply with all the requirements of Regulation VI, New Source Siting.

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REGULATION II - PERMIT SYSTEM

Rule 2.7 Conditional Approval

- A. The Control Officer may issue an Authority to Construct or Permit to Operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of these 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 Operate shall be deemed acceptance of all the conditions so specified. The Control Officer shall issue an Authority to Construct or 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 standards of these regulations.
- B. A person shall not operate equipment contrary to permit conditions specified on permits issued in accordance with the provisions of this rule.

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REGULATION II - PERMIT SYSTEM

Rule 2.8 Denial of Application

In the event of denial of an Authority to Construct or Permit to Operate, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of the notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has complied with objections specified by the Control Officer as his/her reasons for denial of the Authority to Construct or the Permit to Operate.

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REGULATION II - PERMIT SYSTEM

Rule 2.9 Appeals

Within ten (10) days after notice by the Control Officer of approval or denial of an Authority to Construct or Permit to Operate, or upon suspension of any existing permit, the applicant or any person who commented on the application prior to the Control Officer=s final decision may petition the Hearing Board, in writing and in accordance with Rules 5.1.C and 5.2, for a public hearing to appeal the Control Officer=s decision. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing of the petition, may sustain, reverse or modify the action of the Control Officer; such order may be made subject to specified conditions.

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REGULATION II - PERMIT SYSTEM

Rule 2.10 Further Information

In order to determine the nature, extent, quantity or degree of air contaminants which are or may be, discharged by a stationary source, the Control Officer may at any time require from any person subject to these regulations all of the following:

- A. Analysis, plans, specifications and data on the process and production rate, equipment descriptions and any other information needed.
- B. Facilities for sampling and testing purposes. The Control Officer shall identify in writing the size and location of the sampling platform. All facilities shall be constructed in accordance with the General Industry Safety Orders of the State of California.
- C. Testing to determine the emissions of air contaminants.
- D. Continuous monitoring equipment to measure and record the source operating condition and/or contaminant emissions.

The Control officer may require that the disclosures required by this rule be certified by a professional engineer registered by the State of California. The cost of providing such information shall be paid by the applicant or permit holder.

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REGULATION II - PERMIT SYSTEM

Rule 2.11 Monitoring Requirements

- A. Any applicant or permit holder subject to the monitoring requirements of Rule 2.10 shall provide, install, calibrate, maintain and operate continuous measuring and recording equipment as specified by the Control Officer.
- B. Measuring instruments shall meet minimum standards of measurement accuracy, calibration procedure and calibration frequency as specified by the Control Officer.
- C. 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.
- D. The information recorded shall be summarized and reported to the District in the manner and form as prescribed by the Control Officer.
- E. Monitoring records shall be retained by the owner for a period of not less than two years.
- F. District personnel shall inspect and confirm calibration of measuring instruments, as necessary.
- G. Any violation of an emission standard, ambient air quality standard, or breakdown of emission measuring instruments, shall be reported to the District in accordance with the provisions of Rule 2.12, Equipment Breakdown.

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REGULATION II - PERMIT SYSTEM

Rule 2.12 Equipment Breakdown

A. 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 instack continuous monitoring equipment where such failure or malfunction:

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

B. Breakdown Procedures

1. Any breakdown condition meeting the qualifications of this rule shall constitute a violation of any applicable emission limitation or restriction prescribed by these rules and regulations; however, the Control Officer may elect to take no enforcement action if the owner or operator demonstrates to his/her satisfaction that a breakdown condition exists and the following requirements are met:
 - a. The breakdown is reported to the District Office as soon as reasonably possible, but no later than one (1) hour after its detection during a regular business day (8:00 a.m. - 5:00 p.m.), or one (1) hour after the start of the next regular business day, whichever is sooner.
 - b. The owner or operator takes immediate steps to minimize the impact of the breakdown and come into compliance.
 - c. The breakdown does not interfere with the attainment or maintenance of any national ambient air quality standard.
2. The breakdown shall be logged, investigated and handled to its final disposition in accordance with uniform District procedures.
3. Upon receipt of notification of a breakdown condition, the Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If it is not a breakdown condition, he/she may take appropriate enforcement action including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

REGULATION II - PERMIT SYSTEM

C. Reporting Requirements

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

1. Duration of excessive emissions.
2. Estimate of quantity of emissions.
3. Statement of the cause of the occurrence.
4. Corrective measures to be taken to prevent a recurrence. Documentation of the breakdown condition may be required by the Control Officer.

D. 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 Control Officer shall undertake appropriate enforcement action.

E. Failure to Comply with Reporting Requirements

Any failure to comply, or comply in a timely manner, with reporting requirements established in subparagraphs B.1.a. and C.1. through C.4. of this rule shall constitute a separate violation of this rule.

F. False Claiming of Breakdown Occurrence

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

G. Extended Breakdown Provisions

For any occurrence which causes a breakdown condition meeting the requirements of this rule 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, obtain an emergency variance.

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REGULATION II - PERMIT SYSTEM

**RULE 2.13: ADDITIONAL PROCEDURES FOR ISSUING PERMITS TO OPERATE FOR
SOURCES SUBJECT TO TITLE V OF THE FEDERAL CLEAN AIR ACT
AMENDMENTS OF 1990**

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Rule 2.13 Additional Procedures for Issuing Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990

I. PURPOSE AND GENERAL REQUIREMENTS OF RULE 2.13

[Reference: 40 CFR 70.1, 70.4, 70.6(a)(6) and 70.7(a)(6) and (b)]

Rule 2.13 implements the requirements of Title V of the federal Clean Air Act as amended in 1990 (CAA) for permits to operate. Title V provides for the establishment of operating permit programs for sources, which emit regulated air pollutants, including attainment and non-attainment pollutants.

By the effective date of Rule 2.13, the Siskiyou County Air Pollution Control District (District) shall implement an operating permit program pursuant to the requirements of this rule. The requirements of Rule 2.13 shall augment and take precedence over conflicting administrative requirements of other provisions of the District's rules and regulations. The District shall also continue to implement its existing programs pertaining to authorities to construct, Rule 2.1 (Permits Required) and Regulation VI (New Source Siting). Nothing in Rule 2.13 limits the authority of the District to revoke or terminate a permit pursuant to sections 40808, and 42307-42309 of the California Health and Safety Code (H&SC).

Sources subject to Rule 2.13 include major sources, acid rain units subject to Title IV of the CAA, solid waste incinerators subject to section 111 or 129 of the CAA, and any other sources specifically designated by rule of the U.S. EPA. Sources subject to Rule 2.13 shall obtain permits to operate pursuant to this rule. Each permit to operate issued pursuant to Rule 2.13 shall contain conditions and requirements adequate to ensure compliance with and the enforceability of:

- A. All applicable provisions of Division 26 of the H&SC, commencing with section 39000;
- B. All applicable orders, rules, and regulations of the District and the California Air Resources Board (ARB);
- C. All applicable provisions of the applicable implementation plan required by the CAA;
- D. Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the CAA; and
- E. The requirements of all pre-construction permits issued pursuant to Parts C and D of the CAA.

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The operation of an emissions unit to which Rule 2.13 is applicable without a permit or in violation of any applicable permit condition or requirement shall be a violation of Rule 2.13.

II. DEFINITIONS

The definitions in this section apply throughout Rule 2.13 and are derived from related provisions of the U.S. EPA's Title V regulations in Part 70 Code of Federal Regulations (CFR), "State Operating Permit Programs." The terms defined in this section are italicized throughout Rule 2.13.

- A. ***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 CAA.
- B. ***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 APCO receives a written agreement, which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.
- C. ***Affected State*** An "affected state" is any state that: 1) is contiguous with California and whose air quality may be affected by a permit action, or 2) is within 50 miles of the source for which a permit action is being proposed.
- D. ***Air Pollution Control Officer (APCO)*** "Air Pollution Control Officer" refers to the air pollution control officer of the Siskiyou County Air Pollution Control District, or his or her designee.
- E. ***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 CAA and is set forth in, or authorized by, the CAA 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:

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1. Title I requirements of the CAA, including:
 - a. New Source Review requirements in the State Implementation Plan approved by the U.S. EPA and the terms and conditions of the pre-construction 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 CAA;
 - 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 CAA);
 - h. Solid Waste Incineration requirements (sections 111 or 129 of the CAA);
 - i. Consumer and Commercial Product requirements (section 183 of the CAA);
 - j. Tank Vessel requirements (section 183 of the CAA);
 - 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 CAA).
 2. Title III, section 328 (Outer Continental Shelf) requirements of the CAA (40 CFR Part 55);
 3. Title IV (Acid Deposition Control) requirements of the CAA (40 CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing sections 407 and 410 of the CAA);
 4. Title VI (Stratospheric Ozone Protection) requirements of the CAA (40 CFR Part 82); and
 5. Monitoring and Analysis requirements (section 504(b) of the CAA).
- F. **California Air Resources Board (ARB)** "California Air Resources Board" refers to the Air Resources Board of the State of California.
- G. **Clean Air Act (CAA)** "Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).
- H. **Code of Federal Regulations (CFR)** "Code of Federal Regulations" refers to the United States Code of Federal Regulations.

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- I. **Commence Operation** "Commence operation" is the date of initial operation of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to section 42301.1 of the H&SC.
- J. **Direct Emissions** "Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- K. **District** "District" refers to the Siskiyou County Air Pollution Control District.
- L. **Effective Date of Rule 2.13** The "effective date of Rule 2.13" is the date the District Board adopts the rule.
- M. **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 exceedance of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" shall not include noncompliance as a result of improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
- N. **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.
- O. **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.
- P. **Fugitive Emissions** "Fugitive emissions" are emissions, which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- Q. **Hazardous Air Pollutant (HAP)** A "hazardous air pollutant" is any air pollutant listed pursuant to section 112(b) of the CAA.
- R. **Health and Safety Code (H&SC)** "Health and Safety Code" refers to the California Health and Safety Code.
- S. **Initial Permit** 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 Rule 2.13.

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- T. **Major Source** A "major source" is a stationary source which has the potential to emit a regulated air pollutant or a HAP 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. 10 tpy of one HAP or 25 tpy of two or more HAPs; or
 3. Any lesser quantity threshold promulgated by the U.S. EPA.
- U. **Minor Permit Modification** A "minor permit modification" is any modification to a federally enforceable condition on a permit to operate which: 1) is not a significant permit modification, and 2) is not an administrative permit amendment.
- V. **Permit Modification** A "permit modification" is any addition, deletion, or revision to a permit to operate condition.
- W. **Potential to Emit** For the purposes of Rule 2.13, "potential to emit" as it applies to an emissions unit and a stationary source is defined below.
1. **Emissions Unit** The "potential to emit" for an emissions unit is the maximum capacity of the unit to emit a regulated air pollutant or HAP considering the unit's physical and operational design. Physical and operational limitations on the emissions unit shall be treated as part of its design, if the limitations are set forth in permit conditions or in rules or regulations that are legally and practically enforceable by the U.S. EPA and citizens or by the District. Physical and operational limitations shall include, but are not limited to, the following: limits placed on emissions and restrictions on hours of operation, or on the type or amount of material combusted, stored, or processed.
 2. **Stationary Source** The "potential to emit" for a stationary source is the sum of the potential to emit from all emissions units at the stationary source. If two or more HAPs are emitted at a stationary source, the potential to emit for each of those HAPs shall be combined to determine applicability. Fugitive emissions shall be considered in determining the potential to emit for: 1) sources as specified in 40 CFR Part 70.2 Major Source (2), and 2) sources of HAP emissions. Notwithstanding the above, any HAP emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a major source of HAPs, whether or not such units are located in contiguous areas or are under common control.
- X. **Pre-construction Permit** A "pre-construction permit" is a permit issued prior to construction which authorizes:
1. Pursuant to a program for the prevention of significant deterioration of air quality required by section 165 of the CAA; or
 2. A pre-construction permit issued pursuant to a new source review program required by sections 172 and 173 of the CAA or Regulation VI (New Source Siting).

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Y. **Regulated Air Pollutant** A "regulated air pollutant" is any pollutant: 1) which is emitted into or otherwise enters the ambient air, and 2) for which the U.S. EPA has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:

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 CAA;
3. Any pollutant subject to a new source performance standard promulgated pursuant to section 111 of the CAA;
4. Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the CAA; and
5. Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the CAA, including:
 - a. Any pollutant listed pursuant to section 112(r) of the CAA (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
 - b. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the District pursuant to 112(g) and (j) of the CAA 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 CAA.
 - c. Any HAP subject to a District 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 CAA. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

Z. **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 in accordance with Rule 2.13. "Responsible official" means one of the following:

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:

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- 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 APCO;
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 CAA, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 2.13.

AA. **Significant Permit Modification** A "significant permit modification" is any modification to a federally enforceable condition on a permit to operate which:

1. Involves any modification under section 112(g) of Title I of the CAA or under U.S. EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, and 63;
2. Significantly changes monitoring conditions;
3. Provides for the relaxation of any reporting or record keeping 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 CAA, or 2) an alternative HAP emission limit pursuant to section 112(i)(5) of the CAA;
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.

BB. **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 CAA.

The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of Rule 2.13:

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

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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.
- CC. **Stationary Source** For the purposes of Rule 2.13, a "stationary source" is any building, structure, facility, or installation (or any such grouping) that:
1. Emits, may emit, or results in the emissions of any regulated air pollutant or HAP;
 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;
 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.
- DD. **United States Environmental Protection Agency (U.S. EPA)** "United States Environmental Protection Agency" refers to the Administrator or appropriate delegee of the "United States Environmental Protection Agency."
- EE. **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.

III. APPLICABILITY

A. Sources Subject to Rule 2.13:

The sources listed below are subject to the requirements of Rule 2.13:

1. A source with an acid rain unit for which application for an Acid Rain Permit is required pursuant to Title IV of the CAA;
2. A solid waste incinerator subject to a performance standard promulgated pursuant to section 111 or 129 of the CAA;
3. Any other source in a source category designated by rule of the U.S. EPA; and
4. Any source that is subject to a standard or other requirement promulgated pursuant to section 111 or 112 of the CAA, published after July 21, 1992, that is designated as subject to the requirements of Title V of the federal CAA in the standard or requirement.

B. Sources Exempt from Rule 2.13

The sources listed below are not subject to the requirements of Rule 2.13:

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1. Any stationary source that would be required to obtain a permit solely ~~by~~ because it is subject to 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);
2. Any stationary source that would be required to obtain a permit solely ~~by~~ because it is subject to 40 CFR Part 61, Subpart M, section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation); and
3. Any other source in a source category deferred pursuant to 40 CFR Part 70.3, by U.S. EPA rulemaking, unless such source is otherwise subject to Title V (i.e., it is a major source).

IV. ADMINISTRATIVE PROCEDURES FOR SOURCES

A. Permit Requirement and Application Shield

A source shall operate in compliance with permits to operate issued pursuant to Rule 2.13. Rule 2.13 does not alter any applicable requirement that a source obtain pre-construction permits.

If a responsible official submits, pursuant to Rule 2.13, a timely and complete application for a permit, a source shall not be in violation of the requirement to have a permit to operate until the APCO takes final action on the application. The application shield here will cease to insulate a source from enforcement action if a responsible official of the source fails to submit any additional information requested by the APCO pursuant to subsection IV.C.2.c, below.

If a responsible official submits a timely and complete application for an initial permit, the source shall operate in accordance with the requirements of any valid permit to operate issued pursuant to section 42301 of the H&SC until the APCO takes final action on the application. If a responsible official submits a timely and complete application for renewal of a permit to operate, the source shall operate in accordance with the permit to operate issued pursuant to Rule 2.13, notwithstanding expiration of this permit, until the APCO takes final action on the application.

The application shield does not apply to sources applying for permit modifications. For permit modifications, a source shall operate in accordance with the applicable federal requirements, the permit to operate issued pursuant to Rule 2.13 and any temporary permit to operate issued pursuant to section 42301.1 of the H&SC.

B. Application Requirements

1. Initial Permit

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- a. For a source that is subject to Rule 2.13 on the date the rule becomes effective, a responsible official shall submit a standard District application within 12 months after the date the rule becomes effective.
- b. For a source that becomes subject to Rule 2.13 after the date the rule becomes effective, a responsible official shall submit a standard District application within 12 months of the source commencing operation or otherwise becoming subject to Siskiyou County Air Pollution Control District Rule 2.13.
- c. For a source with an acid rain unit a responsible official shall submit a standard District application and acid rain permit applications to the District. The applications shall be submitted within the following timeframe:
 1. If the source is subject to Rule 2.13 because of subsection III.A.1., above, within the applicable timeframe specified in subsection B.1.a. or B.1.b., above.
 2. If the source is subject to Rule 2.13 only because of subsection III.A.2., above, by January 1, 1996, or, if applicable, a latter date established by 40 CFR Part 72.

2. **Permit Renewal**

For renewal of a permit, a responsible official shall submit a standard District application no earlier than 18 months and no later than 6 months before the expiration date of the current permit to operate. Permits to operate for all emissions units at a stationary source shall undergo simultaneous renewal.

3. **Significant Permit Modification** [Reference: 40 CFR Part 70.5(a)(1)(ii)]

- a. After obtaining any required pre-construction permits, a responsible official shall submit a standard District application for each emissions unit affected by a proposed permit revision that qualifies as a significant permit modification. Upon request by the APCO, the responsible official shall submit copies of the latest pre-construction permit for each affected emissions unit. The emissions unit(s) affected by the proposed permit modification shall not commence operation until the APCO takes final action to issue the revised permit or until the requirements of subsection b., below are met.
- b. An emissions unit may commence operation of change(s) in a proposed significant permit modification prior to final action by the APCO to issue the permit modification, provided:
 - 1) The stationary source has received and complies with a pre-construction permit under Section 112(g) of the CAA, or under pre-construction review programs either approved into the State Implementation Plan, or authorized by the provisions of 40 CFR Part 52.21, pursuant to Parts C and D of Title I of the CAA;
 - 2) The stationary source has received and complies with a temporary permit to operate issued pursuant to Rule 2.1 F;
 - 3) The stationary source submits an application for a significant permit modification within 12 months of commencing operation of the change(s);
 - 4) The change(s) is not prohibited by any permit conditions including those issued pursuant to Rule 2.13; and

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- 5) The modified emissions unit(s) complies with all applicable federal requirements and rules and regulations of the District.
4. **Minor Permit Modification** [Reference: 40 CFR Part 70.5(a)(1)(ii) and 70.7(e)(2)(ii and v)]
 - a. After obtaining any required pre-construction permits, a responsible official shall submit a standard District application for each emissions unit affected by the proposed permit revision that qualifies as a minor permit modification. The emissions unit(s) affected by the proposed permit modification shall not commence operation until the APCO approves the permit revision or until the requirements of subsection b., below, are met. In the application, the responsible official shall include the following:
 - 1) A description of the proposed permit revision, any change in emissions, and additional applicable federal requirements that will apply;
 - 2) Proposed permit terms and conditions; and
 - 3) A certification by a responsible official that the permit revision meets criteria for use of minor permit modification procedures and a request that such procedures be used.
 - b. After filing its minor permit modification application as required by subsection a., above, and prior to final action by the District to issue or deny the requested minor permit modification or to determine it is a significant permit modification, the stationary source may immediately make the change(s) in a proposed minor permit modification, provided:
 - 1) The modified emissions unit(s) complies with the conditions of any applicable pre-construction or temporary permit to operate issued pursuant to District rules and regulations;
 - 2) The modified emissions unit(s) complies with all proposed permit terms and conditions identified in its minor permit modification application;
 - 3) The change(s) is not prohibited by any permit conditions including those issued pursuant to Rule 2.13; and
 - 4) The change(s) does not violate any applicable federal requirement or any rule or regulation of the District.
 - c. Allowing a stationary source to make a change prior to permit issuance does not constitute final action and does not preclude the District from denying the change or requiring the change to be processed as a significant permit modification, nor does it preclude the U.S. EPA from objecting to the permit modification.
 - d. After the stationary source makes the change and before the minor permit modification is issued, the stationary source need not comply with the existing permit terms and conditions it seeks to modify. If the modified emissions unit(s) fails to comply with the terms and conditions of the proposed minor permit modifications, the existing permit terms and conditions the stationary source seeks to modify may be enforced against it.

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5. Acid Rain Unit Permit Modification

A permit modification of the acid rain portion of the operating permit shall be governed by regulations promulgated pursuant to Title IV of the CAA.

C. Application Content and Correctness

1. Application Content

When submitting an application, the responsible official shall include the following information:

- a. Information identifying the source;
- b. Description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios;
- c. Identification of fees specified in Rule 3.1 (Schedule of Fees);
- d. A listing of all existing emissions units at the stationary source and identification and description of all points of emissions from the emissions units in sufficient detail to establish the applicable federal requirements and the basis for fees pursuant to section VII, below;
- e. Citation and description of all applicable federal requirements, information and calculations used to determine the applicability of such requirements and other information that may be necessary to implement and enforce such requirements;
- f. Calculation of all emissions, including fugitive emissions, in tons per year and in such terms as are necessary to establish compliance with all applicable District, state, or federal requirements for the following:
 - 1) All regulated air pollutants emitted from the source,
 - 2) Any HAP that the source has the potential to emit in quantities equal to or in excess of 10 tons per year, and
 - 3) If the source has the potential to emit two or more HAPs in quantities equal to or in excess of 25 tons per year, all HAPs emitted by the source;
- g. As these affect emissions from the source, the identification of fuels, fuel use, raw materials, production rates, operating schedules, limitations on source operation or workplace practices;
- h. An identification and description of air pollution control equipment and compliance monitoring devices or activities;
- i. Other information required by an applicable federal requirement;
- j. The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to subsection V.I., below;
- k. A compliance plan and compliance schedule with the following:
 - 1) A description of the compliance status of each emissions unit within the stationary source with respect to applicable federal requirements,
 - 2) A statement that the source will continue to comply with such applicable federal requirements with which the source is in compliance,

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- 3) A statement that the source will comply, on a timely basis, with applicable federal requirements that will become effective during the permit term, and
 - 4) A description of how the source will achieve compliance with requirements for which the source is not in compliance;
- l. For a source not in compliance with an applicable federal requirement at the time of permit issuance renewal, and modification (if the non-compliance is with units being modified), a schedule of compliance which resembles and is at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District hearing board if required by state law and which identifies remedial measures with specific increments of progress, a final compliance date, testing and monitoring methods, record keeping requirements, and a schedule for submission of certified progress reports to the U.S EPA and the APCO at least every 6 months;
 - m. A certification by a responsible official of all reports and other documents submitted for permit application, compliance progress reports at least every 6 months, statements on compliance status with any applicable enhanced monitoring, and compliance plans at least annually which shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;
 - n. For a source with an acid rain unit, an application shall include the elements required by 40 CFR Part 72;
 - o. For a source of HAPs required to prepare a risk management plan pursuant to section 112(r) of the CAA, the application shall include verification that such a plan has been submitted to the authorized implementing agency or a compliance schedule for the submittal of such a plan shall be added to permit conditions; and
 - p. For proposed portable sources, an application shall identify all locations of potential operation and how the source will comply with all applicable District, state, and federal requirements at each location.
 - q. 1) For the purposes of this rule, an insignificant activity shall be any activity, process, or emissions unit which is not subject to a source-specific applicable federal requirement and which emits no more than 0.5 tons per year of a HAP and no more than two tons per year of a regulated air pollutant that is not a HAP. Source-specific applicable federal requirements include requirements for which emission unit-specific information is required to determine applicability.
2) An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required in Section VII of this rule. [Reference: 40 CFR Part 70.5(c)]

2. **Correctness of Applications**

A responsible official of a source shall submit an accurate and complete application in accordance with the requirements of the District.

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- a. Upon written request of the APCO, a responsible official shall supplement any complete application with additional information within the timeframe specified by the APCO.
- b. A responsible official shall promptly provide additional information in writing to the APCO upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.
- c. Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.

D. Written Requests for District Action

A responsible official shall submit a written request to the APCO for the following permit actions:

1. **Administrative Permit Amendment**

For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request.

2. **Permit Modification for a Condition that is not Federally Enforceable**

For a permit modification for a condition that is not federally enforceable, a responsible official shall submit a written request in accordance with the requirements of Rule 2.1 (Permits Required) and 6.2 (Standards for Permits to Operate).

3. **Permits to Operate for New Emissions Units**

For permits to operate for a new emissions unit at a stationary source, a responsible official shall submit a written request in accordance with the requirements of Rule 2.1 (Permits Required) and 6.2 (Standards for Permits to Operate), except under the following circumstances:

- a. The construction or operation of the emissions unit is a modification under U.S. EPA regulations promulgated pursuant to Title I of the CAA, including 40 CFR Parts 51, 52, 60, 61, 63;
- b. The construction or operation of the emissions unit is addressed or prohibited by permits for other emissions units at the stationary source; or
- c. The emissions unit is an acid rain unit subject to Title IV of the CAA,

In the circumstances specified in subsections a., b., or c., above, a responsible official shall apply for a permit to operate for the new emissions unit pursuant to the requirements of Rule 2.13.

E. Response to Permit Reopening For Cause

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Upon notification by the APCO of a reopening of a permit for cause for an applicable federal requirement pursuant to section V.H., below, a responsible official shall respond to any written request for information by the APCO within the timeframe specified by the APCO.

V. DISTRICT ADMINISTRATIVE PROCEDURES

A. Completeness Review of Applications

The APCO shall determine if an application is complete and shall notify the responsible official of the determination within the following timeframes:

1. For an initial permit, permit renewal, or a significant permit modification, within 60 days of receiving the application;
2. For a minor permit modification, within 30 days of receiving the application;
The application shall be deemed complete unless the APCO requests additional information or otherwise notifies the responsible official that the application is incomplete within the timeframes specified above.

B. Notification of Completeness Determination

The APCO shall provide written notification of the completeness determination to the U.S. EPA, the ARB and any affected state and shall submit a copy of the complete application to the U.S. EPA within five working days of the determination. The APCO need not provide notification for applications from sources that are not major sources when the U.S. EPA waives such requirement for a source category by regulation or at the time of approval of the District operating permits program.

C. Application Processing Timeframes

The APCO shall act on a complete application in accordance with the procedures in subsections D., E. and F., below (except as application procedures for acid rain units are provided for under regulations promulgated pursuant to Title IV of the CAA), and take final action within the following timeframes:

1. For an initial permit for a source subject to Rule 2.13 on the date the rule becomes effective, no later than three years after the date the rule becomes effective;
2. For an initial permit for a source that becomes subject to Rule 2.13 after the date the rule becomes effective, no later than 18 months after the complete application is received;
3. For a permit renewal, no later than 18 months after the complete application is received;

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4. For a significant permit modification, no later than 18 months after the complete application is received;
5. For a minor permit modification, within 90 days after the application is received or 60 days after written notice to the U.S. EPA on the proposed decision, whichever is later; or
6. For any permit application with early reductions pursuant to section 112(i)(5) of the CAA, within 9 months from the date a complete application is received.

D. Notification and Opportunity for Review of Proposed Decision

Within the applicable timeframe specified in subsection C., above, the APCO shall provide notice of and opportunity to review the proposed decision to issue a permit to operate in accordance with requirements in this subsection.

1. For initial permits, renewal of permits, significant permit modifications, and reopenings for cause, the APCO shall provide the following:
 - a. Written notice, the proposed permit and, upon request, copies of the District analysis to interested persons or agencies. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions. Interested persons or agencies shall include persons who have requested in writing to be notified of proposed Rule 2.13 decisions, any affected state and the ARB.
 - b. On or after providing written notice pursuant to subsection a., above, public notice that shall be published in at least one newspaper of general circulation in the District and, if necessary, by other means to assure adequate notice to the affected public. The notice shall provide the following information:
 - 1) The identification of the source, the name and address of permit holder, the activity(ies) and emissions change involved in the permit action;
 - 2) The name and address of the District, the name and telephone number of District staff to contact for additional information;
 - 3) The availability, upon request, of a statement that sets forth the legal and factual basis for the proposed permit conditions;
 - 4) The location where the public may inspect the complete application, the District analysis, and the proposed permit;
 - 5) A statement that the public may submit written comments regarding the proposed decision within at least 30 days from the date of publication and a brief description of commenting procedures, and
 - 6) A statement that members of the public may request the APCO to preside over a public hearing for the purpose of hearing oral public comments, if such a hearing has not already been scheduled. The APCO shall provide notice of any public hearing scheduled to address the proposed decision at least 30 days prior to such hearing;

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- c. A copy of the complete application, the District analysis and the proposed permit at District offices for public review and comment during normal business hours;
 - d. A written response to persons or agencies that submitted written comments, which are postmarked by the close of the public notice and comment period. All written comments and responses to such comments shall be kept on file at the District office and made available upon request.
 - e. After completion of the public notice and comment period pursuant to subsection a., above, written notice to the U.S. EPA of the proposed decision along with copies of the proposed permit, the District analysis, the public notice submitted for publication, the District's response to written comments, and all necessary supporting information.
2. For minor permit modifications, the APCO shall, within 5 working days after receipt of a complete application for a minor permit modification, provide to the U.S. EPA, and the ARB a copy of the application, proposed permit, District analysis, and all necessary supporting information. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions.

E. Changes to the Proposed Decision

Changes to the proposed decision shall be governed by the following procedure:

1. The APCO may modify or change the proposed decision, the proposed permit, or the District analysis on the basis of information set forth in the comments received during the public comment period provided pursuant to subsection D.1.b., above, or due to further analysis of the APCO. Pursuant to subsection D.1.e., above, the APCO shall forward any such modified proposed decision, the proposed permit, the District analysis, and all necessary supporting information to the U.S. EPA.
2. If the U.S. EPA objects in writing to the proposed decision within 45 days of being notified of the decision and receiving a copy of the proposed permit and all necessary supporting information pursuant to subsection D.1.e., above, the APCO shall not issue the permit. Also, if the public petitions the U.S. EPA within 60 days after the end of the U.S. EPA's 45-day review period and the permit has not yet been issued, the APCO shall not issue the permit until U.S. EPA objections in response to the petition are resolved. The APCO shall either deny the application or revise and resubmit a permit which addresses the deficiencies identified in the U.S. EPA objection within the following timeframes:
 - a. For initial permits, permit renewals, and significant permit modifications, within 90 days of receiving the U.S. EPA objection; or
 - b. For minor permit modifications, within 90 days of receipt of the application or 60 days of the notice to U.S. EPA, whichever is later.

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F. Final Decision

If the U.S. EPA does not object in writing within 45 days of the notice provided pursuant to subsection D.1.e., above, or the APCO submits a revised permit pursuant to subsection E.2., above, the APCO shall, expeditiously, deny the application or issue the final permit to operate. In any case, the APCO shall take final action on an application within the applicable timeframe specified in subsection C., above. Failure of the APCO to act on a permit application or permit renewal application in accordance to the timeframes provided in subsection C., above, shall be considered final action for purposes of obtaining judicial review to require that action on the application be taken expeditiously.

Written notification of the final decision shall be sent to the responsible official of the source, the U.S. EPA, the ARB and any person or affected state that submitted comments during the public comment period. Written notification of any refusal by the District to accept all recommendations for the proposed permit that an affected state submitted during the public comment period shall be sent to U.S. EPA and affected states. The APCO shall submit a copy of a permit to operate as issued to the U.S. EPA and provide a copy to any person or agency requesting a copy. If the application is denied, the APCO shall provide reasons for the denial in writing to the responsible official along with the District analysis and cite the specific statute, rule, or regulation upon which the denial is based.

G. District Action on Written Requests

The APCO shall act on a written request of a responsible official for permit action using the applicable procedure specified in this subsection.

1. Administrative Permit Amendment

The APCO shall take final action no later than 60 days after receiving the written request for an administrative permit amendment.

- a. After designating the permit revisions as an administrative permit amendment, the APCO may revise the permit without providing notice to the public or any affected state.
- b. The APCO shall provide a copy of the revised permit to the responsible official and the U.S. EPA.
- c. While the APCO need not make a completeness determination on a written request, the APCO shall notify the responsible official if the APCO determines that the permit cannot be revised as an administrative permit amendment.

2. Permit Modification for a Condition that is not Federally Enforceable

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The APCO shall take action on a written request for a permit modification for a condition that is not federally enforceable in accordance with the requirements of Rule 2.1 (Permits Required) and 6.2 (Standards for Permits to Operate) under the following circumstances:

- a. Any change at the stationary source allowed by the permit modification shall meet all applicable federal requirements and shall not violate any existing permit term or condition; and
- b. The APCO provides to the U.S. EPA a contemporaneous written notice describing the change, including the date, any change in emissions or air pollutants emitted, and any applicable federal requirement that would apply as a result of the change.

3. Permits to Operate for New Emissions Unit

The APCO shall take action on a written request for a permit to operate for a new emissions unit in accordance with the requirements of Rule 2.1 (Permits Required) and 6.2 (Standards for Permits to Operate) under the circumstances specified in subsection 2.a. and 2.b., above. However, if subsections IV.D.3.a., IV.D.3.b., or IV.D.3.c., above, apply, the APCO shall require the submittal of a standard District application and take action on that application pursuant to the requirements of Rule 2.13.

H. Permit Reopening for Cause

The APCO shall reopen and revise a permit to operate during the annual review period required by section 42301(c) of the H&SC, or petition the District hearing board to do so pursuant to section 42307 of the H&SC, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the U.S. EPA, or within 18 months of promulgation of a new applicable federal requirement. The APCO shall act only on those parts of the permit for which cause to reopen exists.

1. Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:
 - a. The need to correct a material mistake or inaccurate statement;
 - b. The need to revise or revoke a permit to operate to assure compliance with applicable federal requirements;
 - c. The need to incorporate any new, revised, or additional applicable federal requirements, if the remaining authorized life of the permit is 3 years or greater, no later than 18 months after the promulgation of such requirement (where less than 3 years remain in the authorized life of the permit, the APCO shall incorporate these requirements into the permit to operate upon renewal); or
 - d. The need to reopen a permit issued to acid rain unit subject to Phase II of Title IV of the CAA to include:
 - 1) Oxides of nitrogen requirements prior to January 1, 1999, and

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- 2) Additional requirements promulgated pursuant to Title IV as they become applicable to any acid rain unit governed by the permit.
2. In processing a permit reopening, the APCO shall use the same procedures as for an initial permit and shall additionally:
 - a. Provide written notice to a responsible official and the U.S. EPA at least 30 days, or a shorter period in the case of an emergency, prior to reopening a permit; and
 - b. Complete action to revise the permit as specified in the notice of reopening within 60 days after the written notice to the U.S. EPA pursuant to subsection D.1.e., if the U.S. EPA does not object, or after the APCO has responded to U.S. EPA objection pursuant to subsection E.2., above.

I. Options for Operational Flexibility

The APCO shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an applicable federal requirement. The APCO shall not allow changes which constitute a modification under Title I of the CAA or Rules 2.1 (Permits Required) and 6.1 (Standards for Permits to Construct), or that result in an exceedance of the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions without revision to the permit. The source may gain operational flexibility through use of the following options:

1. Alternative Operating Scenarios

The APCO shall allow the use of alternative operating scenarios provided that:

- a. Terms and conditions applicable to each operating scenario are identified by the responsible official in the permit application,
- b. The terms and conditions are approved by the APCO,
- c. The terms and conditions are incorporated into the permit; and
- d. The terms and conditions are in compliance with all applicable District, state, and federal requirements.

A permit condition shall require a contemporaneous log to record each change made from one operating scenario to another.

2. Voluntary Emissions Caps

The APCO shall issue a permit that contains terms and conditions that allow for trading of emissions increases and decreases within the stationary source solely for the purpose of complying with a voluntary emissions cap established in the permit independent of otherwise applicable federal requirements provided that:

- a. The requirements of subsections 1.a., 1.c., and 1.d., above, are met;

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- b. The terms and conditions are approved by the APCO as quantifiable and enforceable; and
- c. The terms and conditions are consistent with the applicable pre-construction permit. A permit condition shall require that a responsible official provide written notice to the U.S. EPA and APCO 30 days in advance of a change by clearly requesting operational flexibility under this subsection of Rule 2.13. The written notice shall describe the change, identify the emissions unit which will be affected, the date on which the change will occur and the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not.

3. **Contravening an Express Permit Condition**

The APCO shall allow for changes in operation that contravene an express condition addressing an applicable federal requirement in a permit to operate provided that:

- a. The change will not violate any applicable federal requirement;
- b. The change will not contravene federally enforceable conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements;
- c. The change is not a modification under Title I of the CAA or any provision of Rule 6.1 (Standards for Permits to Construct);
- d. The change does not result in exceeding the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;
- e. Written notice is given to the U.S. EPA and APCO 30 days in advance of a change, and the notice clearly indicates which term or condition will be contravened, requests operational flexibility under this subsection, describes the change, identifies the emissions units which will be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not; and
- f. The APCO has not provided a written denial to the responsible official within 30 days of receipt of the request for an operational change. The written denial shall identify which of the subsections a.,b.,c.,d., or e., above, have not been satisfied.

VI. **PERMIT CONTENT REQUIREMENTS**

A permit-to-operate shall contain permit conditions that will assure compliance with all applicable federal requirements.

A. **Incorporation of Applicable Federal Requirements**

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A permit to operate shall incorporate all applicable federal requirements as permit conditions. The following procedure shall be used to incorporate an applicable federal requirement as a permit condition:

1. A permit condition that addresses an applicable federal requirement shall be specifically identified in the permit, or otherwise distinguished from any requirement that is not enforceable by the U.S. EPA;
2. Where an applicable federal requirement and a similar requirement that is not federally enforceable apply to the same emissions unit, both shall be incorporated as permit conditions, provided that they are not mutually exclusive; and
3. Where an applicable federal requirement and a similar requirement that is not federally enforceable apply to the same emissions unit and are mutually exclusive (e.g., require different air pollution control technology), the requirement specified in the pre-construction permit (or, in the case of sources without pre-construction permits, the more stringent requirement) shall be incorporated as a permit condition and the other requirement shall be referenced.

B. General Requirements

All permits to operate shall contain the conditions or terms consistent with 40 CFR Part 70.6 Permit Content, including:

1. Emission and Operational Limitations

The permit shall contain conditions that require compliance with all applicable federal requirements, including any operational limitations or requirements.

2. Pre-construction Permit Requirements

The permit shall include all of the pre-construction permit conditions for each emissions unit.

3. Origin and Authority for Permit Conditions

The origin and authority for each permit term or condition shall be referenced in the permit.

4. Equipment Identification

The permit shall identify the equipment to which a permit condition applies.

5. Monitoring, Testing, and Analysis

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The permit shall contain conditions that require monitoring, analytical methods, compliance certification, test methods, equipment management, and statistical procedures consistent with any applicable federal requirement, including those pursuant to sections 114(a)(3) and 504(b) of the CAA, and 40 CFR Part 64. Periodic monitoring shall be required as a condition to ensure that the monitoring is sufficient to yield reliable data, which are representative of the source's compliance with permit conditions over the relevant time period.

6. Record keeping

The permit shall include record keeping conditions that require:

- a. Record maintenance of all monitoring and support information associated with any applicable federal requirement, including:
 - 1) Date, place, and time of sampling;
 - 2) Operating conditions at the time of sampling;
 - 3) Date, place, and method of analysis; and
 - 4) Results of the analysis;
- b. Retention of records of all required monitoring data and support information for a period of at least five years from the date of sample collection, measurement, report, or application; and
- c. Any other record keeping deemed necessary by the APCO to ensure compliance with all applicable federal requirements.

7. Reporting

The permit shall include reporting conditions that require the following:

- a. Any deviation from permit requirements, including that attributable to upset conditions (as defined in the permit), shall be promptly reported to the APCO who will determine what constitutes "prompt" reporting in terms of the requirement, the degree, and type of deviation likely to occur;
- b. A monitoring report shall be submitted at least every six months and shall identify any deviation from permit requirements, including that previously reported to the APCO (see subsection 7.a. above);
- c. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken;
- d. A progress report shall be made on a compliance schedule at least semi-annually and shall include: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective action taken; and
- e. Each monitoring report shall be accompanied by a written statement from the responsible official, which certifies the truth, accuracy, and completeness of the report.

REGULATION II - PERMIT SYSTEM

8. Compliance Plan

The permit shall include a compliance plan that:

- a. Describes the compliance status of an emissions unit with respect to each applicable federal requirement;
- b. Describes how compliance will be achieved if an emissions unit is not in compliance with an applicable federal requirement at the time of permit issuance;
- c. Assures that an emissions unit will continue to comply with those permit conditions with which it is in compliance; and
- d. Assures that an emissions unit will comply with, on a timely basis, any applicable federal requirement that will become effective during the permit term.

9. Compliance Schedule

The permit shall include a compliance schedule for any emissions unit, which is not in compliance with current applicable federal requirements at the time of permit issuance, renewal, and modification (if the non-compliance is with units being modified). The compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District hearing board if required by state law and shall require:

- a. A statement that the emissions unit will continue to comply with those permit conditions with which it is in compliance;
- b. A statement that the emissions unit will comply, on a timely basis, with an applicable federal requirement that will become effective during the permit term;
- c. For each condition with which the emissions unit is not in compliance with an applicable federal requirement, a schedule of compliance which lists all preventative or corrective activities, and the dates when these activities will be accomplished; and
- d. For each emissions unit that is not in compliance with an applicable federal requirement, a schedule of progress on at least a semi-annual basis which includes: 1) the date when compliance will be achieved, 2) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and 3) a log of any preventative or corrective actions taken.

10. Right of Entry

The permit shall require that the source allow the entry of the District, ARB, or US EPA officials for the purpose of inspection and sampling, including:

- a. Inspection of the stationary source, including equipment, work practices, operations, and emission-related activity;
- b. Inspection and duplication of records required by the permit to operate; and
- c. Source sampling or other monitoring activities.

REGULATION II - PERMIT SYSTEM

11. Compliance with Permit Conditions

The permit shall include the following provisions regarding compliance:

- a. The permittee shall comply with all permit conditions;
- b. The permit does not convey property rights or exclusive privilege of any sort;
- c. The non-compliance with any permit condition is grounds for permit termination, revocation and reissuance, modification, enforcement action, or denial of permit renewal;
- d. The permittee shall not use the "need to halt or reduce a permitted activity in order to maintain compliance" as a defense for non-compliance with any permit condition;
- e. A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and
- f. Within a reasonable time period, the permittee shall furnish any information requested by the APCO, in writing, for the purpose of determining: 1) compliance with the permit, or 2) whether or not cause exists for a permit or enforcement action.

12. Emergency Provisions

The permit shall include the following emergency provisions:

- a. The permittee shall comply with District Rule 2.12 (Equipment Breakdown), and the emergency provisions contained in all applicable federal requirements;
- b. Within two weeks of an emergency event, the responsible official shall submit to the District a properly signed, contemporaneous log or other relevant evidence, which demonstrates that:
 - 1) An emergency occurred;
 - 2) The permittee can identify the cause(s) of the emergency;
 - 3) The facility was being properly operated at the time of the emergency;
 - 4) All steps were taken to minimize the emissions resulting from the emergency; and
 - 5) Within two working days of the emergency event, the permittee provided the District with a description of the emergency and any mitigating or corrective actions taken; and
- c. In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred.

13. Severability

The permit shall include a severability clause to ensure the continued validity of otherwise unaffected permit requirements in the event of a challenge to any portion of the permit.

14. Compliance Certification

REGULATION II - PERMIT SYSTEM

The permit shall contain conditions for compliance certification which include the following requirements:

- a. The responsible official shall submit a compliance certification to the U.S. EPA and the APCO every 12 months or more frequently as specified in an applicable requirement or by the District. All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;
- b. The compliance certification shall identify the basis for each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition;
- c. The compliance certification shall include the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period; and
- d. The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to sections 114(a) and 504(b) of the CAA.

15. **Permit Life**

With the exception of acid rain units subject to Title IV of the CAA and solid waste incinerators subject to section 129(e) of the CAA, each permit to operate for any source shall include a condition for a fixed term not to exceed five years from the time of issuance. A permit to operate for an acid rain unit shall have a fixed permit term of five years. A permit to operate for a solid waste incinerator shall have a permit term of 12 years; however, the permit shall be reviewed at least every five years.

16. **Payment of Fees**

The permit shall include a condition to ensure that initial, annual renewal, and supplemental annual permit fees are paid on schedule. If fees are not paid on schedule, the permit is forfeited. Operation without a permit subjects the source to potential enforcement action by the District and the U.S. EPA pursuant to section 502(a) of the CAA.

17. **Alternative Operating Scenarios**

Where a responsible official requests that an alternative operating scenario be included in the permit for an emissions unit, the permit shall contain specific conditions for each operating scenario, including each alternative operating scenario. Each operating scenario, including each alternative operating scenario, identified in the permit must meet all applicable federal requirements and all of the requirements of this section. Furthermore,

REGULATION II - PERMIT SYSTEM

the source is required to maintain a contemporaneous log to record each change from one operating scenario to another.

18. Voluntary Emissions Caps

To the extent applicable federal requirements provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, a responsible official may request, subject to approval by the APCO, to permit one or more emissions unit(s) under a voluntary emissions cap. The permit for each emissions unit shall include federally enforceable conditions requiring that:

- a. All applicable federal requirements, including those authorizing emissions averaging, are complied with;
- b. No individual emissions unit shall exceed any emissions limitation, standard, or other requirement;
- c. Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and
- d. All affected emissions units under a voluntary emissions cap shall be considered to be operating in violation of the permit, if the voluntary emissions cap is exceeded.

19. Acid Rain Units Subject to Title IV

The permit for an acid rain unit shall include conditions that require compliance with any federal standard or requirement promulgated pursuant to Title IV (Acid Deposition Control) of the CAA and any federal standard or requirement promulgated pursuant to Title V of the CAA, except as modified by Title IV. Acid rain unit permit conditions shall include the requirements of 40 CFR Part 72.9 and the following provisions:

- a. The sulfur dioxide emissions from an acid rain unit shall not exceed the annual emissions allowances (up to one ton per year of sulfur dioxide may be emitted for each emission allowance allotted) that the source lawfully holds for that unit under Title IV of the CAA or the regulations promulgated pursuant to Title IV;
- b. Any increase in an acid rain unit's sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the CAA shall not require a revision of the acid rain portion of the operating permit provided such increases do not require permit revision under any other applicable federal requirement;
- c. Although there is no limit on the number of sulfur dioxide emissions allowances held by a source, a source with an acid rain unit shall not use these emissions allowances as a defense for noncompliance with any applicable federal requirement or District requirement, including District Rule 6.1 (Standards for Permits to Construct); and
- d. An acid rain unit's sulfur dioxide allowances shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the CAA.

REGULATION II - PERMIT SYSTEM

20. Portable Sources

The permit for any portable source, which may operate at two or more locations, shall contain conditions that require the portable source to:

- a. Meet all applicable District, state, and federal requirements at each location;
- b. Specify the monitoring methods, or other methods (e.g. air quality modeling) approved by the APCO, that will be used to demonstrate compliance with all District, state, and federal requirements; and
- c. Notify the APCO ten working days prior to a change in location.

VII. SUPPLEMENTAL ANNUAL FEE

The fees collected pursuant to this section shall supplement the fee requirements in Rule 3.1 (Schedule of Fees), if applicable.

A. Payment of Supplemental Fee

A responsible official, or his or her delegate, shall pay an annual supplemental fee for a permit to operate pursuant to this rule as determined by the calculation method in subsection C. below to meet an overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted), unless subsection B. below applies.

1. "Fee-based emissions" means the actual rate of emissions in tons per year of any fee pollutant, including fugitive emissions, emitted from the stationary source over the preceding year or any other period determined by the APCO to be representative of normal operation. Fee-based emissions shall be calculated using each emission unit's actual operating hours, production rates, and in-place control equipment; types of material processed, stored, or combusted during the preceding calendar year, or other time period established by the APCO.
2. "Fee pollutant" means oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the U.S. EPA (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by the U.S. EPA under the CAA or adopted by the District pursuant to section 112(g) and (j) of the CAA. Any air pollutant that is regulated solely because of a standard or regulation under section 112(r) of the CAA for accidental release or under Title VI of the CAA for stratospheric ozone protection shall not be included.

REGULATION II - PERMIT SYSTEM

3. "(CPI adjusted)" means adjusted by the percentage, if any, by which the Consumer Price Index of the year exceeds the Consumer Price Index for calendar year 1989. The value for (CPI adjusted) shall be obtained from the federal Department of Commerce.

B. No Supplemental Fee

There shall not be a supplemental annual fee if the total annual fee rate paid by the source under Rule 3.1 (Schedule of Fees) and H&SC section 44380 (AB 2588 Toxic Hot Spots) equals or exceeds \$25 per ton of fee-based emissions (CPI adjusted). Only those AB 2588 Toxic Hot Spots fees that fund direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A) of the CAA are to be used to meet the overall fee rate of \$25 per ton of fee-based emissions (CPI adjusted).

C. Determination of Supplemental Fee

The supplemental annual fee shall be determined by completing the following steps:

Step 1: Calculation of Supplemental Annual Fee

$$s = [\$25 \text{ per ton (CPI adjusted)} \times e] - f$$

Where:

s = supplemental annual fee in dollars

e = fee-based emissions in tons per year

f = sum (in dollars) of annual fee under Rule 3.1 (Schedule of Fees) and that portion of AB 2588 Toxic Hot Spots fees that funds direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A) of the CAA

Step 2: When the Supplemental Annual Fee is Zero

If "f" is equal to or greater than "\$25 per ton (CPI adjusted) x e," then "s" shall be zero and subsection B., above, applies. If "f" is less than "\$25 per ton (CPI adjusted) x e," then "s" shall be as calculated in Step 1.

D. Submittal of Information

The responsible official, or his or her delegate, shall provide the APCO sufficient information to determine the supplemental fee.

REGULATION II - PERMIT SYSTEM

REGULATION II - PERMIT SYSTEM

Rule 2.14 Compliance With California Environmental Quality Act

A. Determination of Compliance

In making a determination to issue a permit for a project under these regulations, the Air Pollution Control Officer may make findings as required by the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., including, but not limited to, the determinations that a permit is exempt from CEQA, that a negative declaration should be adopted, or an environmental impact report (EIR) has been prepared and should be certified as adequate.

B. Appeal of Determination

The Control Officer's determination regarding compliance with CEQA may be appealed by any affected party within 10 days of posting of the notice of such decision. Any appeal shall be made to the APCD Board upon providing written notice and filing of a \$750 fee with the County Clerk's office.

Any appeal of the Control Officer's CEQA determination for a project shall be heard and decided by the Air Pollution Control Board prior to any decision by the Hearing Board regarding an appeal, if applicable, of a permit for the same project made pursuant to Regulation V.

No less than ten days prior to the hearing date, each party (i.e., the party that filed the appeal, the applicant or permittee, and the Control Officer) shall submit to the APCD Board twelve (12) copies of all documentary evidence, support materials and appeal briefs that the party wishes to include in the Board packet and proposes to introduce at the hearing. Each document shall be labeled with the name of the party and numbered (e.g. "District's Exhibit No. 1"). Each party shall serve upon the other parties via facsimile or overnight mail copies of its exhibits at least ten (10) days prior to the hearing.

Where an appeal challenges the Control Officer's certification of an Environmental Impact Report (EIR) and the APCD Board fails to achieve a majority vote of all members, the EIR shall be deemed not certified.

REGULATION III - FEES

Rule 3.1 Schedule of Fees

All moneys collected by the District pursuant to this rule shall be deposited to the District Fund.

A. Application Fees

1. Every applicant (except any governmental agency or public district) for an Authority to Construct or a Permit to Operate shall pay a filing fee of \$50, unless a greater amount is specified in the permit fee schedule. For any source constructed, modified or operated without first obtaining an Authority to Construct pursuant to these rules, the filing fee shall be increased by \$50.
2. Where an application is filed for a permit by reason of transfer of location or owner, and where a Permit to Operate had previously been granted under these rules and no modification of the source has been made, the applicant shall pay a \$20 transfer fee.

B. Permit Fees

1. Initial permit fees based upon the current fee schedules shall become due when the District notifies the applicant that the application has been granted. Permit fees for less than one year shall be prorated for the balance of the permit period (Jan. 1 through Dec. 31).
2. By January 15 of each year, all holders of an Authority to Construct or Permit to Operate shall be notified by the District of the annual renewal fee based upon the current fee schedules.
3. The fee schedule shall be adjusted annually in accordance with Section 2212 of the Revenue and Taxation Code to account for changes in the California Consumer Price Index for the preceding year.
4. The permittee shall pay the initial fee or the annual renewal fee to the District Office in person or by mail postmarked no later than 30 days after notification. If the fee is not paid within 30 days, it shall be increased by one half the amount thereof, and the District shall promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within 60 days after such notice, the permit shall be immediately suspended and the District shall so notify the permittee by mail. Any suspended permit may be reinstated only upon payment in full of all accrued fees and penalties.

C. Cancellation or Denial

If an application for a permit is canceled or if a permit is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

D. Alteration of Equipment

Where an application is filed for an Authority to Construct or Permit to Operate involving alteration of equipment or revision of permit conditions, the applicant shall be assessed a fee based upon any increases for which fees are established in these rules.

REGULATION III - FEES

E. New Source Review Fees

Every applicant for an Authority to Construct or a Permit to Operate for which the New Source Review procedures are required, shall pay an additional fee to the District in the amount determined by the Control Officer. Said review fee shall not exceed the actual cost of administration of the New Source Review requirements.

F. Permit Granted by Hearing Board

In the event that a Permit to Operate is granted by the Hearing Board the applicant shall pay the fees prescribed in these rules within thirty (30) days after the date of the decision of the Hearing Board. Nonpayment of the fees within this period of time shall result in automatic cancellation of the permit and application.

G. Duplicate Permit

A request for a duplicate Permit to Operate shall be made in writing to the Control Officer and shall contain the reason a duplicate permit is being requested. A fee of \$10 shall be paid for issuing a duplicate Permit to Operate.

H. Permit Fee Schedules

The following fees are to be paid by each permittee. It is hereby determined that these fees will not exceed the cost of maintaining a permit system, including monitoring, inspection, and evaluation. In determining the fees to be charged, the equipment within each process that requires a permit will be totaled for each schedule. In the event that more than one fee schedule is applicable to a permit the governing schedule shall be that which results in the highest fee. If the permit is for a multicomponent system, the fee shall be based on the total of all components. Notwithstanding the following fee schedules, the minimum fee for any major source shall be \$600.

REGULATION III - FEES

Fees adjusted annually in December to reflect current CPI: 1/19= 4.4%

1. Fuel Burning Equipment

Where fuel is burned (with the exception of incinerators) the permit fee shall be based upon the design capacity of heat input in millions of British thermal units (BTU) per hour in accordance with the following schedule:

<u>1,000,000 BTUs per Hour</u>	<u>Fee</u>
Less than 10	\$120.09
10 or greater but less than 20	\$244.57
20 or greater but less than 50	\$489.41
50 or greater but less than 100	\$738.65
100 or greater	\$1106.36

2. Geothermal Resources

The permit fee shall be based on the following schedule:

<u>Source</u>	<u>Fee</u>
Geothermal Well	\$ 366.26
Power Plant Unit	\$3,680.84

3. Incinerators

The permit fee shall be based on the maximum horizontal inside cross sectional area, in square feet, of the primary chamber in accordance with the following schedule:

<u>Area, in Square Feet</u>	<u>Fee</u>
Less than 50	\$120.09
50 or greater	\$184.63

4. Stationary Containers

Permit fees shall be based on the following schedule of capacities in gallons or volumetric equivalent: Gallons

<u>Gallons</u>	<u>Fee</u>
Less than 40,000	\$120.09
40,000 or greater	\$184.63

5. Air Conveyance Systems

The permit fee shall be based on the volumetric exhaust rate from the source in actual cubic feet per minute in accordance with the following schedule:

<u>Volume in ACFM</u>	<u>Fee</u>
Less than 20,000	\$120.09
20,000 or greater	\$184.63

6. Plywood Veneer Dryers

The permit fee shall be based on the maximum design rating on a 3/8-inch thick basis, in accordance with the following schedule:

<u>1,000 Square Feet per Day</u>	<u>Fee</u>
Less than 100	\$120.09
100 or greater	\$184.63

REGULATION III - FEES

7. Gravel and Asphalt Plants

The permit fee shall be based on the maximum design rating, in accordance with the following schedule:

<u>Tons per Hour</u>	<u>Fee</u>
Less than 100	\$120.09
100 or greater but less than 200	\$244.57
200 or greater but less than 400	\$489.41
400 or greater	\$1106.36

8. Vapor Recovery Systems

For sources subject to Rule 8.1, the fee shall be:

a. **A filing fee of \$200.**

b. The annual fee shall be based on the number of gasoline dispensers in accordance with the following schedule:

<u>Number of Dispensers</u>	<u>Fee</u>
Less than 10	\$120.09
10 or greater	\$184.63

9. Miscellaneous

Any source which is not included in the preceding schedules shall be assessed a permit fee based on the combined tons per year of all air pollutants emitted in accordance with the following schedule:

<u>Tons/Year</u>	<u>Fee</u>
Less than 10	\$120.09
10 or greater but less than 25	\$179.78
25 or greater but less than 50	\$366.26
50 or greater but less than 100	\$738.65
100 or greater	\$1106.36

I. Analysis Fees

Should the Control Officer find that an analysis of emissions or any special studies are necessary pursuant to these regulations, the cost of such analysis or studies shall be charged against the owner or operator of said source.

J. Technical Reports

Charges for information, circulars, reports of technical work, and other reports prepared by the District may not exceed the cost of preparation and distribution of such documents.

K. Hearing Board Fees

Every applicant or petitioner for a variance or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of a permit, except any governmental agency or public district, shall pay to the clerk of the Hearing Board, on filing, a non-refundable fee of \$150.

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REGULATION IV - PROHIBITIONS

Rule 4.1 Visible Emissions

Except as provided in these regulations, a person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

- A. As dark or darker in shade as that designated as No.2 on the Ringelmann chart as published by the United States Bureau of Mines.
- B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection A. of this rule.
- C. The provisions of Rule 4.1.A. and Rule 4.1.B. shall not apply to:
 - 1. Fires set pursuant to Rule 4.3.
 - 2. Agricultural burning for which a permit has been granted pursuant to Regulation VII.
 - 3. Use of any aircraft to distribute seed, fertilizer, insecticide, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.
 - 4. The use of orchard and citrus grove heaters which are in compliance with the requirements set forth in Rule 4.11.
 - 5. Fires set or permitted by any public officer in the performance of his/her official duty for the improvement of watershed, range, or pasture.
 - 6. Agricultural operations necessary for the growing of crops or raising of fowl or animals.
 - 7. The use of other equipment in agricultural operations necessary for the growing of crops or raising of fowl or animals.
 - 8. The use of visible emission generating equipment in training sessions conducted by governmental agencies necessary for certifying persons to evaluate visible emissions.
 - 9. Smoke emissions from teepee burners operating in compliance with Section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues or forestry and agricultural residues with supplementary fossil fuels when such emissions result from the startup or shutdown of the combustion process or from the malfunction of emission control equipment. This exception shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This exception shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

REGULATION IV - PROHIBITIONS

10. Smoke emissions from burners used to produce energy and fired by forestry and agricultural residues with supplementary fossil fuels when such emissions result from startup or shutdown of the combustion process or from the malfunction of emission control equipment. This exception shall 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.
 11. Emissions from methanol fuel manufacturing plants which manufacture not more than 2,000,000 gallons of methanol fuel per day from wood agricultural waste, natural gas, or coke (exclusive of petroleum coke). As used in this rule, "manufacturing plant" shall include all necessary support systems, including field operations equipment that provide feed stock. However, this exception shall apply to not more than one such methanol fuel manufacturing plant in the Northeast Plateau Air Basin and each such plant shall be located in an area designated as an "attainment area" pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and shall meet all applicable standards required by the district board. This exception shall remain in effect with respect to such a plant until five years after construction of the plant and shall have no force and effect with respect to such a plant on and after such date.
- D. When the presence of uncombined water is the only reason for the failure of an emission to meet the visible emissions limitation (Rule 4.1), that rule shall not apply. The burden of proof which establishes the application of this exception shall be upon the person seeking to come within its provisions.

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REGULATION IV - PROHIBITIONS

Rule 4.2 Nuisance

- A. 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 comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.
- B. The provision of Rule 4.2.A. relating to odors shall not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

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REGULATION IV - PROHIBITIONS

Rule 4.3 Non-Agricultural Burning

Except as otherwise provided in these rules, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies. **Burning under this sub-division shall be authorized by a burn permit issued by the Siskiyou County Air Pollution Control District.**

- A. Nothing in this prohibition shall be construed as limiting the authority granted under other provisions of law to any public officer to set or permit a fire when such fire is, in his/her opinion, necessary for any of the following purposes:
1. The prevention of a fire hazard, which cannot be abated by any other means.
 2. The instruction of public employees in the methods of fighting fire.
 3. Set pursuant to permit on property used for industrial purposes for the instruction of employees in the methods of fighting fires.
 4. The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
 5. The abatement of fire hazards pursuant to Section 13055.
 6. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.
- B. Nothing in this regulation shall be construed as prohibiting:
1. Open outdoor fires used for cooking of food or for recreational purposes, provided that only paper, cardboard, vegetation, clean wood and/or commercial charcoal are used as fuel.
- C. Open outdoor fires for the disposal of natural vegetation only on a permissive burn day shall be granted for the following:
1. Right-of-way clearing by a public entity or utility or for levee, reservoir or ditch maintenance.
 2. The disposal of wood waste from trees, vines or bushes on property being developed for commercial or residential purposes or the disposal of brush cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard, on the property where it was grown, if reasonably free of dirt, soil and surface moisture. Burning under this

REGULATION IV - PROHIBITIONS

subdivision is subject to the conditions specified in Section 41803 and 41804 of the California Health and Safety Code and the following drying times:

- (1) Prunings and small branches: 3 weeks
 - (2) Grass clippings: 3 weeks with turning once per week
 - (3) Large branches (6 inches and larger) and trees: 8 weeks
 - (4) Unwanted trees: 3 months.
 - (5) All unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn
3. The disposal by a city or county of non-industrial wood waste from trees, vines, and brush at sites located above 1500 feet elevation mean sea level. Burning under this subdivision is subject to the conditions specified in Sections 41803 and 41804.5 of the California Health and Safety Code, which include:
 - a. Issuing a permit allowing burning only on burn days;
 - b. Having approval in writing from the landowner of the disposal site that such burning by the city or county is allowed there;
 - c. Having approval of the state board for each designated disposal site; and
 - d. Inspecting the material to be burned to ensure that it is allowable waste.
 4. The disposal of Russian thistle (*Salsola kali*) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, the State Forester or his/her duly authorized representative, or a county agricultural commissioner, or the Control Officer.
 5. The state board, after consultation with the district in which the burning is to take place, may issue permits for experimental burning designed to develop new or improved techniques of burning to reduce emissions, except that no experimental burning may create a nuisance.
 6. The Control Officer may authorize, by permit, which shall include the appropriate drying times as specified in section C.2 of this rule, open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of non-wood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period which is:
 - a. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
 - b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subdivision a. In authorizing the operation of a mechanized burner, the Control Officer may make the permit subject to whatever conditions he/she determines are reasonably necessary to assure conformance with the standards prescribed in this rule.

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REGULATION IV - PROHIBITIONS

Rule 4.4 Specific Air Contaminants

No person shall discharge from any single source whatsoever any one or more of the following contaminants in any state or combination thereof, exceeding in concentration at the point of discharge:

- A. Sulfur compounds calculated as sulfur dioxide 0.2 percent, by volume.
- B. Combustion contaminants
 - 1. Any source with an approved permit to operate or authority to construct as of July 1, 1987: 0.30 grains per cubic foot of exhaust gas, calculated to 12 percent carbon dioxide at standard conditions.
 - 2. Any source with an approved authority to construct after July 1, 1987: 0.20 grains per cubic foot of exhaust gas calculated to 12 percent carbon dioxide, at standard conditions.
 - 3. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide.
- C. Fluorine compounds emissions shall not exceed 2.5 milligrams per cubic meter of exhaust gas at standard conditions.
- D. Oxides of nitrogen no person shall discharge oxides of nitrogen in excess of 140 pounds per hour for new or expanded installations, calculated as nitrogen dioxide (NO₂).

All emissions shall be measured by methods as designated in Article 2, Subchapter 8, Chapter 1, Part III, Title 17, California Code of Regulations or equivalent methods approved by the Control Officer.

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REGULATION IV - PROHIBITIONS

Rule 4.5 Particulate Matter

No person shall discharge from any non-combustion source particulate matter in excess of 0.30 grains per cubic foot of exhaust gas at standard conditions, or in any one hour total quantities in excess of the amount shown in TABLE I, whichever is the more restrictive condition.

To use the Table I (see next page), take the process weight per hour, as such is defined in Rule 1.2. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if (A) has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he/she will divide the weight of all materials in the specific process (in this example, 1500 lbs.) 3) giving a process weight per hour of 500 lbs. The table shows that (A) may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge shall be interpolated.

REGULATION IV - PROHIBITIONS

TABLE I - ALLOWABLE RATE OF EMISSION

<u>Process Weight</u> <u>(Lb/Hr)</u>	<u>Emission Rate</u> <u>(Lb/Hr)</u>	<u>Process Weight</u> <u>(Lb/Hr)</u>	<u>Emission Rate</u> <u>(Lb/Hr)</u>
50	0.24	3,400	5.44
100	0.46	3,500	5.52
150	0.66	3,600	5.61
200	0.85	3,700	5.69
250	1.03	3,800	5.77
300	1.20	3,900	5.85
350	1.35	4,000	5.93
400	1.50	4,100	6.01
450	1.63	4,200	6.08
500	1.77	4,300	6.15
550	1.89	4,400	6.22
600	2.01	4,500	6.30
650	2.12	4,600	6.37
700	2.24	4,700	6.45
750	2.34	4,800	6.52
800	2.43	4,900	6.60
850	2.53	5,000	6.67
900	2.62	5,500	7.03
950	2.72	6,000	7.37
1,000	2.80	6,500	7.71
1,100	2.97	7,000	8.05
1,200	3.12	7,500	8.39
1,300	3.26	8,000	8.71
1,400	3.40	8,500	9.03
1,500	3.54	9,000	9.36
1,600	3.66	9,500	9.67
1,700	3.79	10,000	10.00
1,800	3.91	11,000	10.62
1,900	4.03	12,000	11.28
2,000	4.14	13,000	11.89
2,100	4.24	14,000	12.50
2,200	4.34	15,000	13.13
2,300	4.44	16,000	13.74
2,400	4.55	17,000	14.36
2,500	4.64	18,000	14.97
2,600	4.74	19,000	15.58
2,700	4.84	20,000	16.19
2,800	4.92	30,000	22.22
2,900	5.02	40,000	28.30
3,000	5.10	50,000	34.30
3,100	5.18	60,000	40.00
3,200	5.27	or	
3,300	5.36	more	

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REGULATION IV - PROHIBITIONS

Rule 4.6 Circumvention

- A. No person shall install or use any equipment which, without resulting in a reduction in the total release of air contaminant to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation of these rules.
- B. Violations of Rule 4.2 (Nuisance) are excepted from Rule 4.6.A.

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REGULATION IV - PROHIBITIONS

Rule 4.7 Gasoline Storage

- A. Except as provided in this rule, no person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is a pressure tank as described in Section 41951, or is equipped with a vapor recovery system as described in Section 41952 or with a floating roof as described in Section 41953 or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the Control Officer.
- B. No person shall install any gasoline tank with a capacity of 250 gallons or more which does not meet these requirements.
- C. These requirements shall not apply to any stationary tank installed prior to December 31, 1970.
- D. For the purpose of this rule, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
- E. For the purpose of this rule, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe", when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.
- F. This rule shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry.

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REGULATION IV - PROHIBITIONS

Rule 4.8 Combination of Emissions

- A. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, this regulation shall apply to each such source operation separately.
- B. If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Rule 4.8.A., this regulation shall be applied to the combined emission as if it originated in a single source operation subject to the most stringent limitations and requirements placed by this regulation on any of the source operations whose air contaminants are so combined.

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REGULATION IV - PROHIBITIONS

Rule 4.9 Separation of Emissions

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited in this regulation cannot exceed the quantity which would be the allowable emission through a single emission point; and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes the correct total emitted quantity.

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REGULATION IV - PROHIBITIONS

Rule 4.10 Reduction of Animal Matter

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

- A. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second, or
- B. Processed in such a manner determined by the Control Officer to be equally, or more effective for the purpose of air pollution control.
- C. For the purpose of this rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating, and protein concentrating.
- D. The provisions of this rule shall not apply to any equipment used exclusively for the processing of food for human consumption.

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

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REGULATION IV - PROHIBITIONS

Rule 4.11 Orchard and Citrus Heaters

No new orchard or citrus heater shall be sold for use against frost damage unless it has been approved by the Air Resources Board. No person shall use any orchard or citrus heater unless it has been approved by the Air Resources Board, or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

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REGULATION IV - PROHIBITIONS

Rule 4.12 New Source Performance Standards

A. Incorporation of Federal Standards

The provisions of Part 60, Chapter I, Title 40 of the Code of Federal Regulations (40 CFR Part 60), which are in effect on July 1, 1987, are incorporated herein as part of the Rules and Regulations of the Siskiyou County Air Pollution Control District.

B. Applicability

All new stationary sources of air pollution, and all modified or reconstructed stationary sources of air pollution shall comply with the standards, criteria, and requirements set forth herein. Whenever any source is subject to more than one rule, regulation, provision or requirement relating to the control of any air contaminant, the most stringent provision shall apply.

C. "Administrator" means "Control Officer"

For the purpose of this Rule, the word "Administrator" as used in 40 CFR Part 60 shall mean the Control Officer of the District, except where the reference to "Administrator" relates to approval of alternate or equivalent test methods or alternative work practices.

D. List of Incorporated CFR Provisions

The following table lists all 40 CFR Part 60 provisions which are incorporated in their entirety as part of this Rule. Notations in this list indicate deviations from the EPA promulgated provision found in the CFR which have been adopted by the District Board for inclusion in this Rule.

CFR Subpart Title

Subpart A General Provisions.

Subpart C Emission Guidelines and Compliance Times.

Subpart D Standards of Performance for Fossil Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971.

Subpart Da Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District. CFR Subpart Title Subpart Db Standards of Performance for Industrial Commercial Institutional Steam Generating Units.

Subpart E Standards of Performance for Incinerators.

Subpart F Standards of Performance for Portland Cement Plants.

REGULATION IV - PROHIBITIONS

- Subpart G Standard of Performance for Nitric Acid Plants.
- Subpart H Standard of Performance for Sulfuric Acid Plants.
- Subpart I Standards of Performance for Hot Mix Asphalt Facilities.
- Subpart J Standards of Performance for Petroleum Refineries.
- Subpart K Standards of Performance for Storage Vessels for Petroleum Liquids Constructed after June 11, 1973 and Prior to May 19, 1978.
- Subpart Ka Standards of Performance for Storage Vessels for Petroleum Liquids Constructed after May 18, 1978.
- Subpart Kb Standards of Performance for Organic Liquid Storage Vessels for which Construction, Reconstruction or Modification Commenced after July 23, 1984.
- Subpart L Standards of Performance for Secondary Lead Smelters.
- Subpart M Standards of Performance for Secondary Brass and Bronze Production Plants.
- Subpart N Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.
- Subpart Na Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983.
- Subpart O Standards of Performance for Sewage Treatment Plants.
- Subpart P Standards of Performance for Primary Copper Smelters.
- Subpart Q Standards of Performance for Primary Zinc Smelters.
- Subpart R Standards of Performance for Primary Lead Smelters.
- Subpart S Standards of Performance for Primary Aluminum Reduction Plants.
- Subpart T Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

REGULATION IV - PROHIBITIONS

- Subpart U Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- Subpart V Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.
- Subpart W Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- Subpart X Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- Subpart Y Standards of Performance for Coal Preparation Plants.
- Subpart Z Standards of Performance for Ferroalloy Production Facilities.
- Subpart AA Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.
- Subpart AAA Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.
- Subpart BB Standards of Performance for Kraft Pulp Mills.
- Subpart CC Standards of Performance for Glass Manufacturing Plants.
NOTE: Section 60.292(e) in the federal standard allows routine maintenance to be exempt from particulate matter standards--this exemption is deleted.
- Subpart DD Standards of Performance for Grain Elevators.
- Subpart EE Standards of Performance for Surface Coating of Metal Furniture.
NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.
- Subpart GG Standards of Performance for Stationary Gas Turbines.
- Subpart HH Standards of Performance for Lime Manufacturing Plants.
- Subpart KK Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- Subpart LL Standards of Performance for Metallic Mineral Processing Plants.

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Subpart MM Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.

NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.

Subpart NN Standards of Performance for Phosphate Rock Plants.

Subpart PP Standards of Performance for Ammonium Sulfate Manufacture.

Subpart QQ Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.

NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.

Subpart RR Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.

NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.

Subpart SS Standards of Performance for Industrial Surface Coating: Large Appliances.

NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.

Subpart TT Standards of Performance for Metal Coil Surface Coating.

NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.

Subpart UU Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

Subpart VV Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

NOTE: The observation of a leak in excess of the standard constitutes a violation of this rule. This provision is added to Section 60.592.1.

Subpart WW Standards of Performance for the Beverage Can Surface Coating Industry.

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NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District.

Subpart XX Standards of Performance for Bulk Gasoline Terminals.

NOTE: 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 recordkeeping requirements shall record results of CARB Certification tests.

Subpart AAA Standards of performance for New Residential Wood Heaters.

Subpart BBB Standards of Performance for the Rubber Tire Manufacturing Industry.

Subpart FFF Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

NOTE: The 30-day emissions averaging periods specified in the federal standard are replaced with 24-hour emissions averaging periods for affected facilities in the District. The monthly basis used to calculate the VOC content from the source performance test in the federal standard is replaced with a 24-hour period to demonstrate compliance on a daily basis for affected facilities in the District.

Subpart GGG Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

NOTE: The observation of a leak in excess of the standard constitutes a violation of this rule. This provision is added to Section 60.592.1.

Subpart HHH Standards of Performance for Synthetic Fiber Production Facilities.

NOTE: The six-month rolling average basis specified in the federal standard is replaced with 24-hour emissions averaging periods for affected facilities in the District.

Subpart JJJ Standards of Performance for Petroleum Dry Cleaners.

NOTE: The observation of a leak in excess of the standard constitutes a violation of this rule. This provision is added to Section 60.592.1.

Subpart KKK Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

Subpart LLL Standards of Performance for Onshore Natural Gas Processing; SO₂ Emissions.

Subpart OOO Standards of Performance for Nonmetallic Mineral Processing Plants.

Subpart PPP Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.

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Subpart QQQ Standards of Performance for VOC Emissions from Petroleum Refinery Waste Water Systems.

Subpart SSS Standards of Performance for Magnetic Tape Manufacturing.

Subpart TTT Standards of Performance for Industrial Surface Coating; Plastic parts for Business Machines.

Appendix A Reference Methods.

Appendix B Performance Specifications.

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REGULATION IV - PROHIBITIONS

Rule 4.13 National Standards for Hazardous Air Pollutants

A. Incorporation of Federal Standards

The provisions of Part 61, Chapter I, Title 40 of the Code of Federal Regulations (40 CFR Part 61), which were in effect on July 1, 1987, are incorporated herein as part of the Rules and Regulations of the Siskiyou County Air Pollution Control District.

B. Applicability

All stationary sources of air pollution shall comply with the standards, criteria, and requirements set forth herein. Whenever any source is subject to more than one rule, regulation, provision or requirement relating to the control of any air contaminant, the most stringent provision shall apply.

C. "Administrator" means "Control Officer"

For the purpose of this Rule, the word "Administrator" as used in 40 CFR Part 61 shall mean the Control Officer of the District, except where the reference to "Administrator" relates to approval of alternate or equivalent test methods or alternative work practices.

D. List of Incorporated CFR Provisions

The following table lists all 40 CFR Part 61 provisions which are incorporated in their entirety as part of this Rule. Notations in this list indicate deviations from the EPA promulgated provision found in the CFR which have been adopted by the District Board for inclusion in this Rule.

CFR Subpart Title

Subpart A	General Provisions.
Subpart B	National Emission Standard for Radon-22 Emissions from Underground Uranium Mines.
Subpart C	National Emission Standard for Beryllium.
Subpart D	National Emission Standard for Beryllium Rocket Motor Firing.
Subpart E	National Emission Standard for Mercury.
Subpart F	National Emission Standard for Vinyl Chloride.
Subpart H	National Emission Standard for Radionuclide Emissions from Department of Energy (DOE) Facilities.

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- Subpart I National Emission Standard for Radionuclide Emissions from Facilities Licensed by the Nuclear Regulatory Commission (NRC) and Federal Facilities not Covered by Subpart H.
- Subpart J National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene.
- Subpart K National Emission Standard for Radionuclide Emissions from Elemental Phosphorous Plants.
- Subpart M National Emission Standard for Asbestos.
- Subpart O National Emission Standard for Inorganic Arsenic Emissions from Primary Copper Smelters.
- Subpart P National Emission Standard for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.
- Subpart V National Emission Standard for Equipment Leaks (Fugitive Emission Sources).
- Subpart W Radon-222 Emissions from Licensed Uranium Mill Tailings.

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REGULATION IV - PROHIBITIONS

Rule 4.14 Sulfur Contents of Fuels

- A. No person shall burn any liquid fuel or solid fuel having a sulfur content in excess of 0.5 percent by weight.
- B. The provisions of Rule 4.14.A. shall not apply to sources:
 - 1. Which obtain written approval from the Control Officer and
 - 2. Where sulfur compounds are removed from combustion products, or a mixture of fuels is used to the extent that the emission of sulfur compounds to the atmosphere is no greater than that which would be emitted by using a liquid or solid fuel complying with Rule 4.14.A.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.1 General

- A. The provisions of Chapter 8, Part 3 and Chapter 4, Part 4, Division 26 of the State of California Health and Safety Code, are incorporated herein by this reference.
- B. This Regulation shall apply to all hearings before the Hearing Board. For the purposes of this Regulation, the Hearing Officer shall be the Chairman or any other member of the Hearing Board so designated by the Hearing Board. In addition to this Regulation, the Hearing Board has adopted Hearing Board procedures, which shall apply to all hearings before the Hearing Board.
- C. Request for a hearing shall be initiated by the filing of a petition with the Clerk of the Hearing Board, the payment to said Clerk of the fee provided in Rule 3.1, and service of the petition on the applicant or permittee, where petitioner is not the applicant or permittee. No fee shall be required for the filing of a petition by any public district or governmental agency.
- D. The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing, and service of petitions.
- E. The petitioner may withdraw his/her petition at any time before submission of the case to the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such withdrawal.
- F. All hearings shall be held at the time and place designated by the Hearing Board.
- G. A record of all proceedings before the Hearing Board shall be made. The record shall be a written summary or taped recording of all the evidence, testimony and proceedings presented at the hearing, made by a person designated by the Hearing Board for that purpose. One copy of such transcript shall be forwarded to the Control Officer.
- H. Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case, may be made by the Chairman, or at a duly noticed special meeting of the Hearing Board, by any three members of the Hearing Board.
- I. The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.
- J. The decision shall become effective upon filing of the written decision with the Clerk of the Hearing Board unless a later effective date is otherwise specified by the Hearing Board.

REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

- K. Whenever the members of the Hearing Board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the Chairman of the Hearing Board shall issue a subpoena, in proper form, commanding such person to appear before it at a time and place specified, to be examined as a witness. The subpoena may require such person to produce all books, papers, and documents in his/her possession or under his/her control to such hearing.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.2 Contents of Petitions

- A. Every petition shall state:
1. The name, address and telephone number of the petitioner or other person authorized to receive service of notice.
 2. Whether the petitioner is an individual, co-partnership, corporation, or other entity; names and addresses of partners, if a co-partnership; names and addresses of the persons in control if other entity.
 3. The type of business or activity involved in the application and the street address at which it is conducted.
 4. A brief description of the article, machine, equipment or other contrivance, if any involved in the application.
 5. Whether the petitioner desires a hearing:
 - a. For a variance under Section 42350, Health and Safety Code.
 - b. For review of a permit denied by the Control Officer.
 - c. For review of a permit issued by the Control Officer.
 - d. To determine if a permit should be revoked.
 - e. To modify or revoke a variance previously granted.
 - f. For an abatement order.
 - g. For any other reason.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.3 Petition for Variances

In addition to the matters required by Rule 5.4, a Petition for Variance shall state briefly:

- A. The section, rule, or order complained of.
- B. The facts showing why compliance with the section, rule, or order is unreasonable.
- C. For what period of time the variance is sought and why.
- D. The damage or harm resulting, or which would result, to petitioners from compliance with such section, rule, or order.
- E. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.
- F. The advantages and disadvantages to the residents of the district resulting from granting a variance.
- G. Whether or not operations under such variance, if granted, would constitute a nuisance.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.4 Notice of Hearing

- A. Notwithstanding any other provisions of these regulations, the Hearing Officer may issue, without notice and hearing, an emergency variance to an applicant.
- B. In the case of a hearing to consider an application for a variance or a series of variances to be in effect for a period of not more than ninety days, or an application for a modification of a schedule of increments of progress, or for an order of abatement: the Hearing Board shall serve notice of the time and place of a hearing to grant such a variance or modification upon the Control Officer, all the Northeast Plateau Air Basin Districts, ARB, the EPA, and upon the applicant or permittee, not less than ten days prior to such hearing.
- C. In the case of a hearing to consider an application for an interim variance: the Hearing Board shall serve reasonable notice of the time and place of the hearing on the Control Officer and upon the applicant.
- D. In the case of a hearing to consider an application for variance, other than a ninety-day variance, or an interim variance, or an application for a modification of a final compliance date in a variance previously granted, the notice requirements shall be as follows:
 - 1. The Hearing Board shall serve a notice of the time and place of a hearing to the Control Officer, all other districts in the Northeast Plateau Air Basin, the ARB, the EPA, upon the petitioner or permittee, and every person who requests such notice, not less than thirty days prior to such hearing.
 - 2. The Hearing Board shall also publish a notice of the hearing in at least one daily and one weekly newspaper of general circulation within the district at least fifteen (15) days prior to the hearing.
 - 3. The notice shall state the time and the place of the hearing, the time when, commencing not less than fifteen (15) days prior to the hearing, and the place where the application including any proposed conditions or schedule of increments of progress will be available for public inspection, and any other information that may be necessary to reasonably apprise individuals within the District of the nature and purpose of the meeting. The application and other required information (e.g., proposed conditions or schedule of compliance) shall be available not less than fifteen days prior to the hearing.
- E. In the case of a hearing appealing an Authority to Construct, Permit to Operate issuance, denial, suspension or conditions of approval, the notice requirement shall be as follows:

REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

1. The Hearing Board shall serve a notice of the time and place of the hearing upon the Control Officer, the ARB, the applicant or permittee affected, and the petitioner (if that party is not the applicant), and every person who requests such notice, at least ten days prior to such hearing.
2. The Hearing Board shall also publish a notice of the hearing in at least one daily and one weekly newspaper of general circulation within the district at least ten days prior to the hearing.
3. The notice shall state the time and place of the hearing and such other information as may be necessary to reasonably apprise individuals within the District of the nature and purpose of the meeting.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.5 Rules of Evidence and Procedure

- A. Oral evidence may be taken on oath of affirmation.
- B. Each party, as defined in Section II of the Hearing Board Procedures, shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine opposing witness on any matter relevant to the issues, and to rebut the evidence against him/her.
- C. The hearing need not be conducted according to technical rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.6 Hearing and Decision

- A. All hearings shall be held by three or more members of the Hearing Board, and the concurrence of three members shall be necessary for a decision. Failure to achieve concurrence of at least three members of the Hearing Board shall result in retention of an underlying decision. The decision shall be in writing and shall contain a brief statement of facts found to be true, the determination of the issues presented, and the order of the Hearing Board. A copy of the decision shall be immediately filed with the Hearing Board Clerk and mailed or delivered to the Control Officer, the petitioner, ARB, and every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.
- B. After a hearing, the Hearing Board may do any of the following:
1. Grant a permit denied by the Control Officer.
 2. Continue the suspension of a permit suspended by the Control Officer.
 3. Remove the suspension of an existing permit invoked by the Control Officer pending the furnishing by the permittee of the information, analyses, plans, and specifications required.
 4. Find that no violation exists and reinstate an existing permit.
 5. Revoke an existing permit if it finds any of the following:
 - a. The permittee has failed to correct any condition required by the Control Officer.
 - b. A refusal of a permit would be justified.
 - c. Fraud or deceit was employed in the obtaining of the permit.
 - d. Any violation of this part, or of any order, rule, or regulation of the district.
 6. Grant a variance in accordance with the conditions as further specified in this rule.
- C. No variance shall be granted unless the Hearing Board makes all of the following findings:
1. That the petitioner for a variance is or will be in violation of a provision of the California Health and Safety Code or of any rule, regulation or order of the District.
 2. That due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either an arbitrary or unreasonable taking of property, or the practical closing and elimination of a lawful business.
 3. That such closing or taking would be without a corresponding benefit in reducing air contaminants.
- D. Upon making the specific finding set forth in Rule 5.6.C., the Hearing Board shall prescribe requirements other than those imposed by statute or by any rule, regulation, or order of the District Board, not more onerous, applicable to plants and equipment operated by specified industry or business or for specified activity, or to the operations of individual person. However, no variance shall be granted if the operation under the variance will result in a violation of Rule 4.2.
- E. In prescribing other and different requirements, in accordance with Rule 5.6.D., the Hearing Board shall exercise a wide discretion in weighing the equities involved and the advantages to the residents of the District from the reduction of air contaminants and the disadvantages to any otherwise lawful

REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

business, occupation, or activity involved, resulting from requiring compliance with such requirements.

- F. The Hearing Board may require, as a condition of granting a variance, that a cash bond or a bond executed by two or more good and sufficient sureties or by a corporate surety, be posted by the party to whom the variance was granted to assure performance of any construction, alteration, repair or other work required by the terms and conditions of the variance. Such bonds may provide that, if the party granted the variance fails to perform such work by the agreed date, the cash bond shall be forfeited to the district having jurisdiction, or the corporate surety or sureties shall have the option of promptly remedying the variance default or paying to the district an amount, up to the amount specified in the bond, that is necessary to accomplish the work specified as a condition of the variance.
- G. The Hearing Board, in making any order permitting a variance, shall specify the time during which such order shall be effective, in no event, except as otherwise provided in Rule 5.6.H., to exceed one year, and shall set a final compliance date.
- H. A variance may be issued for a period exceeding one year if the variance includes a schedule of increments of progress specifying a final compliance date by which the emissions of air contaminants of a source for which the variance is granted will be brought into compliance with applicable emission standards.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.7 Emergency Variances

An emergency variance or series of variances shall be in effect until the hearing to consider a request by the applicant for a variance other than an emergency variance, but not to exceed thirty days.

- A. Upon receipt of a request for an emergency variance, the Control Officer shall contact the Hearing Officer to establish a time and place for consideration of the request. The Control Officer shall inform the applicant of such time and place.
- B. The applicant and Control Officer shall present testimony and evidence to the Hearing Officer. The burden of proof shall be on the applicant to demonstrate that a breakdown or other emergency situation exists.
- C. In order to consider the granting of an emergency variance for an extended breakdown situation, the Hearing Officer should determine the causes of the breakdown and that the equipment failure or malfunction:
 1. Is not the result of neglect or disregard of any air pollution control law or rule or regulation.
 2. Is not intentional or the result of negligence.
 3. Is not the result of improper maintenance.
- D. After consideration of the emergency variance request, the Hearing Officer may grant or deny an emergency variance. Within five working days following the granting of an emergency variance, a written order shall be issued confirming the decision, with appropriate findings.
- E. No emergency variance shall be granted unless the Hearing Officer determines that:
 1. The emergency variance request is caused by a breakdown condition or other emergency situation and may not be delayed until a properly noticed hearing.
 2. Granting of the emergency variance will not cause a public nuisance.
 3. Granting of the emergency variance will not create an immediate threat or hazard to public health or safety.
 4. Granting of the emergency variance will not interfere with the attainment or maintenance of any national ambient air quality standard.
 5. The requirements for a variance set forth in Rule 5.6.C. have been met.
- F. At any time after an emergency variance has been granted, the applicant or Control Officer may request the Hearing Officer to revise, revoke, or further condition the variance and issue an amended written order. All procedures shall be as designated for the original hearing.
- G. An emergency variance shall remain in effect only as long as necessary to correct the breakdown or emergency condition, but not to exceed the time period required for a properly noticed hearing to consider an interim or ninety-day variance in accordance with Rule 5.6.D., or thirty days, whichever is the shorter time period.

REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

- H. Within ten days after the date of expiration of an emergency variance, the applicant shall submit a written report to the Control Office including, but not limited to, the following details:
1. Duration of excessive emissions.
 2. Estimate of quantity of emissions.
 3. Statement of the cause of the occurrence.
 4. Corrective measures to be taken to prevent a recurrence.

Documentation of the breakdown condition may be required by the Control Officer.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.8 Interim Variance

Any person who has submitted an application for a variance and who desires to commence or continue operation pending the decision of the Hearing Board on the application, may submit an application for an interim variance. The Hearing Officer may hear the application for an interim variance. If any member of the public contests a decision made by any one member of the Hearing Board, the application shall be reheard by the full Hearing Board within ten days of this decision.

- A. An interim variance may be granted for good causes stated in the order Granting such a variance.
- B. The interim variance shall not be valid beyond the date of the decision of the Hearing Board on the application or for more than ninety days from the date of issuance of the interim variance, whichever comes first.
- C. The Hearing Board shall not grant any interim variance:
 - 1. After it has held a hearing in compliance with the requirements of Rule 5.4, or
 - 2. Which is being sought to avoid the notice of hearing requirement of Rule 5.4.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.9 Modification of Progress

If a person granted a variance with a schedule of increments of progress files an application for modification of the schedule and is unable to notify the Hearing Board sufficiently in advance to allow the Hearing Board to schedule a public hearing, the Hearing Board may grant a one-time interim authorization which is valid for not more than thirty days, to continue operation pending decision of the Hearing Board on the application.

- A. The Hearing Officer may hear such application.
- B. If a member of the public contests a decision made by one member of the Hearing Board, the application shall be reheard by the full Hearing Board within ten days of the decision.

The interim authorization shall not be granted for a requested extension of a final compliance date or where the original variance expressly required advance application for the modification of an increment of progress.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.10 Orders for Abatement

- A. The District Board or the 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. In holding such a hearing, the district board shall be vested with all the powers and duties of the Hearing Board.

- B. 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.

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

Rule 5.11 Appeal of Decision

- A. A party may petition for a rehearing of any decision by the Hearing Board within ten (10) days after a copy of the decision is mailed. A decision to grant a petition for rehearing is solely within the Hearing Board's discretion. Alternatively, the Hearing Board, with not fewer than four members present, may, in its discretion, within thirty (30) days of the effective date of the decision, rehear any matter.
- B. Judicial review may be had of a decision of the Hearing Board by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure section 1094.5. Except as otherwise provided in this rule, any such petition shall be filed within thirty days after the decision has been mailed. The right to petition shall not be affected by the failure to seek a rehearing before the Hearing Board.
- C. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the Hearing Board and shall be delivered to the petitioner within thirty days of the request. Payment of a fee not to exceed the cost of preparing such record must be made at the time of the request.
- D. Where the petitioner, within ten days after the last day on which a rehearing can be ordered, requests the Hearing Board to prepare all or any part of the record, the time within which a petition may be filed shall be extended five days after its delivery to him/her. The Hearing Board may file with the court the original of any document in the record in lieu of a copy thereof.
- E. In any proceeding pursuant to this rule, the court shall receive in evidence any order, rule, or regulation of the district board, any transcript of the proceedings before the Hearing Board, and such further evidence as the court, in its discretion, deems proper.

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REGULATION VI – NEW SOURCE SITING

Rule 6.1 Construction Permit Standards for Criteria Pollutants

A. General

1. The Control Officer shall deny a permit to construct for any new stationary source or modification or any portion thereof, unless the applicant certifies that all other stationary sources in the state which are owned or operated by the applicant are in compliance or are on approved schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act (42 USC 7401 et.seq.) and all applicable emission limitations and standards which are part of the State Implementation Plan approved by the Environmental Protection Agency.
2. The Control Officer shall deny a permit to construct for a new stationary source or modification with a net increase in emissions as specified in Section B.1. unless all district regulations contained in the State Implementation Plan approved by the Environmental Protection Agency are being carried out in accordance with that plan.

B. Applicability and Exemptions

1. Sections B., C., D., E., F., G., H., and I. shall apply to new stationary sources and modifications which result in either:
 - a. A net increase in emissions of 250 or more pounds during any day of any pollutant for which there is a national ambient air quality standard (excluding carbon monoxide), or any precursor of such a pollutant; or
 - b. A net increase in emissions of 2500 or more pounds of carbon monoxide during any day.
2. New sources and modifications shall be exempt from the requirement for offsets (Section E.), although BACT is still required providing the source:
 - a. Will be used exclusively for providing essential public services, such as schools, hospitals, or police and fire fighting facilities, but specifically excluding sources of electrical power generation other than for emergency standby use at essential public service facilities.
 - b. Is exclusively a modification to convert from use of a gaseous fuel to a liquid fuel because of a demonstrable shortage of gaseous fuels, provided the applicant establishes to the satisfaction of the Control Officer that he/she has made his/her best efforts to obtain sufficient emissions offsets pursuant to Section E. of this rule, that such efforts had been unsuccessful as of the date the application was filed, and the applicant agrees to continue to seek the necessary emissions offsets until construction on the new stationary source or modification begins. This exemption shall only apply if, at the time the permit to operate was issued for the gas burning equipment, such equipment could have burned the liquid fuel without additional controls and been in compliance with all applicable district regulations.
 - c. Is portable sandblasting equipment used on a temporary basis within the district.
 - d. Is a cogeneration project, a project using refuse derived or biomass-derived fuels for energy generation, or a resource recovery project using municipal wastes, provided the applicant established by modeling that the new source or modification will not cause a

REGULATION VI – NEW SOURCE SITING

violation or exacerbate an existing violation of any national ambient air quality standard at the point of maximum ground level impact, allowing for the subtraction of any natural background levels of particulate matter (non respirable size).

C. Calculation of Emissions

1. In determining the emissions from a proposed new or modified stationary source estimates shall be based on maximum design capacity, permit limitations on the operation of the new source or modification, or source test data from identical equipment or estimates based upon a combination of these methods.
2. In determining emissions from an existing stationary source emissions shall be based on specific limiting permit conditions or source test data based upon normal operating conditions or a combination of these methods.
3. The net increase in emissions from new stationary sources and modifications which are not seasonal sources shall be determined using yearly emissions profiles. Yearly emissions profiles for an existing or proposed stationary source or modification shall be constructed by plotting the daily emissions from such source. A separate profile shall be constructed for each pollutant emitted.
4. The net increase in emissions from new stationary sources and modifications which are seasonal sources shall be determined using yearly and quarterly emissions profiles. A separate profile shall be constructed for each pollutant emitted.
5. When computing the net increase in emissions for modifications, the Control Officer shall take into account the cumulative net emissions changes (increases and reductions) which are represented by permits to construct associated with the existing stationary source and issued pursuant to this rule, excluding any emissions reductions required to comply with federal, state, or district laws, rules or regulations.

D. Best Available Control Technology (BACT)

New stationary sources and modifications excluding cargo carriers, shall be constructed using best available control technology.

E. Mitigation (Offsets)

For new stationary sources and modifications mitigation shall be required for net emissions increases (i.e. increases after the application of best available control technology):

REGULATION VI – NEW SOURCE SITING

1. Of each pollutant for which a national ambient air quality standard was exceeded three discontinuous times (for annual standards, one time) within the district within the three years immediately preceding the date when the application for the permit to construct was filed and for all precursors of such pollutants provided, however, that mitigation of net emission increases of sulfur oxides, total suspended particulates or carbon monoxide shall not be required if the applicant demonstrates through modeling that emissions from the new source or modification will not cause a new violation of any national ambient air quality standard for such pollutants, or make any existing violation of any such standard worse, at the point of maximum ground level impact.
2. Net emissions increases subject to this section shall be mitigated (offset) by reduced emissions from existing stationary or non-stationary sources. Emissions reductions shall be sufficient to offset any net emissions increase and shall take effect at the times, or before initial operation, of the new source, or within 90 days after initial operation of a modification and shall continue as long as the new or modified source is operating.
3. Emissions offset profiles may be used to determine whether proposed offsets mitigate the net emissions increases from proposed new sources or modifications. For all offset sources, a yearly emissions offset profile shall be constructed in a manner similar to that used to construct the yearly emissions profile for the proposed new or modified source. A separate profile shall be constructed for each pollutant emitted. Seasonal offsets shall not be used to mitigate the emissions from non-seasonal sources.
4. A ratio of emissions offsets to emissions from the new source or modification (offset ratio) of 1.2:1 shall be required for emissions offsets located within a 15 mile radius of the proposed new source or modification and based upon emissions profiles.
5. For proposed emission offsets in which the offset ratio is from 1:1 to 1.2:1 the applicant shall conduct modeling to verify a net air quality benefit in the area affected by emissions from the new source or modification.
6. If an applicant certifies that the proposed new source or modification is a replacement for the applicant's pre existing source which was shut down or curtailed after February 16, 1979, emissions reductions associated with such shutdown or curtailment may be used as offsets for the proposed source, subject to the offset provision of this section.
7. Emissions reductions resulting from measures required by adopted federal, state, or district laws, rules or regulations shall not be allowed as emissions offsets unless a complete application incorporating such offsets was filed with the district prior to the date of adoption of the laws, rules or regulations.

REGULATION VI – NEW SOURCE SITING

8. The Control Officer may allow emissions reductions which exceed those required by this rule for a new source or modification to be banked for use in the future by the applicant. Such reductions shall be used only to offset emissions increases from proposed new sources or modifications owned or operated by the applicant within 15 miles of the site where the reductions occurred.
9. Emissions reductions of one precursor (or primary pollutant) may be used to offset emission increases of another precursor of the same pollutant. The ratio of emission reductions for interpollutant offsets shall be determined by the Control Officer based on existing air quality data and subject to approval of the Air Resources Board.

F. Permit Condition Requirements

The Control Officer shall place written conditions on the permits of the new stationary source or modification and the sources(s) used to provide offsets to ensure that all sources are operated in the manner assumed in making the analysis required to determine compliance with this rule. The permit shall include an emission limitation which corresponds with the application of BACT. In no event shall the emission rate reflected by the control technique or limitation exceed the amount allowable under applicable new source performance standards. If offsets are obtained from a source for which there is no permit to operate, a written contract shall be required between the applicant and the owner or operator of such source which contract, by its terms, shall be enforceable by the Control Officer.

G. Analysis, Notice, and Reporting

Following acceptance of an application as complete, the Control Officer shall:

1. Perform the evaluations required to determine compliance with this rule and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a succinct written analysis.
2. Within 10 calendar days following such decision, publish a notice by prominent advertisement in at least one newspaper of general circulation in the district stating the preliminary decision of the Control Officer and where the public may inspect the required information. The notice shall provide 30 days from the date of publication for the public to submit written comments on the preliminary decision.
3. At the time notice of the preliminary decision is published, make available for public inspection at the District Office the information submitted by the applicant, the Control Officer's supporting analysis for the preliminary decision, and the preliminary decision to grant or deny the permit to construct, including any proposed permit conditions, and the reasons there for.
4. No later than the date of publication of the notice, forward the analysis, the preliminary decision, and copies of the notice to the Air Resources Board and Regional Office of the Environmental Protection Agency.

REGULATION VI – NEW SOURCE SITING

5. Consider all written comments submitted during the 30 day public comment period.
6. Provide written notice of the final action to the applicant, the Environmental Protection Agency, and the Air Resources Board once final action is taken within the time limits prescribed by Rule 2.4(C); and publish such notice in a newspaper of general circulation; and make the notice and all supporting documents available for public inspection at the District Office.

H. Power Plants

All power plants proposed to be constructed in the district and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission shall be evaluated in accordance with the ARB/CEC agreement adopted on January 23, 1979. The Control Officer, pursuant to Section 25538 of the Public Resources Code, may apply for reimbursement of all costs, including lost fees, incurred in order to comply with the provisions of this section.

I. Severability

If any portion of this rule is found to be unenforceable, such finding shall have no effect on the enforceability of the remaining portions of the rule, which shall continue to be in full force and effect.

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REGULATION VI – NEW SOURCE SITING

Rule 6.2 Standards for Permits to Operate

A. General

The Control Officer shall deny a permit to operate for any new or modified stationary source or any portion thereof to which Rule 6.1 applies unless:

1. The owner or operator of the source has obtained a permit to construct granted pursuant to Rule 6.1; and
2. The Control Officer has determined that the source and any sources which provide offsets have been constructed and/or modified to operate, and emit quantities of air contaminants, consistent with the conditions imposed on their respective permits.
3. Conditions imposed on the permit to construct are also included on the permit to operate to ensure compliance with these rules.

B. Exemptions

The Control Officer shall exempt from the provisions of this rule any stationary source which is a continuing operation, without modification or change in operating conditions, when a permit to operate is required solely because of permit renewal or change of ownership.

C. Definitions

The definitions contained in Rule 1.2 shall be applicable to this rule.

D. Severability

If any portion of this rule is found to be unenforceable, such finding shall have not effect on the enforceability of the remaining portions of the rule which shall continue to be in full force and effect.

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REGULATION VI – NEW SOURCE SITING

Rule 6.3 State Ambient Air Quality Standards

All references in Rule 6.1 and Rule 6.2 to national ambient air quality standards shall be interpreted to include state ambient air quality standards.

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REGULATION VI – NEW SOURCE SITING

Rule 6.4 Construction Permit Standards for Hazardous Air Pollutants

A. Purpose

1. The purpose of this rule is to require the installation of best available control technology for toxics (T-BACT) at any constructed or reconstructed major source of hazardous air pollutants (HAPs). All T-BACT determinations shall ensure a level of control that the Air Pollution Control Officer (APCO) has determined to be, at a minimum, no less stringent than new source maximum achievable control technology (MACT as required by the federal Clean Air Act (CAA), 112(g)(2)(B) and implemented through 40 CFR, subpart B 63.40-63.44.

B. Effective Date: May 1, 1999

C. Applicability

1. The requirements of this rule shall apply to all owners or operators that construct or reconstruct a major source of HAPs, unless the major source is exempt pursuant to section (D).
2. Compliance with the rule does not relieve any owner or operator of a major source of HAPs from complying with all other District rules or regulations, any applicable State airborne toxic control measures (ATCM), or other applicable state and federal laws.

D. Exemptions: the provisions of this rule do not apply to:

1. Any major source that is subject to an existing National Emissions Standard (NESHAPs) for HAPs pursuant to sections 112(s), 112(h) or 112(j) or the CAA,
2. Any source that has been specifically exempted from regulation under a NESHAP issued pursuant to sections 112(d), 112(h) or 112(j) of the CAA,
3. Any major source that has received all necessary air quality permits for such construction or reconstruction project before June 29, 1998,
4. Electric utility steam generating units, unless and until such time as these units are added to the source category list pursuant to section 112(c)(5) of the CAA,
5. Any stationary sources that are within a source category that has been deleted from the source category pursuant to section 112(c)(9) of the CAA,
6. Research and development activities as defined in 40 CFR 63.41, and
7. Any other stationary source exempted by section 112 of the CAA.

REGULATION VI – NEW SOURCE SITING

E. Requirements

1. No person shall initiate the construction of a major source nor initiate the reconstruction of a major source of HAPs until the air pollution control officer has determined that the more stringent of the following is met:
 - a. T-BACT requirements of this District rule, or
 - b. Emission levels no less stringent than the MACT levels required by the CAA, 112(g)(2)(B), enforceable under 40 CFR 63.40 through 63.44.

F. Definitions

1. Terms used in this rule that are not defined in this section have the meaning given to them in District Rule 1.2 Definitions.

Best Available Control Technology for Toxics (T-BACT) means the most effective emissions limitation or control technique which:

- a. Has been achieved in practice for such permit unit category or class of sources; or
- b. Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the Air Pollution Control Officer to be technologically feasible for such a category or class of sources, or for a specific source.

Construct a Major Source means the same as defined in 40 CFE 63.41 Definitions.

Hazardous Air Pollutants (HAPs) means any air pollutant listed in or pursuant to CAA, section 112(b).

Major Source of HAPs means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any one hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.

Potential to Emit (PTE) means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitations or the effect it would have on emissions are incorporated into the applicable permit as enforceable permit conditions.

Reconstruct a Major Source means the same as defined in 40 CFR 63.41 Definitions.

REGULATION VI – NEW SOURCE SITING

G. Calculation Procedures

1. The potential to emit for a source of HAP emissions shall equal the sum of potentials to emit of the constructed or reconstructed source of HAPs. All fugitive HAP emissions associated with the construction or reconstruction shall be included in the potential to emit determination.

H. Administrative Procedures

1. An application for an Authority to Construct a major source or reconstruct a major source of HAPs shall be subject to the administrative procedures contained in District Rule 6.1 G.

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REGULATION VII - AGRICULTURAL BURNING

Rule 7 - General Provisions

This regulation was adopted in accordance with Section 41863 of the California Health and Safety Code for the purpose of implementing the Agricultural Burning Guidelines. The Siskiyou County Air Pollution Control District shall enforce these rules and regulations.

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REGULATION VII - AGRICULTURAL BURNING

Rule 7.1 Definitions

A. Agricultural Burning

Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, range improvement, wildland vegetative management, improvement of land for wildlife and game habitat, disease or pest prevention, or the maintenance of a system for delivery of water used in agricultural operations. Agricultural burning also means open outdoor fires used in wildland vegetation management burning. Wildland vegetation management burning is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush. Prescribed burning is the planned application of fire to vegetation to achieve any specific objective on lands selected in advance of that application. The planned application of fire may also include natural or accidental ignition.

B. Open Burning in Agricultural Operations

1. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, or instruction by an educational institution; and
2. In connection with operations qualifying under Subdivision 1:
 - a. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and
 - b. The burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are fertilizer and empty pesticide sacks or containers, where the sacks or containers are emptied in the field.

C. Range Improvement Burning

Use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

D. Forest Management Burning

Use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

E. Brush Treated

Material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides, or is dead.

F. Timber Operations

Cutting or removal of timber or other forest vegetation.

REGULATION VII - AGRICULTURAL BURNING

- G. Silviculture
Establishment, development, care and reproduction of stands of timber.
- H. Board
State Air Resources Board, or any person authorized to act on its behalf.
- I. Designated Agency
Any agency designated by the District as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry and Fire Protection are so designated within their respective areas of jurisdiction.
- J. No-burn Day
Any day on which agricultural burning is prohibited by the Board or District.
- K. Permissive-burn Day
Any day on which agricultural burning is not prohibited by the Board.
- L. District
Siskiyou County Air Pollution Control District.
- M. Approved Ignition Device
Those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners, flares, drip torches, heli-torches, terra-torches, Alumigel, and petroleum fuel boosters (blivets), but does not include the use of tires, tar paper, oil, and other similar materials.
- N. Permit
Agricultural burning permit issued pursuant to the Siskiyou County Air Pollution Control District's Rules and Regulations.
- O. Agricultural Burning Guidelines
Provisions of Subchapter 2, Chapter 1, Part III, Title 17, California Code of Regulations.
- P. Wildland Vegetation Management Burning
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 (as defined in Title 14, California Code of Regulations, Section 1561.1), trees, grass or standing brush.

REGULATION VII - AGRICULTURAL BURNING

Q. Prescribed Burning

Planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Health and Safety Code Section 39011. The planned application of fire may also include allowing naturally or accidentally ignited fires to continue to burn pursuant to a burn plan.

R. Sensitive Receptor Area

Populated areas and other areas where the district determines that smoke and air pollutants can adversely affect public health or welfare. Such areas include, but are not limited to, any towns or cities, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

S. Burning Permit

Permit issued by a designated fire protection agency.

T. Land Manager

Any federal, state, local, or private entity that administers, directs, oversees, or controls the use of public or private land, including the application of fire to the land.

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REGULATION VII - AGRICULTURAL BURNING

Rule 7.2 Notification of Burning Conditions

- A. A notice as to whether the following day is a permissive-burn day, or a no-burn day, or whether the decision will be announced the following day, shall be provided by the Board at 3:00 p.m. daily. If the decision is made the following day it shall be announced by 7:45 a.m. Such notices shall be based on meteorological criteria for regulating agricultural burning.
- B. Agricultural burning is prohibited on no-burn days, except as specified in Rule 7.3, and in Rule 7.5.
- C. Upon request from a permittee through a designated agency, seven days in advance of a specific range improvement burn, forest management burn, or wildland vegetative management burn, at any elevation, a permissive-burn or no-burn notice will be issued by the Board up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.
- D. Notwithstanding Subdivision C of this section, the State Board may cancel permissive-burn notices that have been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.
- E. A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in Subdivision C of this section.

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REGULATION VII - AGRICULTURAL BURNING

RULE 7.3 Exceptions

- A. Burning of agricultural related items, such as empty pesticide containers and fertilizer bags, may be permitted by the Control Officer on no-burn days. Burning will be done in accordance with stated burning preparations and consideration for fire danger.

- B. The Control Officer may allow, by special permit, agricultural burning on a no-burn day if denial of such permit would threaten imminent and substantial economic loss. The applicant shall submit in writing, on a form provided, his or her reasons for the exception. Special permits issued under this section shall comply with the following provisions:
 - 1. The total acreage on any given day burned under special permits shall not exceed 10 percent of the acreage allowed to be burned on Permissive Burn days for that period of the year.
 - 2. No special permits, except those for range improvement or forest management burning, will be issued to any person until the third day after a Permissive-Burn day or to any person who has not used (except for due cause) a prior Permissive-Burn day.
 - 3. No special permits will be issued to any person unless burning under a special permit will comply with all applicable burning rules.
 - 4. No special permits shall be issued when burning under such permit would adversely affect air quality over smoke-sensitive or populated areas.

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REGULATION VII - AGRICULTURAL BURNING

Rule 7.4 Enforcement

- A. No person shall knowingly set or permit any open burning operation on a no-burn day.
- B. Penalty Any violation of this Regulation shall be subject to the enforcement procedures specified in Rule 1.4 plus the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.
- C. Procedures for processing violations of these regulations:
 - 1. Obtain all pertinent information for report: name, address, location of burn, material, wind direction, description of fire and smoke, statements made by subject, witnesses, photos if possible.
 - 2. Issue citation to appear or notice of violation, at the discretion of the enforcement officer.

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REGULATION VII - AGRICULTURAL BURNING

Rule 7.5-1 Prohibitions: General

- A. No person shall knowingly set or permit agricultural burning unless he or she has a valid permit from the designated agency in the area where the burn will take place.
- B. Each applicant for a permit shall provide information required by the designated agency for fire protection purposes.
- C. Each applicant for a permit shall provide information required by the District.
- D. All material to be burned shall be reasonably free of dirt, soil, and excess moisture.
- E. Wherever possible, wastes shall be piled or windrowed in such a manner as to burn with maximum possible heat density and minimum smoke.
- F. All burning shall be ignited as rapidly as practicable within applicable fire control restrictions.
- G. All wastes shall be free of tires, tar paper, construction debris, or other types of rubbish likely to cause excessive smoke or obnoxious odors.
- H. Special consideration shall be given to burning operations confined to narrow inland river valleys where smoke containment may be restricted within the river basin and greatly decrease the prevailing visibility.
- I. All materials to be burned shall be ignited with an approved ignition device.
- J. A permit shall not be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purpose of fire control or prevention.
- K. A permit shall be valid for only those days which agricultural burning is not prohibited by the Board or the District.
- L. Open outdoor fires must be controlled to such an extent as is technically and economically feasible to meet all federal and state air quality standards pertaining to air pollutants created by open burning operations.

REGULATION VII - AGRICULTURAL BURNING

- MM. Material shall not be burned unless it has been allowed to dry for the following minimum time periods:
1. Open burning in agricultural operations
 - a. Dry cereal: 0 days
 - b. Prunings and small branches: 3 weeks
 - c. Large branches (6 inches and larger) and trees: 8 weeks
 2. Range improvement burning
 - a. Treated brush: at least 6 months prior to the burn if economically and technically feasible.
 - b. Unwanted trees: 3 months.
 - c. All unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.
 3. Forest management and wildland vegetative management burning
 - a. As required by the designated agency issuing the permit.
- N. The Control Officer may restrict burning to selected permittees on designated burn days if total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause State ambient air quality standards to be exceeded.
- O. Maximum care must be taken to keep smoke from drifting into populated areas.
- P. Permittee should not burn when winds exceed 20 miles per hour or when weather conditions are unsafe to burn.
- Q. All fires in any agricultural burning operation shall be started only on burn days, except as permitted under Rules 7.3 and 7.5.

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REGULATION VII - AGRICULTURAL BURNING

Rule 7.5-2 Prohibitions: Range Improvement Burning

- A. Between January 1 and May 31, range improvement burning may be conducted by permit on a NO-BURN-DAY, providing that more than 50% of the land has been brush treated. If the burn is to be done primarily for improvement of wildlife or game habitat, the Department of Fish & Game may specify the amount of brush treatment required. Notwithstanding the provisions in Subdivision A of this section the Board may prohibit range improvement burning during the period designated by the District, if in the opinion of the Board, such prohibition is required for the maintenance of suitable air quality.
- B. If the burning is to be done primarily for improvement of land for wildlife and game habitat, no permit shall be issued unless the applicant has filed with the District a statement from the Department of Fish and Game, certifying that the burn is desirable and proper.
- C. The brush shall be treated at least six months prior to the burn if economically and technically feasible.

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REGULATION VII - AGRICULTURAL BURNING

Rule 7.5-3 Prohibitions: Wildland Vegetation Management Burning

- A. This rule shall apply to all burning which meets the definition of wildland vegetation management burning, regardless of whether such burning also meets another definition in Rule 7.1-A.
- B. All projects which exceed 50 acres or which require burning of more than 3,000 tons or which are within 5 miles of any sensitive receptor area shall provide the following information to the District for review and approval in advance of any burning (may be submitted in a Prescribed Burn Plan):
1. Location and specific objectives of the burn project;
 2. Acreage or tonnage, type, and arrangement of vegetation to be burned;
 3. Directions and distances to nearby sensitive receptor areas;
 4. Fuel condition, combustion, and meteorological prescription elements developed for the project;
 5. Projected schedule and duration of project ignition, combustion, and burndown;
 6. Specifications for monitoring and verifying critical project parameters; and
 7. Specifications for disseminating project information.
- C. Should a fire control agency desire to allow accidentally or naturally ignited fires to continue to burn for a specific objective, a burn plan shall be prepared in advance. The burn plan shall contain the criteria which will be used in making the decision to allow the fire to continue to burn and shall address the following requirements:
1. As soon as practicable after deciding to allow an accidentally or naturally ignited fire to burn, the responsible fire control agency shall notify the District of its decision. The District shall either issue a permit or deny a permit, based on the previously approved burn plan and on the smoke management criteria described in Rule 7.5-1.
 2. Accidentally or naturally ignited fires which are allowed to burn on no-burn days must meet the provisions of Rule 7.3-D.
 3. Accidentally or naturally ignited fires shall be logged and reported in accordance with Rule 7.7.
 4. The burn plan for accidentally or naturally ignited burns shall meet all the requirements of Rule 7.5-3, B.

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REGULATION VII - AGRICULTURAL BURNING

Rule 7.6 Burning Permits

The public has been accustomed to obtaining burning permits from the various fire protection agencies. There are stations strategically located in most areas, and it would be logical to designate these agencies as the person to issue air quality permits for agricultural burning. These agencies would also be in the position to coordinate air quality control criteria as well as fire protection criteria that would relate to the agricultural burning.

- A. The burning permit shall be prepared in sufficient copies to provide information to the various agencies of concern. The permittee shall have his or her copy available for inspection at the burn site. This procedure will minimize any charges of burning without a valid permit.
- B. In order to provide for proper control of the agricultural burning, a permit shall be obtained for each burning operation.
- C. The permit shall be issued for the length of time necessary to complete the burning operation. The permittee shall contact the local fire protection agency prior to each day's burn to determine if it is an authorized burn day, as well as informing them that a burn is about to take place.
- D. The application for a burning permit shall be reviewed by the issuing agency. If the burn is likely to cause a nuisance, or the request is not consistent with agricultural burning, the permit shall not be issued until approval is obtained from the Air Pollution Control District. A nuisance might be caused if the location of the burn site and the direction of the prevailing winds will direct the air contaminants toward an adjacent residential area.
- E. Each permit issued pursuant to these procedures shall bear a statement of warning containing the following words or words of like or similar import: "This permit is valid only on those days during which agricultural burning is not prohibited by the California Air Resources Board pursuant to Section 41855 or the local air pollution control district."
- F. All burning permits will be issued by the designated fire control agency having jurisdiction in the area of the proposed burn and shall state thereon the type of material to be burned, estimated tonnage or acreage of waste to be burned, and the classification of the burning under which the permit was issued. Agricultural burning permits may only be issued by the following designated agencies: U. S. Forest Service; California Department of Forestry and Fire Protection; Siskiyou County Air Pollution Control District.
- G. During any period when permits are not being issued by a fire protection agency, they shall be obtained from the District.

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REGULATION VII - AGRICULTURAL BURNING

RULE 7.7 Agricultural Burning Reports

The permittee shall be required to call the designated agency issuing the permit prior to each burn. The designated agency shall log the information required on forms provided by the State Board. The log shall be forwarded to the Air Pollution Control District either monthly, quarterly or annually.

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REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

Rule 8.1 Benzene Emissions from Retail Service Stations

A. Purpose

To comply with California Code of Regulations, Section 93101, by reducing airborne benzene emissions from retail service stations.

B. Definitions

1. ARB-Certified Vapor Recovery System

A vapor recovery system which has been certified by the state board pursuant to Section 41954 of the Health and Safety Code.

2. Gasoline

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

3. Hold-Open Latch

A device that allows hands-off refueling of a vehicle.

4. Motor Vehicle

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

5. Owner or Operator

An owner or operator of a retail service station.

6. Phase I Vapor Recovery System

A gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.

7. Phase II Vapor Recovery System

A gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.

8. Retail Service Station

Any new or existing motor vehicle fueling service station which sells gasoline to the public and is subject to payment of California sales tax on gasoline sales.

9. Existing Retail Service Station

Any retail service station operating, constructed, or under construction as of January 15, 1989.

10. NewRetail Service Station

Any retail service station which is not constructed or under construction as of January 15, 1989.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

11. Tank Replacement

Replacement of one or more gasoline stationary storage tanks at an existing retail service station or replacement of 50 percent or more of an existing retail service station's total underground liquid piping from the stationary storage tanks to the gasoline dispensers.

12. Throughput

The volume of gasoline dispensed at a retail service station.

13. Leak Free

A liquid leak of no more than three drops per minute.

14. Topping Off

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

15. Vapor Tight

A leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 inch) from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

C. Compliance Schedule

1. After January 15, 1989, the owner or operator of any new retail service station subject to this rule shall comply with its provisions at the time gasoline is first sold from the station.
2. The owner or operator of any existing retail service station without ARB-certified Phase I and II vapor recovery systems shall notify the Control Officer in writing in advance of an intended tank replacement and shall secure all necessary permits and other approvals for the installation of Phase I and II vapor recovery systems. The owner or operator of an existing retail service station not exempt by this rule shall comply with the provisions of this rule upon completion of the tank replacement.
3. The owner or operator of an existing retail service station who has not earlier complied in accordance with C.2., shall, by April 1, 1990, secure all permits and other approvals necessary for installation of the equipment required by this rule. The owner or operator shall comply with the provisions of this rule by January 1, 1991.
4. Excluding those existing retail service stations subject to this rule as a result of tank replacement, the owner or operator of a previously exempt stationary storage tank or retail service station where the operation or annual throughput has changed such that the exemption

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

from either the Phase I or II requirements or both is no longer applicable, shall comply with this rule's provisions within 12 months of loss of said exemption.

5. Any owner or operator of a retail service station not exempt by D.2.a., D.2.b., or D.2.c. shall by July 1, 1990:
 - a. Install and maintain in good working order hold-open latches on all gasoline dispensers.

<p>WARNING: Gasoline vapors can be hazardous to your health. Ask attendant how hold-open latches can reduce your risk.</p>

- b. Conspicuously post in the gasoline dispensing area a reasonable facsimile of the following:
(Letters shall be a minimum of 1-inch high)

D. Phase I Vapor Recovery System Requirements

1. No owner or operator shall transfer, permit the transfer, or provide equipment for the transfer of gasoline, and no other person shall transfer gasoline from a gasoline delivery tank at a retail service station unless an ARB-certified Phase I vapor recovery system is installed on the stationary storage tank and used during the transfer.
2. The provisions of D.1. shall not apply to:
 - a. A stationary storage tank with a capacity of less than 260 gallons.
 - b. A stationary storage tank used the majority of the time for the fueling of implements of husbandry.
 - c. A stationary storage tank used exclusively to fuel motor vehicles with a fuel capacity of five gallons or less.
 - d. An existing retail service station with an annual throughput of 480,000 or fewer gallons during the 1988 calendar year. If during any calendar year thereafter the gasoline throughput from such tanks at the existing retail service station exceeds 480,000 gallons, this exemption shall cease to apply commencing with the first day of the following calendar year.
 - e. A transfer to a stationary storage tank at an existing retail service station which receives gasoline exclusively from delivery tanks that are not required to be equipped with vapor recovery systems.
3. Notwithstanding D.2.d., at the time of tank replacement at any existing retail service station, ARB-certified Phase I vapor recovery systems shall be installed and used thereafter on all the station facilities, except those which are exempt by D.2.a., D.2.b., D.2.c., or D.2.e.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

E. Phase II Vapor Recovery System Requirements

1. No owner or operator shall transfer, permit the transfer or provide equipment for the transfer of gasoline from a stationary storage tank at a retail service station into a motor vehicle fuel tank unless an ARB-certified Phase II vapor recovery system is installed and used during the transfer.
2. The provisions of E.1. shall not apply to:
 - a. A stationary storage tank which is exempt from Phase I requirements under D.2.a., D.2.b., or D.2.c.
 - b. An existing retail service station which is exempt from Phase I requirements under D.2.d.
3. Notwithstanding E.2.b., at the time of tank replacement at an existing retail service station, ARB-certified Phase II vapor recovery systems shall be installed and used thereafter on all of the station facilities, except those which are exempt by E.2.a.

F. Operation and Maintenance Requirements

The operator of each retail facility using a Phase II vapor recovery system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles used at the station, and shall include a warning that topping off may result in spillage or recirculation of gasoline and is prohibited. Additionally, the instructions shall include a prominent display of the Siskiyou County Air Pollution Control District's or the ARB's toll-free telephone number for complaints.

All Phase I and Phase II gasoline vapor recovery equipment shall be installed as required by ARB certification and operated as recommended by the manufacturer and shall be maintained to be leak free, vapor tight, and in good working order.

G. Correction of Defects

No owner or operator shall use or permit the use of any Phase II system or any component thereof containing a defect identified in Title 17, California Code of Regulations, Section 94006 until it has been repaired, replaced, or adjusted, as necessary to remove the defect, and, if required under Health and Safety Code Section 41960.2, district personnel have reinspected the system or have authorized its use pending reinspection. Nothing in this subdivision shall excuse compliance with subdivision E.1.

H. Fees

Sources subject to this rule shall pay the fees required by Regulation III.

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REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

Rule 8.2 Aeration of Contaminated Soil and Removal of Underground Storage Tanks

A. Purpose

To limit the emission of organic compounds from underground storage tanks and contaminated soil.

B. Definitions

1. Active Storage Pile

A pile of contaminated soil to which soil is currently being added or from which soil is currently being removed. Activity must have occurred or be anticipated to occur within one hour to be current.

2. Aeration

Exposure of excavated contaminated soil to the air.

3. Aeration Depth

The smaller of the following: the actual average depth of contaminated soil; or 6 inches multiplied by the daily frequency with which soil is turned. The exposed surface area includes the pile of excavated soil unless the pile is covered.

4. Aeration Volume

The volume of soil being aerated shall be calculated as follows: the exposed surface area in square feet shall be multiplied by the aeration depth.

5. Contaminated Soil

Soil which has an organic content exceeding 50 ppm (weight).

6. Organic Compound

Any compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates and ammonium carbonate.

7. Organic Content

The concentration of organic compounds measured in the composite sample collected and analyzed using the procedures specified by this rule.

8. Vapor Free

The process of purging gases from a tank using dry ice to replace organic vapors with an inert atmosphere.

9. Ventilation

The process of purging gases from a tank by blowing or drawing another gas through the tank.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

C. Notification

Five days prior to underground tank removal or excavation of contaminated soil, the person responsible shall give written notification to the District.

D. Underground Storage Tank Removal

Any person wishing to permanently decommission an underground storage tank which previously contained organic compounds shall follow the following procedure:

1. All piping shall be drained and flushed into the tank or other container.
2. All liquids and sludges shall be removed, to the extent possible, from the tank. It may be necessary to use a hand pump to remove the bottom few inches of product.
3. Vapors shall be removed from the tank by either vapor freeing or ventilation.
4. No person shall ventilate or vapor free a tank containing more than 0.001 gallons of liquid organic compounds per gallon of tank capacity unless emissions of organic compounds to the atmosphere are controlled by equipment or control schemes which demonstrate a combined collection and destruction efficiency of 90% by weight. All control equipment and control schemes subject to this section shall have written District approval prior to operation.

E. Excavation of Contaminated Soil

The person responsible for aeration of any contaminated soil shall provide the District with the following information no less than 24 hours prior to the spreading or heating of any contaminated soil:

1. The maximum total quantity of soil to be aerated.
2. The maximum quantity of soil to be aerated per day.
3. The maximum degree of contamination.
4. The chemical composition of contaminating organic compounds (e.g., benzene, methylene chloride, etc.).
5. A description of the basis from which these estimates were derived (soil analysis, Soil Vapor Contamination Assessment, etc.).

The District shall be notified within 24 hours if any of the parameters change. During excavation and aeration, daily records shall be kept of the total quantity of soil and the organic content of soil that is aerated each day.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

F. Uncontrolled Aeration

A person shall not aerate contaminated soil at a rate in excess of that specified in Table 1 for the degree of organic content. The limitations in Table 1 apply to the entire facility, and indicate the volume of contaminated soil that may be added, on any one day, to soil that is already aerating.

Table 1

<u>ALLOWABLE RATE OF UNCONTROLLED AERATION</u>	
<i>Organic Content</i>	<i>Rate of Uncontrolled Aeration</i>
<u>PPM (weight)</u>	<u>Cubic yards/day</u>
<50	No Limit
50 - 100	600
100 - 500	120
500 - 1000	60
1000 - 2000	30
2000 - 3000	15
3000 - 4000	10
4000 - 5000	8
>5000	0.1

G. Controlled Aeration

Soil may be aerated at rates exceeding the limitations of Table I provided emissions of organic compounds to the atmosphere are controlled by equipment or control schemes which demonstrate a combined collection and destruction efficiency of 90% by weight. All control equipment and control schemes subject to this section shall have written District approval prior to operation.

H. Storage Piles

Contaminated soil which is not being aerated shall be covered except when soil is being added or removed. No more than 10% of the storage pile or 20 cubic yards may be uncovered at any time without prior consent of the Control Officer. Any uncovered contaminated soil will be considered to be aerated. The soil may be covered with a layer of uncontaminated soil no less than six inches deep; or it may be covered with a tarp or other covering, provided no head space where vapors may accumulate is formed.

I. Exemptions

1. Storage Piles

Calculations of aeration volume shall not include storage piles that are covered nor shall they include active storage piles.

2. Excavated Hole

The exposed surface of an excavated hole shall not be included in calculations of aerated volume.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

3. Sampling

Contaminated soil exposed for the sole purpose of sampling shall not be considered to be aerated. No more than 10% of the contaminated soil or 20 cubic yards may be exposed at any time without prior consent of the Control Officer. Removal of soil for sampling shall not qualify a pile as "active".

4. Non-volatile Hydrocarbons

The requirements of this rule shall not apply if the only soil contamination is by a known organic chemical or petroleum liquid, and that chemical or liquid has an initial boiling point of 302°F or higher, provided that the soil is not heated.

J. Soil Sampling

One composite sample shall be collected and analyzed for every 50 cubic yards of excavated contaminated soil to be aerated. At least one composite sample shall be collected from each inactive, uncovered storage pile within 24 hours of excavation. Samples are not required if the soil is uncontaminated.

1. A composite sample shall consist of one sample taken from the center of each of 4 equal sectors of the area required to be sampled using the procedures described below unless other methods are approved by the Control Officer.
2. Samples shall be taken from at least three inches below the surface of the pile using a driven-tube type sampler, capped and sealed with inert materials, and extruded in the lab in order to reduce the loss of volatile materials; or by using a clean brass tube (at least three inches long) driven into the soil with a suitable instrument. The ends of the brass tube shall then be covered with aluminum foil, then plastic end caps, and finally wrapped with a suitable tape. The samples shall then be immediately placed on ice, or dry ice, for transport to a laboratory.

K. Measurement of Organic Content

Organic content of soil shall be determined by the EPA Reference Method 8010 or 8015, Regional Water Quality Control Board's Revised Analytical Methods, Attachment 2, 11/8/85, or other methods approved by the Control Officer.

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REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

Rule 8.3 Hexavalent Chromium Emissions from Chrome Plating and Chromatic Acid Anodizing Operations

A. Purpose

To comply with the California Code of Regulations, Section 93101, by controlling airborne emissions of hexavalent chromium.

B. Definitions

1. Ampere-hours

The integral of electrical current applied to a plating tank (amperes) over a period of time (hours).

2. Anti-mist Additive

A chemical which reduces the emission rate from the tank when added to and maintained in the plating tank.

3. Chrome

Metallic chrome.

4. Chrome Plating

Either hard or decorative chrome plating.

5. Chromic Acid

An aqueous solution of chromium trioxide (CrO_3), or commercial solution containing chromic acid, dichromic acid (H_2CrO_7), or trichromic acid ($\text{H}_2\text{Cr}_3\text{O}_{10}$).

6. Chromic Acid Anodizing

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

7. Chromium

Hexavalent chromium.

8. Control Equipment

Any device which reduces emissions from the emissions collection system.

9. 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.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

10. 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.

11. 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.

12. Facility

A business or businesses engaged in chrome plating or chromic acid anodizing which are owned or operated by the same person or persons and are located on the same parcel or on contiguous parcels.

13. Facilitywide 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 emissions collection system by the sum of ampere-hours consumed during that year for all of the tanks served by the emissions collection system.

14. Hard Chrome Plating

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

15. Plating Tank

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

16. 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 with this rule, 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/amp-hour, whichever is less.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

C. Requirements for Decorative Chrome Plating Facilities

No person shall operate a decorative chrome plating tank unless an anti-mist additive is continuously maintained in the plating tank, or control equipment is installed and used, in a manner which has been demonstrated to and approved by the Control Officer as reducing chromium emissions by 95 percent or more relative to chromium emissions when an anti-mist additive is not maintained, or control equipment is not installed and used.

D. Requirements for Hard Chrome Plating and Chromic Acid Anodizing Facilities

1. The owners or operators of all hard chrome plating and chromic acid anodizing facilities shall maintain a continuous record of current integrated over time (amperehours) for all plating tanks for each collection system used in the hard chrome plating or chromic acid anodizing operations and shall, submit the information to the Control Officer.
2. No person shall operate a plating tank for hard chrome plating or chromic acid anodizing unless the tank has an emissions collection system.
3. No person shall operate a hard chrome plating or chromic acid anodizing tank unless:
 - a. The chromium emissions from the emissions collection system serving the plating tank have been reduced by 95 percent or more of the uncontrolled chromium emissions or
 - b. The chromium emissions from the emissions collection system serving the plating tank have been reduced to less than 0.15 milligrams (mg) of chromium per amperehour of electrical charge applied to the plating tank.
4. No person shall operate a hard chrome plating tank or chromic acid anodizing tank at a facility if facilitywide chromium emissions from hard chrome plating or chromic acid anodizing are greater than 2 pounds per year, but less than 10 pounds per year, unless:
 - a. The chromium emissions from the emissions collection systems serving the plating tanks have been reduced by at least 99 percent of the uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility or
 - b. The chromium emissions from the emissions collection systems are reduced to less than 0.03 mg of chromium per ampere-hour of electrical charge applied to the tanks.
5. No person shall operate a hard chrome plating or chromic acid anodizing tank at a facility if facilitywide chromium emissions from hard chrome plating or chromic acid anodizing are 10 pounds per year or greater unless:
 - a. The chromium emissions from the emissions collection systems serving the plating tanks have been reduced by at least 99.8 percent of the uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility or
 - b. The chromium emissions from the emissions collection systems are reduced to less than 0.006 mg of chromium per ampere-hour electrical charge applied to the tanks.

E. Compliance Schedule

The owner or operator of any facility subject to this rule shall comply with its provisions at the time the facility begins operation.

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REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

Rule 8.4 Hexavalent Chromium Airborne Toxic Control Measure **Cooling Towers**

A. Purpose

To comply with the California Code of Regulations, Section 93102. This airborne toxic control measure will reduce hexavalent chromium emissions from chromatic treated cooling towers and cancer incidence to the lowest level achievable through application of best available control technology at operations subject to this measure.

B. Definitions

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

1. Cooling Tower

Any open water recirculation device which evaporates circulating water to remove heat from a process, building, or refrigeration device, and puts the heat into the ambient air.

2. Hexavalent Chromium

A cancer-causing substance existing as part of various inorganic chromate compounds, for example, sodium dichromate or lead chromate.

3. Water Treatment Chemicals

Any combination of chemicals added to cooling tower water including tracers, corrosion inhibitors, antiscalants, dispersants, biocides.

C. Requirements

1. Hexavalent Chromium Removal

Effective September 12, 1990 no person shall add any hexavalent chromium containing chemicals or any compound that may produce hexavalent chromium to a cooling tower operating in the District.

2. Circulating Water Concentration - Wooden Cooling Towers

Effective September 12, 1990, no person shall operate a wooden cooling tower in the District unless the following requirements are met:

- a. From September 12, 1990 to March 12, 1991, hexavalent chromium levels in the circulating water are not to exceed 8 milligrams/liter of circulating water.
- b. After March 12, 1991, hexavalent chromium levels in the circulating water are not to exceed 0.15 milligrams/liter of circulating water.
- c. A decrease in hexavalent concentrate in the circulating water must be demonstrated each month during a period of up to six months following the compliance date in order to avoid being cited for a violation of the 0.15 milligrams/liter limit.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

3. Circulating Water Concentration - Non-Wooden Cooling

Effective September 12, 1990, no person shall operate a non-wooden cooling tower unless the hexavalent chromium levels do not exceed 0.15 milligrams/liter of circulating water.

D. Reporting

1. By December 12, 1990 any owner/operator of a cooling tower shall notify the District in writing regarding the following information about the cooling tower. Any owner/operator of a newly constructed cooling tower shall provide the District with the following information at least 90 days before the tower is operated:
 - a. Owner/operator of the tower
 - b. Location of the tower
 - c. Cooling tower type and material of construction
 - d. Whether hexavalent chromium based treatment chemicals were previously used in the cooling tower
 - e. If hexavalent chromium based chemicals were previously used, when they were discontinued
 - f. A description of the alternate treatment program chosen, as well as the circulating water monitoring plan.

E. Monitoring - General

1. Effective September 12, 1990, any person subject to the requirements of B.2. or B.3. shall test the circulating water in the cooling tower at least once every six calendar months to determine the concentration of hexavalent chromium. Testing may be discontinued when two consecutive required tests show hexavalent chromium concentrations less than 0.15 milligrams/liter of circulating water. The District may require testing of the circulating water at any time if the District has reason to believe the water may contain hexavalent chromium.
2. Any person subject to the monitoring requirements in D.1. above or E.1. below shall maintain records of the results of all required tests of circulating water for two years and provide them to the District upon request.
3. Monitoring requirements may be waived by the District for any owner/operator of a cooling tower who demonstrates to the District that the hexavalent chromium based treatment chemical has never been used in the cooling tower or has not been utilized for a period of at least one year prior to the appropriate compliance date.

F. Monitoring - Wooden Cooling Towers

1. Any person subject to the requirements of B.2.b. shall test the circulating water at least once every calendar month to determine the concentration of hexavalent chromium.

G. Determination of Hexavalent Chromium Content

1. Samples of circulating water shall be analyzed for hexavalent chromium using American Public Health Association Method 312 B or an equivalent method approved by the District.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

Rule 8.5 Ethylene Oxide Airborne Toxic Control Measure Sterilizers and Aerators

A. Purpose

To comply with the California Code of Regulations, Section 93102, by reducing ethylene oxide emission from sterilizers and aerators and cancer incidence to the lowest level achievable through the application of best available control technology at operations subject to this measure.

B. Definitions

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

1. Acute Care Facility

Means 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), or any military hospital.

2. Aeration

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.

3. Aeration-only Facility

Means a facility which performs aeration on materials which have been sterilized with ethylene oxide at another facility.

4. Aerator

Means 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.

5. Back-draft Valve Exhaust Stream

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.

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6. Control Efficiency

Is the ethylene oxide (EtO) mass or concentration reduction efficiency of a control device, as measured with ARB Test Method 431 (Title 17, CCR, Section 94143) according to the source testing requirements herein, and expressed as a percentage calculated across the control device as follows:

7. EtO in - EtO out

$$\frac{\text{EtO in} - \text{EtO out}}{\text{EtO in}} \times 100 = \% \text{ Control Efficiency}$$

8. Date of Compliance

Means the time from district adoption of regulations enacting this control measure until a facility must be in compliance with specific requirements of this rule.

9. District

Means the local air pollution control district or air quality management district.

10. Ethylene Oxide (EtO)

Is the substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.

11. Facility

Means any entity or entities which:

own or operate a sterilizer or aerator, are owned or operated by the same person or persons, and are located on the same parcel or contiguous parcels.

12. Facility-Wide Pounds of Ethylene Oxide Used Per Year

Is the total pounds of ethylene oxide used in all of the sterilizers at the facility during a one-year period.

13. Leak-Free

Refers to that state which exists when the concentration of sterilant gas measured 1 cm. away from any portion of the exhaust system of a sterilizer or aerator, during conditions of maximum sterilant gas mass flow, is less than:

1. 30 ppm for sterilant gas composed of 12% ethylene oxide/88% chloro-fluorocarbon-12 by weight, and
2. 10 ppm for other compositions of sterilant 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 district. A chlorofluorocarbon-12 specific audible detector

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using a metal oxide semi-conductor sensor shall be considered an acceptable alternative for exhaust systems carrying a sterilant gas mixture of ethylene oxide and chlorofluorocarbon-12.

14. Local Medical Emergency

Means 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 a sterilizer or aerator.

15. Sterilant Gas

Means ethylene oxide or any combination of ethylene oxide and (an) other gas(es) used in a sterilizer.

16. Sterilizer

Means 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.

17. Sterilizer Cycle

Means 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.

18. Sterilizer Door Hood Exhaust Stream

Is the air stream which results from collection of fugitive ethylene oxide emissions, by means of an existing hood over the sterilizer door, during the time that the sterilizer door is open after the sterilizer cycle has been completed.

19. Sterilizer Exhaust Stream

Is all the ethylene oxide-contaminated air which is intentionally removed from the sterilizer during the sterilizer cycle.

20. Sterilizer Exhaust Vacuum Pump

Means a device used to evacuate the sterilant 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.

C. Applicability

Any person who owns or operates a sterilizer or an aerator must comply with this regulation.

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D. Notification

Any person subject to this regulation must provide the District with the following information, in writing, within 30 days of the date of District adoption:

1. The name(s) of the owner and operator of the facility, and
2. The location of the facility, and
3. The number of sterilizers and aerators at the facility, and
4. An estimate of the total pounds of ethylene oxide and sterilant gas used by the facility, in all sterilizers, during the previous calendar year, as determined by a method approved by the District.

A District may exempt a source from this requirement if the District maintains current equivalent information on the source.

E. Reporting

Any person who owns or operates a sterilizer shall furnish a written report to the District annually on the date specified by the District, or, at the District discretion, shall maintain such a report and make it available to the District upon request. This report shall include one of the following, as determined by the District:

1. The number of sterilizer cycles and the pounds of ethylene oxide used per cycle for each sterilizer during the reporting period, as determined by a method approved by the District; or
2. The total pounds of sterilant gas and the total pounds of ethylene oxide purchased, used, and returned in the previous calendar year, as determined by a method approved by the District.

F. Requirements

No person shall operate a sterilizer or aerator after the applicable date shown in column (d), Table I, unless all of the following requirements are satisfied:

1. There is no discharge of sterilizer exhaust vacuum pump working fluid to wastewater streams, and
2. The exhaust systems including, but not limited to, any piping, ducting, fittings, valves, or flanges, through which ethylene oxide-contaminated air is conveyed from the sterilizer and aerator to the outlet of the control device are leak-free,
3. All of the control requirements shown in Table I below for the applicable control category are met; and
4. For facilities using more than 600 pounds of ethylene oxide per year, the back-draft valve is ducted to the control device used to control the sterilizer exhaust stream or the aerator exhaust stream: and
5. For facilities using more than 5,000 pounds of ethylene oxide per year, the sterilizer door hood exhaust stream is ducted to the control device used to control the aerator exhaust stream.

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**TABLE I
CONTROL AND COMPLIANCE REQUIREMENTS**

CONTROL CATEGORY	REQUIREMENTS			
	(a)	(b)	(c)	(d)
Facility-wide Pounds of Ethylene Oxide Used per Year	Exhaust Streams to be Controlled	Exhaust Streams to be Tested	Control Efficiency (%)	Date of Compliance (months)
less than or equal to 25	None	None	None	None
more than 25 and less than or equal to 600	Sterilizer	Sterilizer	99.0	24
more than 600 and less than or equal to 5,000	Sterilizer Aerator Back-draft Valve	Sterilizer Aerator N/A*	99.9 95.0	18
more than 5,000	Sterilizer Aerator & Sterilizer Door Hood Back-draft Valve	Sterilizer Aerator N/A* N/A*	99.9 99.9	12
Aeration-Only Facilities	Aerator	Aerator	95.0	18

* Not Applicable

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G. Exemptions

1. The requirements set forth in subsection (E) above do not apply to any facility which treats materials in a sterilizer and which uses a total of 25 pounds or less of ethylene oxide per calendar year.
2. The District Hearing Board may grant an emergency variance from items (a) and (c) in Table I of subsection (E), Requirements, to a person who owns or operates an acute care facility if response to a local medical emergency requires increased operation of a sterilizer or aerator such that the requirements cannot be met.

The demonstrated need for such increased operation shall constitute "good cause" pursuant to Health and Safety Code Section 42359.5. The emergency variance shall be granted in accordance with this section and any applicable District rule regarding the issuance of emergency variances for such occurrences, including the requirement that the emergency variance shall not remain in effect longer than 30 days; however, the emergency variance shall be granted only for the period of time during which increased operation of a sterilizer or aerator is necessary to respond to the local medical emergency.

H. Compliance

The facility shall be in compliance with all provisions specified in subsection (E), Requirements, no later than the date specified in column (d) of Table I.

1. For the purpose of determining compliance with the control efficiency requirement shown in column (c) of Table I, subsection (E), if a reduction in the amount of ethylene oxide across the control device is demonstrated, but the control efficiency cannot be affirmatively demonstrated because the concentration of ethylene oxide measured in the outlet of the control device is below 0.2 parts per million ethylene oxide, the facility shall be considered to be in compliance with this requirement.

I. Alternate Compliance Date

The owner or operator of any facility which uses more than 600 pounds of ethylene oxide per year may choose this alternate compliance option which addresses the date for compliance with the requirements of subsection (E). If this compliance option is chosen, the owner or operator shall:

1. Within 3 months of the date of District adoption of regulations enacting this control measure, comply with the requirements shown in subsections (E)(1) and (E)(2) and demonstrate a control efficiency of 99.9% for the sterilizer exhaust stream, in accordance with the source testing requirements set forth in subsection (I): and

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2. Within 6 months of the date of District adoption of regulations enacting this control measure, submit to the District a plan to discontinue operation of all sterilizers and aerators or comply with the District requirements to submit a plan to comply with the requirements of subsections (E)(3), (E)(4), and (E)(5), and
3. Within 18 months of the date of District adoption of regulations enacting this control measure, do one of the following:
 - a. Demonstrate to the satisfaction of the District that operation of all sterilizers and aerators at the facility has been permanently discontinued: or
 - b. Demonstrate compliance with the requirements of subsections (E)(3), (E)(4), and (E)(5), in accordance with the source testing provisions set forth in subsection (I), below.

J. Source Testing

Source testing shall be conducted according to ARB Test Method 431 (Title 17, CCR, Section 94143) and the method evaluations cited therein or an acceptable source test method approved by the Executive Officer of the Air Resources Board. Specific requirements for application are given below:

1. The test on a control device for a sterilizer exhaust stream shall be run with a typical load, as approved by the District, in the sterilizer.
2. The test on a control device for an aerator exhaust stream shall be run with a typical load, as approved by the District, in the aerator.
3. The inlet and outlet of the control device shall be sampled simultaneously during testing to measure the control efficiency.
4. The efficiency of each control device shall be determined under conditions of maximum ethylene oxide mass flow to the device, under normal operating conditions. To measure the control efficiency of the control device on the sterilizer exhaust stream, sampling shall be done during the entire duration of the first sterilizer evacuation after ethylene oxide has been introduced. To measure the control efficiency of the control device on an aerator exhaust stream with a constant air flow, sampling shall be done during a period of at least 60 minutes, starting 15 minutes after aeration begins. To measure the control efficiency of the control device on an aerator exhaust stream with a non-constant air flow, sampling shall be done during the entire duration of the first aerator evacuation after aeration begins.
5. There shall be no dilution of the air stream between the inlet and outlet test points during testing.

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REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

Rule 8.6 Dioxins Airborne Toxic Control Measure **Medical Waste Incinerators**

A. Definitions

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

1. ARB
Means the State of California Air Resources Board.
2. ARB Test Method 2
Means the test method specified in Title 17, California Code of Regulation, Section 94102.
3. ARB Test Method 428
Means the test method specified in Title 17, California Code of Regulations, Section 94139.
4. Control Equipment
Means any device which reduces emissions from medical waste incinerators.
5. Dioxins
Means dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7, and 8 positions and containing 4,5,6, or 7 chlorine atoms and is expressed as 2,3,7,8, tetrachlorinated dibenzo-para-dioxin equivalents using current California Department of Health Services toxic equivalency factors.
6. Facility
Means every building, structure, appurtenance, installation, or improvement located on land which is under the same or common ownership or operation, and is on one or more contiguous or adjacent properties.
7. Medical Facilities
Means medical and dental offices, clinics and hospitals, skilled nursing facilities, research facilities, research laboratories, clinical laboratories, all unlicensed and licensed medical facilities, clinics and hospitals, surgery centers, diagnostic laboratories, and other providers of health care.
8. Medical Waste Incinerator
Means all of the furnaces or other closed fire chambers that are located at a facility and used to dispose of waste generated at medical facilities by burning.

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9. Uncontrolled Emissions

Means the dioxins emissions measured from the incinerator at a location downstream of the last combustion chamber, but prior to the air pollution control equipment.

10. Waste

Means all discarded putrescible and nonputrescible solid, semisolid, and liquid materials, including garbage, trash, refuse, paper, rubbish, food, ashes, plastic, industrial wastes, demolition and construction wastes, equipment, instruments, utensils, appliances, manure, and human or animal solid and semisolid wastes.

B. Requirements For Medical Waste Incinerators That Incinerate More Than 25 Tons Of Waste Per Year

The following requirements shall apply only to medical waste incinerators that incinerate more than 25 tons of waste per year:

1. No person shall operate a medical waste incinerator unless:
 - a. The dioxins emission have been reduced by 99 percent or more of the uncontrolled emissions; or
 - b. The dioxins emissions have been reduced to 10 nanograms or less per kilogram of waste burned.
2. No person shall operate a medical waste incinerator unless the control equipment is installed and used in a manner which has been demonstrated to and approved by the District Air Pollution Control Officer to meet the following requirements:
 - a. The flue gas temperature at the outlet of the control equipment shall not exceed 300 degrees Fahrenheit, unless it has been demonstrated to, and approved in writing by, both the ARB and the District Air Pollution Control Officer that lower emissions are achieved at a higher outlet temperature; and
 - b. For a single chamber incinerator, the combustion chamber shall be maintained at no less than 1800 degrees (∇ 200 degrees) Fahrenheit. For a multiple chamber incinerator, the primary combustion chamber shall be maintained at no less than 1400 degrees Fahrenheit, and the secondary chamber shall be maintained at no less than 1800 degrees (∇ 200 degrees) Fahrenheit. The furnace design shall provide for a residence time for combustion gas of at least one second. Residence time shall be calculated using the following equation:

$$\text{Residence Time} = \frac{V}{Q_c}$$

where:

V means the volume, as expressed in cubic feet, from the point in the incinerator where the maximum temperature has been reached until the point where the temperature has dropped to 1600 degrees Fahrenheit.

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Q_c means the combustion gas flow through V, as expressed in actual cubic feet per second, which is measured according to ARB Method 2, after adjusting the measured flow rate to the maximum combustion chamber temperature (T_c) by using T_c instead of T_{std} in the Method 2 calculation for Q_c .

The volumetric flow rate measured at the points must be adjusted to chamber pressures.

Alternative methods may be used if conditions for determining the combustion gas flow rate by Method 2 are able unacceptable. The determination shall be within the guidelines of Method 2 and at the discretion of the Air Pollution Control Officer.

The calculation of the gas flow rate using the following combustion stoichiometry equation for Q_c is one alternative to measuring the gas flow rate.

$$Q_c = \{Q_{stoiwf}(1+EA_{wf}/100) + Q_{stoi af}(1+EA_{af}/100)\} \times \frac{(T_c+460)}{528} \times \frac{1 \text{ min}}{60 \text{ sec}}$$

Where:

$$Q_{stoiwf} = \frac{\text{lb-mole O}_2}{\text{lb waste}} \times \frac{\text{lb waste}}{\text{min.}} \times \frac{\text{SCF O}_2}{\text{lb-mole O}_2} \times \frac{\text{SCF air}}{\text{SCF O}_2}$$

$$Q_{stoi af} = \frac{\text{lb-mole O}_2}{\text{lb aux. fuel}} \times \frac{\text{lb aux. fuel}}{\text{min.}} \times \frac{\text{SCF O}_2}{\text{lb-mole O}_2} \times \frac{\text{SCF air}}{\text{SCF O}_2}$$

E_{awf} = The excess air (lbs excess air per lbs theoretical air) for the waste feed expressed as a percentage.

E_{aaf} = The excess air ratio (lbs excess air per lbs theoretical air) for the auxiliary fuel expressed as a percentage.

T_c = The maximum temperature, in degrees Fahrenheit, that has been reached in the incinerator.

In order to estimate Q_{stoiwf} and E_{awf} , a representative sample of the waste must be characterized by chemical analysis.

3. No person shall operate a medical waste incinerator unless the bottom ash, fly ash and scrubber residuals are handled and stored in a manner that prevents entrainment into ambient air.

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4. The owner or operator of a medical waste incinerator shall maintain the following:
 - a. A continuous data recording system which provides for each day of operation continuous recording of the primary and secondary combustion chamber temperatures; carbon monoxide emissions; the key operating parameters of the air pollution control equipment, as specified by the District Air Pollution Control Officer; the hourly waste charging rates; and the opacity of stack emissions or other indicator of particulate matter which is approved by the District Air Pollution Control Officer;
 - b. Maintenance records for the incinerator, control equipment, and monitoring equipment; and calibration records for the monitoring equipment; and
 - c. Equipment for determining and recording the weight of waste charged to the incinerator.

5. For purposes of demonstrating compliance with subsection (B)(1) of this rule the owner or operator of a medical waste incinerator shall conduct a minimum of two annual source tests for the dioxins stack emissions using ARB Test Method 428, using the high resolution mass spectrometry option. Annual source tests shall be conducted until at least two consecutive tests demonstrate compliance, at which time the frequency of future source tests is at the discretion of the Air Pollution Control Officer.

For purposes of determining compliance with subsection (B)(1)(a) of this rule, emissions shall be sampled simultaneously from the flue at a location downstream of the last combustion chamber, but prior to the control equipment, and from the stack during source testing.

For purposes of determining compliance with subsection (B)(1)(b) of this rule, the source testing shall be conducted at the stack.

The information regarding the composition (moisture content, and amount of the total waste that is infectious, pathological, hazardous, or radioactive) and feed rate of the fuel charged during the source test shall be provided with the test results. In those cases where incinerator operators are required to submit information in the permit application on the type and quantity of waste burned, composition and representativeness of the waste for the compliance test will be determined by inspection and comparison with the permit application. When this comparison is not possible, the determination of composition and representativeness will be based on source generation data and inspection. The District Air Pollution Control Officer can require additional necessary information regarding the composition of the waste. Source testing shall be conducted at the maximum waste firing capacity (∇ 10 percent) allowed by the air district permit. A copy of all source test results conducted for purposes of demonstrating compliance with this rule shall be provided to the ARB at the same time that it is provided to the local Air Pollution Control District.

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6. Any violation, malfunction, or upset condition on the incinerator, the air pollution control equipment, or the continuous data recording system shall be reported to the District within 1 hour of occurrence or by 9 a.m. the next business day if the malfunction occurs outside normal business hours and the District does not maintain a radio room or an answering machine.
7. No person shall operate a medical waste incinerator unless each individual who operates or maintains the incinerator obtains either a certificate of training in medical waste incineration issued by The American Society of Mechanical Engineers within nine months of the commencement of the training program, or equivalent training as determined by the Air Pollution Control Officer. Copies of the training certificates for the operators and maintenance engineers shall be submitted to the districts and the original certificates shall be available for inspection at the facility with the Permit to Operate.

C. Requirements For Medical Waste Incinerators That Incinerate 25 Tons Or Less Of Waste Per Year

The following requirements shall apply to incinerators that incinerate 25 tons or less of waste per year:

1. No person shall operate a medical waste incinerator that incinerates 25 tons or less of waste per year unless the requirements specified in subsections (B)(3), (B)(4)(c), and (B)(7) are met.
2. The owner or operator of a medical waste incinerator that incinerates more than 10 but less than 25 tons of waste per year shall conduct an initial source test at the incinerator stack as specified in subsection (B)(5).

D. Compliance Schedule

1. No later than 90 days after District adoption of regulations enacting this control measure, the owner or operator of a medical waste incinerator that incinerates more than 25 tons of waste per year shall submit to the District Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of sections (B)(1) or (B)(2), and no later than 15 months after District adoption of regulations enacting this control measure, the owner or operator of a medical waste incinerator shall be in compliance with this regulation.
2. The owner or operator of a medical waste incinerator who intends to permanently shut down operation of the incinerator shall notify the District of the shutdown date within 90 days after District adoption of regulations enacting this control measure. The shutdown date shall be no later than six months after District adoption of regulations enacting this control measure.
3. The owner or operator of a medical waste incinerator that incinerates 25 tons or less of waste per year who intends to remain in operation shall notify the District within 90 days after District adoption of regulations enacting this control measure. The owner or operator of a medical waste incinerator shall be in compliance with this regulation no later than 15 months after District adoption of regulations enacting this control measure.

REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

- E. This Control Measure Shall Not Apply To Those Incinerators Which Are Exclusively Crematoria Of Human Or Animal Remains.

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REGULATION VIII - AIRBORNE TOXIC CONTROL MEASURES

Rule 8.7 Asbestos Airborne Toxic Control Measure **Asbestos-containing Serpentine**

A. Definitions

For the purpose of this section. The following definitions shall apply:

1. Aggregate
Means a mixture of mineral fragments, sand, gravel, rocks, or similar minerals.
2. Alluvial Deposit
Means any deposit of sediments laid down by running water including but not limited to streams and rivers.
3. ARB Test Method 435
Means the test method specified in Title 17, California Code of Regulations, Section 94147.
4. Asbestos
Means asbestiforms of the following hydrated minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite--grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.
5. Asbestos-Containing Serpentine Material
Means serpentine material that has an asbestos content greater than five percent (5.0%) as determined by ARB Test Method 435.
6. Receipt
Means any written acknowledgement that a specified amount of serpentine material was received, delivered, or purchase. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.
7. Road Surface
Means the traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.
8. Sand and Gravel Operation
Means any aggregate- producing facility operating in alluvial deposits.
9. Serpentine
Means any form of hydrous magnesium silicate minerals -- including, but not limited to, antigorite, lizardite, and chrysotile.

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10. Serpentine Material

Is any material that contains at least ten percent (10%) serpentine as determined by a registered geologist. The registered geologist must document precisely how the serpentine content of the material in question was determined.

11. Surfacing

Means the act of covering any surface used for purposes of pedestrian, vehicular, or nonvehicular travel including, but not limited to, roads, road shoulder, street, alleys, lanes, driveways, parking lots, playground, trails, squares, plazas, and fairgrounds.

B. Requirements For Use Or Sale Of Asbestos-Containing Serpentine Material

1. No person shall use or apply serpentine material for surfacing in California unless the material has been tested using ARB Test Method 435 and determined to have an asbestos content of five percent (5.0%) or less. A written receipt or other record documenting the asbestos content shall be retained by any person who uses or applies serpentine material, for a period of at least seven years from the date of use or application, and shall be provided to the Air Pollution Control Officer or his designee for review upon request.
2. Any person who sells, supplies, or offers for sale serpentine material in California shall provide with each sale or supply a written receipt containing the following statement: "Serpentine material may have an asbestos content greater than five percent (5.0%). It is unlawful to use serpentine material for surfacing unless the material has been tested and found to contain less than or equal to five percent (5.0%) asbestos. All tests for asbestos content must use California Air Resources Board Test Method 435, and a written record documenting the test results must be retained for at least seven years if the material is used for surfacing."
3. No person shall sell, supply, or offer for sale serpentine material for surfacing in California unless the serpentine material has been tested using ARB Test Method 435 and determined to have an asbestos content of five percent (5.0%) or less. Any person who sells, supplies, or offers for sale serpentine material that he or she represents, either orally or in writing, to be suitable for surfacing or to have an asbestos content that is five percent (5.0%) or less, shall provide to each purchaser or person receiving the serpentine material a written receipt which specifies the following information: the amount of serpentine material sold or supplied; the dates that the serpentine material was produced, sampled, tested, and supplied or sold; and the asbestos content of the serpentine material as measured by ARB Test Method 435. A copy of the receipt must, at all times, remain with the serpentine material during transit and surfacing.
4. Any person who sells, supplies, or offers for sale serpentine material, shall retain for a period of at least seven years from the date of sale or supply, copies of all receipts and copies of any analytical test results from asbestos testing of the serpentine material. All receipts and test results shall be provided to the Air Pollution Control Officer or his designee for review upon request.

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5. If ARB Test Method 435 has been used to perform two or more tests on any one volume of serpentine material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the serpentine material.

C. Exemptions

1. The provisions of subdivision (B)(2) through (B)(5) shall not apply to sand and gravel operations.
2. The provisions of subdivision (B)(1) shall not apply to roads located at serpentine quarries, asbestos mines, or mines located in serpentine deposits.
3. The provisions of subdivision (B)(1) shall not apply to maintenance operations on any existing road surfaces, or to the construction of new roads in serpentine deposits, as long as no additional asbestos-containing serpentine material is applied to the road surface.

4. Emergency Road Repairs

The Air Pollution Control Officer may issue a temporary exemption from the requirements of subdivision (B)(1) to an applicant who demonstrates that a road repair is necessary due to a landslide, flood, or other emergency and that the use of material other than serpentine is not feasible for this repair. The Air Pollution Control Officer shall specify the time during which such exemption shall be effective, provided that no exemption shall remain in effect longer than six (6) months.

5. Bituminous and Concrete Materials

The provisions of subdivision (B) shall not apply to serpentine material that is an integral part of bituminous concrete, portland cement concrete, bituminous surface, or other similar cemented materials.

6. The provisions of subdivision (B)(1) shall not apply to landfill operations other than the surfacing of public access roads dedicated to use by vehicular traffic.

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REGULATION VIII – AIRBORNE TOXIC CONTROL MEASURE

Rule 8.8 Airborne Toxic Control Measure to Reduce Emissions of Toxic Air Contaminants from Outdoor Residential Waste Burning

(a) Applicability.

- (1) Notwithstanding section 41806(a) of the Health and Safety Code, this rule shall apply to persons conducting outdoor burning of combustible or flammable waste generated from inside residences and from outdoor activities associated with a residence, for the purpose of disposing of the waste.
- (2) This rule shall apply to persons lighting fires that burn combustible or flammable waste, as defined, outdoors in enclosed or partially enclosed vessels, such as incinerators or burn barrels, or in an open outdoor fire, such as in pits or in piles on the ground. This rule shall not apply to persons lighting fires at the direction of a public officer in an emergency situation for public health or fire safety reasons, in accordance with section 41801 of the Health and Safety Code or other provisions of law.
- (3) Except as provided in (a)(1) and (a)(2) above, nothing in this rule shall affect the applicability of the provisions of article 2 and article 3, respectively, of chapter 3 of part 4 of division 26 of the Health and Safety Code. Additionally, nothing in this rule shall affect the applicability of the provisions of Rule 4.3 or Rule 7 et seq.

(b) Definitions.

Terms used shall have the same definitions as in Health and Safety Code section 39010 et seq., unless otherwise indicated. For purposes of this rule, the following additional definitions shall apply:

- (1) "Air Pollution Control District" (APCD), "Air Quality Management District" (AQMD), "air district," or "district" means an air pollution control district or an air quality management district created or continued in existence pursuant to Health and Safety Code section 40000 et seq.
- (2) "APCO" means the Air Pollution Control Officer or the chief executive officer of the respective local air pollution control district or local air quality management district where the property is located, or a designated representative.
- (3) "ARB" means the State of California Air Resources Board.
- (4) "Air Toxic" means toxic air contaminants as defined in section 39655 (a) of the Health and Safety Code.

- (5) "Allowable Combustibles" means clean wood waste and dry natural vegetation waste originating on the premises and reasonably free of dirt, soil and visible surface moisture.
- (6) "Approved ignition device" means an instrument or material that will ignite open fires without the production of black smoke by the ignition device, as approved by the APCO.
- (7) "Burn Barrel" means a metal container used to hold combustible or flammable waste materials so they can be ignited outdoors for the purpose of disposal.
- (8) "Census Block" means a geographic area bounded by visible and/or invisible features shown on a map prepared for the U.S. Census Bureau. A block is the smallest geographic entity for which the Census Bureau tabulates decennial census data. Census block boundaries are features that delimit a census block. The features may be visible (such as a street, road, stream, shoreline, powerline, etc.) or invisible (a county line, city limit, property line. Imaginary extension of a street or road, etc.). For data tabulation, the boundary of every legal and statistical entity recognized in the U.S. Census Bureau's standard data tabulations is a block boundary. Each census block is assigned a census block number. For the purposes of this rule, census block areas are referenced to the most recent national decennial census completed by the U.S. Census Bureau.
- (9) "Chief fire official" means the ranking officer in the authority having jurisdiction with responsibility for fire protection within a defined geographic region of an air 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 State or Federal Responsibility Areas for wildland protection, the state or federal official's determination overrides county authority with regard to burn permits and the use of burn barrels or incinerators in exemption areas.
- (10) "Clean Wood Waste" is dimensional lumber that has been air-dried or kiln-dried, with no preservatives, stains, metals or finishes added. Clean wood waste is not demolition debris, plywood, laminates or particleboard, which are prohibited to burn.
- (11) "Combustible" means any substance capable of burning or any substance that will readily burn.
- (12) "Disallowed Combustibles" means any waste or manufactured material, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible wastes; tires; tar; tarpaper; non-natural wood waste; processed or treated wood and 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 a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material. For purposes of this rule, clean wood waste and dry natural vegetation waste from yard maintenance are not a disallowed combustible, if reasonably free of dirt, soil and surface moisture.

- (13) "Flammable" means capable of catching fire easily, or combustible.
- (14) "Household Waste Burning Restriction Area" or "Restriction Areas" mean an aggregation of census blocks, as determined by the air pollution control officer, which may include but is not limited to an incorporated place, where the population density in the aggregation is greater than 10.0 persons per square mile.
- (15) "Household Waste Burning Restriction Exempt Area" or "Restriction Exempt Areas" mean an aggregation of census blocks, as determined by the air pollution control officer, which does not include an incorporated place, where the population density in the aggregation is less than or equal to 3.0 persons per square mile.
- (16) "Incinerator" means, for the purposes of this rule, any device constructed of nonflammable materials, including containers commonly known as burn barrels, for the purpose of burning therein trash, debris, and other flammable materials for volume reduction or destruction.
- (18) "Incorporated place" means the city, town, municipality or village reported to the U.S. Census Bureau as being legally in existence under California law at the time of the most recent national decennial census completed by the U.S. Census Bureau. For the purposes of calculating population density for this regulation, incorporated places include the FIPS Place Class Codes C1, C7 and C8, as defined by the U.S. Census Bureau in Technical Documentation, Summary File 1, October 2002.
- (19) "Natural vegetation" means all plants, including but not limited to grasses, forbs, trees, shrubs, 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 lumber, wood products or paper products.
- (20) "Open outdoor fire" means, for the purpose of this rule, the combustion of combustible material of any type outdoors in the open, whether or not enclosed in a fire-proof container, where the products of combustion are not directed through a flue.

- (21) "Permissive burn day" or "burn day" means any day on which agricultural burning, including prescribed burning, is not prohibited by the ARB and agricultural and prescribed burning is authorized by the air district consistent with the Smoke Management Guidelines for Agricultural and Prescribed Burning, set forth in sections 80100-80330 of title 17 of the California Code of Regulations.
- (22) "Population density" means the number of people per square mile within an aggregation of census blocks as determined by the air pollution control officer. It is calculated as the number of people within an aggregation of census blocks divided by the area of the aggregation of the census blocks.
- (23) "Processed or treated wood and wood products" means wood that has been chemically treated to retard rot or decay or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to plywood, particle board, fencing or railroad ties. For the purposes of this regulation, dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, is not considered processed or treated wood and is identified as "clean wood waste".
- (24) "Residence" means a single- or two-family dwelling unit and the land and ancillary structures surrounding it.
- (25) "Residential waste burning" means 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 agricultural, including prescribed burning.
- (26) "Waste" means all discarded putrescible and non-putrescible solid, semisolid, and liquid materials, including but not limited to petroleum products and petroleum wastes; construction and demolition debris; coated wire; tires; tar; tarpaper; wood waste; processed or treated wood and 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 a dead animal; manure; human or animal parts or wastes, including blood; fecal- and food-contaminated material; felled trees; tree stumps; brush; plant cuttings and prunings; branches; garden waste; weeds; grass clippings, pine needles, leaves and other natural vegetation waste.

(c) **Regulatory Map/Description of Enforceable Geographic Boundaries.**

- (1) Siskiyou County Air Pollution District Regulatory Residential Burning/Burn Barrel Population Density Maps are incorporated into this rule as Appendix A and Appendix B. The methodology used to determine the population density of the aggregation of census blocks as determined by the APCO for the various restriction and restriction exempt areas in Siskiyou County is contained in the Staff Report adopted on August 5, 2003 by the Siskiyou County Air Pollution Control Board. For consistency, the District shall use the methodology contained in the Staff Report for all future amendments/changes to this rule.
- (2) As depicted on the maps, hash marks shall represent incorporated areas and areas of aggregations of census blocks that have calculated population densities as determined by the APCO of greater than ten (10.0) persons per square mile. These areas are designated as "Restriction Areas" that do not allow the use of burn barrels and the disposal of residential waste, including dry non-glossy paper and cardboard, through burning. Dotted areas shall represent areas of aggregations of census blocks that contain population densities as determined by the APCO of greater than three (3.0) but less than or equal to ten (10.0) persons per square mile. These areas may be exempt from the prohibition of this ATCM (dry non-glossy paper and cardboard may be allowed to be burned and the use of burn barrels may also be allowed) pursuant to the provisions of subsections (f)(4) and (f)(9) of this rule. Areas with neither hash nor dotted markings shall represent areas of aggregations of census blocks that have calculated population densities as determined by the APCO of less than or equal to three (3.0) persons per square mile. These areas of aggregations of census blocks are designated as "Restriction Exempt Areas" and allow the use of burn barrels and the disposal of residential waste comprised of dry non-glossy paper and cardboard through burning. Clean wood waste and, if in compliance with subsections (d)(3) and (d)(6) of this rule, dry, natural vegetation waste originating on the premises from yard maintenance is allowed to be disposed of through burning in all areas of Siskiyou County, if reasonably free of dirt, soil and surface moisture. NOTE: The use of burn barrels to dispose of clean wood waste and natural vegetation originating on the premises is prohibited in all "Restriction Areas".
- (3) Descriptions of Enforceable Geographic Boundary - All Household Waste Burning Restriction Areas and Household Waste Burning Restriction Exempt Areas referenced herein reside wholly within the State of California and the County of Siskiyou. The U. S. Census Bureau code for the State of California is '06' and the code for the County of Siskiyou is '093', although the codes could change with future mappings and population change. **NOTE:** The area maps are for reference purposes only. They have been created from numerous sources and scales. No guarantee is implied as to their accuracy. All maps in Appendix B are 1:32,000 scale with the exception of Map 48, which is 1:16,000 scale. All maps serve as guides to the enforceable

geographic boundaries of the Household Waste Burning Restriction Areas, which are described in detail below:

(A) Household Waste Burning Restriction Area 1 including the community of Happy Camp and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000500; Census Blocks 1268, 1269, 1270, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1306, 1314, 1321, 1322, 1329, 1330, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 3150, 3151, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3161, 3178, 3180 See Appendix B; Map 1.

(B) Household Waste Burning Restriction Area 2 including the incorporated city of Fort Jones and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000701: 2143, 2144; Census Block 2176; In Census Tract 000600; Census Blocks 1215, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1228, 1229, 1230, 1232, 1233, 1234, 1235, 1236, 1237, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1257, 1410, 1411, 1412, 1413, 1414, 1415, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1444, 1446, 1476, 1477, 1478, 1479, 1480 See Appendix B; Map 2, Map 3, and Map 4.

(C) Household Waste Burning Restriction Area 3 including the community of Greenview, the community of Mugginsville and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000600; Census Blocks 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1277, 1278, 1279, 1331, 1332, 1333, 1334, 1335, 1345, 1346, 1349, 1350, 1351, 1352, 1353, 1354, 1356, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1402, 1404, 1405; In Census Tract 000800; 1088, 1496, 1497, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1507, 1508, 1510, 1511, 1512, 1513, 1514, 1515, 1516 Census Blocks 1056, 1057, 1058, 1059, 1070, 1071, and 1447. See Appendix B; Map 5, Map 6, Map 7, and Map 8.

(D) Household Waste Burning Restriction Area 4 including Kellems Lane and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000800; Census Blocks 1071, 1072, 1073, 1074, 1089, 1300, 1301, 1302, 1303, 1304, 1305, 1334, 1335, 1518 See Appendix B; Map 9.

- (E) Household Waste Burning Restriction Area 5 including the incorporated city of Etna and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000800; Census Blocks 1358, 1364, 1455, 1457, 1458, 1461, 1463, 1464, 1466, 1467, 1468, 1469, 1534, 1535, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113 See Appendix B; Map 10.

- (F) Household Waste Burning Restriction Area 6 including the community of Callahan and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000800; Census Blocks 1412, 1414, 3067, 3078, 3079, 3081, 3082, 3083, 3219, 3224, 3244 See Appendix B; Map 11.

- (G) Household Waste Burning Restriction Area 7 including the community of Gazelle and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000701; Census Blocks 4058, 4063, 4064, 4065, 4075, 4076, 4077, 4078, 4080, 4081, 4084, 4092, 4093, 4094, 4096, 4097, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4107, 4110. See Appendix B; Map 12, Map 13, and Map 14.

- (H) Household Waste Burning Restriction Area 8 including the community of Grenada and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000701; Census Blocks 3075, 3076, 3077, 3078, 3079, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4045, 4046, 4047, 4048, 4049, 4050, 4057, 4062, 4111. See Appendix B; Map 14 Map 15 and Map 16.

- (I) Household Waste Burning Restriction Area 9 including the incorporated city of Yreka and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000300; 2039, 2098, 2099, 2100, 2112, 2113; Census Tract 000701, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 2072, 2073, 2074, 2076, 2079, 2080, 2081, 2082, 2083, 2084, 2087, 2100, 2101, 2102, 2103, 2116, 2118, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2184, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014,

3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3052, 3053, 3062, 3063, 3064, 3065, 3066, 3071, 3073, 3121, 3126; Census Tract 000702: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148; Census Tract 000703: 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036
See Appendix B; Map 17, Map 18, Map 19, Map 20, Map 21, Map 22, Map 23, Map 24, Map 25, Map 26, Map 27 and Map 28.

(J) Household Waste Burning Restriction Area 10 including the incorporated city of Montague, the community of KRCE and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000300; Census Blocks 1135, 1136, 1137, 1138, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1157, 1158, 1162, 1163, 1164, 1165, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1496, 2009, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2084, 2085, 2086, 2087, 2088, 2089, 2092, 2102, 2103, 2104, 2105, 2106, 2110, 2111, 2114, 2115, 2116, 2117, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153,

2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2179, 3229, 3231, 3233, 3234, 3235, 3236, 3237, 3242, 3243, 3244, 3245, 3246, 3407; Census Tract 000400: 1029, 1053, 1054, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1474, 1475, 1476, 1477, 1478, 1487, 1488, 1489. See Appendix B; Map 29, Map 30, Map 31, Map 32, Map 33, and Map 34.

- (K) Household Waste Burning Restriction Area 11 including the community of Hornbrook and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000400; Census Blocks 1012, 1018, 1020, 1021, 1024, 1025, 1030, 1032, 1268, 1269, 1287, 1293, 1294, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1315, 1316, 1317, 1318, 1319, 1320, 1322. See Appendix B; Map 35.

- (L) Household Waste Burning Restriction Area 12 including the community of Copco and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000300; Census Blocks 1028, 1029, 1030, 1031, 1032, 1033, 1052, 1482, 1483, 1484, 1485, 1486, and 1487. See Appendix B; Map 36.

- (M) Household Waste Burning Restriction Area 13 including the community of Big Springs and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000300; Census Blocks 3297, 3298, 3299, 3300, 3316, 3324, 3325, 3326, 3359, 3360, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3384; Census Tract 000900: 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4012, 4015, 4016, 4027, 4042, 4043, 4044, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4066, 4067, 4068, 4085, 4086, 4560. See Appendix B; Map 37 and Map 38.

- (N) Household Waste Burning Restriction Area 14 including the community of Mount Shasta Vista and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000900; Census Blocks 4187, 4188, 4189, 4191, 4192, 4194, 4195, 4544, 4545, 4546, 4547, 4550, 4551, 4552, 4555, 4556, 4557, 4558, 4559. See Appendix B; Map 39.

- (O) Household Waste Burning Restriction Area 15 including the community of Rancho Hills and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000900; Census Blocks 4221, 4222, 4538, 4539, 4540, 4541, 4542, 4543. See Appendix B; Map 40.

- (P) Household Waste Burning Restriction Area 16 including the community of Lake Shastina and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000900; Census Blocks 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206,

4207, 4208, 4209, 4213, 4217, 4218, 4219, 4284, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4392, 4393, 4394, 4395, 4396, 4397, 4398, 4399, 4400, 4401, 4402, 4403, 4404, 4405, 4406, 4407, 4408, 4409, 4410, 4411, 4412, 4413, 4414, 4415, 4416, 4417, 4418, 4419, 4420, 4421, 4422, 4423, 4424, 4425, 4426, 4427, 4428, 4429, 4430, 4432, 4433, 4434, 4435, 4436, 4437, 4438, 4440, 4442, 4443, 4444, 4445, 4446, 4465, 4466, 4489, 4499, 4506, 4507, 4509, 4510, 4511, 4512, 4513, 4514, 4515, 4520, 4521, 4522, 4525, 4526, 4529, 4535, 4561, 4562, 4563, 4564, 4565, 4566, 4567, 4569, 4570, 4571, 4572, 4573. See Appendix B; Map 41, and Map 42.

(Q) Household Waste Burning Restriction Area 17 including the community of Edgewood and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000900; Census Blocks 2041, 2044, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2276, 2278. See Appendix B; Map 43.

(R) Household Waste Burning Restriction Area 18 including the incorporated city of Weed and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000900; Census Blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2074, 2075, 2076, 2078, 2079, 2083, 2084, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2148, 2160, 2170, 2171, 2172, 2174, 2175, 2182, 2183, 2184, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2216, 2217, 2218, 2219, 2230, 2239, 2241, 2242, 2243, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2268, 2269, 2273, 2274, 2275, 2281, 2282, 2285, 2286, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 4441, 4448, 4449, 4463, 4464, 4468, 4469, 4470, 4471, 4472, 4473, 4474, 4475, 4476, 4477, 4478, 4479, 4480, 4481, 4482, 4483, 4484, 4485, 4486, 4487, 4488, 4490, 4491, 4492, 4494, 4495, 4496, 4497, 4500, 4501, 4502, 4505, 4523, 4524, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5064, 5065, 5066, 5071, 5072, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6019, 6020, 6021, 6022, 6023, 6024, 6026, 6027, 6037, 6038, 6039, 6040, 6041; Census Tract 001000: 5002, 5003, 5004, 5021 . See Appendix B; Map 44, Map 45, and Map 46.

(S) Household Waste Burning Restriction Area 19 including the incorporated city of Mount Shasta and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000900; Census Blocks 2122, 2123, and 2124; In Census Tract 001000; Census Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 4114, 4138, 4139, 4140, 4141, 4143, 4144, 4145, 4153, 4154, 4155, 4156, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4230, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, 4262, 4270, 4271, 4273, 4274, 4275, 4276, 4277, 4285, 4358, 4362, 4363, 4364, 4365, 4366, 4367, 4368, 4369, 4370, 4371, 4372, 4373, 4374, 4375, 4376, 4377, 4378, 4381, 4382, 4383, 4384, 4385, 4386, 4389, 4390, 4391, 4398, 4413, 4414, 4415, 4416, 4417, 4419, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5022, 5023, 5024, 5025, 5026, 5027, 5045, 5046, 5047, 5048, 5049, 5050, 5056, 5057, 5058, 5059, 5067, 5072, 5073; Census Tract 001100: 1047. See Appendix B; Map 47, Map 48, Map 49, and Map 50.

(T) Household Waste Burning Restriction Area 20 including the incorporated city of Dunsmuir and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 001100; Census Blocks 1018, 1024, 1025, 1026, 1027, 1028, 1029, 1057, 1058, 1060, 1062, 1063, 1072, 1090, 1095, 1096, 1117, 1121, 1142, 1143, 1144, 1145, 1146, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1182, 1183, 1184, 1185, 1191, 1192, 1193, 1194, 1195, 1197, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1295, 1296, 1297, 1316, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059,

2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074 See Appendix B; Map 51 and Map 52.

- (U) Household Waste Burning Restriction Area 21 including the community of McCloud and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 001200; Census Blocks 1651, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1664, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1682, 1683, 1684, 1685, 1686, 1688, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1720, 1721, 1876, 1877, 1878, 1916, 1924, 1997. See Appendix B; Map 53.

- (V) Household Waste Burning Restriction Area 22 including the community of Tennant and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 001200; Census Blocks 1086, 1087, 1088, 1089, 1090, 1965, 1966, 1968, 1969, 1970, 1972, 1973, 1974, 1977, 1989, 1990. See Appendix B; Map 54.

- (W) Household Waste Burning Restriction Area 23 including the community of Mount Hebron and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000200; Census Blocks 1499, 1500, 1501, 1503, 1504. See Appendix B; Map 55.

- (X) Household Waste Burning Restriction Area 24 including the community of Macdoel and surrounding areas described as:

This area is an aggregation of census blocks as follows: In Census Tract 000200; Census Blocks 1385, 1401, 1402, 1403, 1404, 1405, 1406, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1632, 1633. See Appendix B; Map 56.

- (Y) Household Waste Burning Restriction Area 25 is the incorporated city of Dorris:

This area is an aggregation of census blocks as follows: In Census Tract 000200; Census Blocks 1145, 1146, 1147, 1148, 1149, 1150, 1153, 1154, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272,

1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1310, 1311, 1658, 1659, 1660. See Appendix B; Map 57.

(Z) Household Waste Burning Restriction Area 26 is the incorporated city of Tulelake:

This area is an aggregation of census blocks as follows: In Census Tract 000100; Census Blocks 1181, 1182, 1184, 1186, 1187, 1188, 1189, 1190, 1191, 1193, 1194, 1196, 1197, 1198, 1199, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1244. See Appendix B; Map 58.

(d) Prohibitions.

- (1) No person shall burn disallowed combustibles from any property for the purpose of disposing of waste material outdoors at a residence, except as provided under subsections (c) and (f),
- (2) No person shall dispose of allowable combustibles from any property by burning them in a burn barrel or incinerator outdoors, except as provided under subsections (c) and (f),
- (3) No person shall dispose of dry, natural vegetation waste originating on the premises from yard maintenance, if reasonably free of dirt, soil and surface moisture from any property by burning unless the following minimum drying periods are met:
 - (A) Prunings and small branches: 3 weeks
 - (B) Grass clippings: 3 weeks with turning once per week
 - (C) Large branches (6 inches and larger) and trees: 8 weeks
 - (D) Unwanted trees: 3 months.
 - (E) All unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.

NOTE: Items identified in (C), (D) and (E) may be considered non-agricultural or agricultural burning, which require a District permit pursuant to Rules 4.3 or 7.3.

- (4) No person shall ignite, or allow to become ignited, allowable combustibles unless using an approved ignition device.
- (5) No person shall ignite, or allow to become ignited, allowable combustibles unless it is a permissive burn day in the District.
- (6) No person shall conduct residential waste burning in piles unless the following conditions are met:
 - (A) Piles are no larger than four feet in diameter
 - (B) The material to be burned is dry.
 - (C) The material to be burned originated on the premises.

Fires not meeting the size limitations are considered non-agricultural or agricultural burning, which require a District permit pursuant to Rules 4.3 or 7.3.

(e) Compliance Schedule.

- (1) This ATCM becomes effective when adopted, however the prohibitions set forth in subsection (c) and (d), above, become effective on January 1, 2004.
- (2) The District, in conjunction with ARB and in coordination with other local, state and federal agencies, shall conduct a public education and outreach program with respect to this rule, the public health impacts of residential waste burning, and available alternatives to burning. The District will distribute educational materials with agricultural and non-agricultural burning permits: through departmental mailings: through other agencies, both public and private: through periodic public notifications in local newspapers and through any other means the District may determine to be economically feasible. The Staff Report adopted by the Siskiyou County Air Pollution Control Board on August 5, 2003 and all other future staff reports for rule adoption and amendment shall include a more detailed description of the education and outreach program, including the goals and objectives of the education program.

(f) Exemptions.

- (1) No exemption from the prohibitions set forth in subsections (d)(1) and (d)(2) is available for residences located in Household Waste Burning Restriction Areas and all incorporated places in Siskiyou County.
- (2) At residences where the population density of the unincorporated area is less than or equal to 3.0 persons per square mile within the boundaries of any aggregation of census blocks as determined by the APCO within the District, the following exemptions apply:
 - (A) Dry non-glossy paper and cardboard may be burned outdoors; and
 - (B) Burn barrels and/or incinerators may be used.
 - (C) Households must abide by the California Department of Forestry and Fire Protection (CDF) residential burn restrictions when fire season is declared by CDF.
- (3) At residences where the population density of the unincorporated area is greater than 3.0 but less than or equal to 10.0 persons per square mile within the boundaries of any aggregation of census blocks as determined by the air pollution control officer, the District may file a Request for Exemption to allow the burning of dry non-glossy paper and cardboard, or the use of burn barrels or incinerators, or both, subject to the provisions of subsections (f)(4) and (f)(9).
- (4) As part of any Request for Exemption submitted under subsection (f)(3), the District may determine areas based on aggregations of census blocks where the prohibitions set forth in subsections (d)(1) and (d)(2) shall still apply, subject to the provisions of (f)(9).

- (5) The prohibition contained in subsection (d)(2) of this rule shall not apply in any jurisdiction where a local ordinance or other enforceable mechanism is in effect on January 4, 2002 requiring the use of a burn barrel or incinerator to burn allowable combustibles, unless the local ordinance or other enforceable mechanism is subsequently rescinded or revoked.
- (6) This rule does not supercede pre-existing rules or ordinances within a geographic area where the use of a burn barrel or incinerator or the burning of residential waste, including dry non-glossy paper and cardboard, is prohibited by a local ordinance or other enforceable mechanism in effect January 4, 2002, or thereafter. No exemption from subsection (d)(1) or (d)(2) shall be available for these areas.
- (7) On or before May 1, 2003, and every ten years thereafter, the ARB shall provide the air districts with a listing of all incorporated places and the population density within the boundaries of each census zip code contained within each air district.
- (8) The District shall re-evaluate the aggregation of census blocks of the Restriction Exempt Areas located within Siskiyou County every ten years beginning on or before May 1, 2013 and every 10 years thereafter to determine population densities. The maps included as Appendices A and B and the lists of census blocks described in section (c) shall be analyzed, re-evaluated, re-mapped and re-listed by August 1st of the same year to show any areas based on the aggregation of census blocks as determined by the APCO where the population density has increased to the next threshold. Restriction Areas and Restriction Exempt Areas designated by the re-mapping and re-listing become effective every 10 years after January 1, 2004. In order to maintain the public health protections imposed by this ATCM, once an aggregation of census blocks, as determined by the air pollution control officer, is designated as a Residential Household Waste Burning Restriction Area as described in section (c), its designation cannot be reversed and the prohibitions of subsections (d)(1) and (d)(2) always apply.
- (9) Any Request for Exemption as described in subsection (f)(4) by the District shall be submitted in writing to the ARB on or before August 1, 2003, and every ten years thereafter. The Request for Exemption must address the items contained in subsection (e)(10) through (e)(13) of section 93113 of Title 17 of the California Code of Regulations. Additionally, as described in subsection (f)(8), the revisions to the maps included as Appendices A and B and the lists of census blocks in section (c) constitute a rule amendment and shall be submitted to ARB for review by August 1st of the respective revision year. The rule amendment shall be supported by a staff report, which shall address all applicable items contained in subsection (e)(10) through (e)(13) of section 93113 of Title 17 of the California Code of Regulations.

- (10) By January 1, 2004, and every ten years thereafter, the ARB shall make available a listing of all census blocks, census zip codes and census zip code sub-areas within Siskiyou County that are in Restriction Areas and Restriction Exempt Areas as evidence of rule approval by ARB.
- (11) All exemptions shall terminate on December 31, 2013, unless renewed by the District for an additional ten years, pursuant to the procedures set forth in section (c) and section (f) of this rule.

NOTE: Authority cited: Sections 39600, 39601, 39659, 39666 and 40725 *et seq.*, Health and Safety Code. Reference: Sections 39020, 39044, 39650 through 39669, 39701, 41700 and 41806, Health and Safety Code.

APPENDIX A

List/Criteria for Permit Applications

This List and Criteria identifies information required of applicants seeking permits to construct air pollution sources.

A. Name

1. Business license name
2. Nature of business
3. Name, address, and phone number of person to contact regarding this application
4. Types of use entitlement (own, rent, lease)
5. Estimated construction dates and estimated completion dates
6. Verification development project is consistent with the applicable general plan required by Government Code Section 65300, et seq.

B. Type of Application

1.
 - a. Original application
 - b. Revised application
2.
 - a. New facility
 - b. Modification
 - c. Existing facility not previously permitted
3. Authority to Construct

C. Description of Facility

1. Location
 - a. Street address of facility (or location as described by section, township, and range)
 - b. Scaled and dimensioned plot plan of facility which shows and identifies the location of:
 - 1) Public and private streets
 - 2) Property lines
 - 3) Existing and proposed buildings (indicate their heights)
 - 4) Adjacent property owners and uses
 - 5) Storage areas for fuel, materials and products
 - 6) Basic, control, and air monitoring equipment
 - 7) Piping and ducts for carrying fuels, products, and possible sources of air pollutants
 - 8) Identify points of emissions
2. Describe the general purpose of this facility

APPENDIX A

D. Description of Process

1. General description of each process line
2. For facilities with more than one process line:
 - a. Submit a block flow diagram which shows the interaction between each process line (include a material balance and a description of the material processed as it changes in terms of maximum design rates)
 - b. Submit a drawing which shows the transfer of materials, products, and possible sources of air pollutants between process lines, building, and storage areas
3. Basic and control equipment descriptions (e.g., make, function, model, size, type, maximum capacity, horsepower)
4. Operating schedule (number of hours/day, days/week, weeks/year)
5. Maximum monthly, hourly, and daily production rates and raw material usage rates
6. Total average annual production rates and raw material usage rates (such as tons/year)
7. Provide the following information associated with each piece of basic (existing, modified, and proposed) equipment:
 - a. Equipment identification number
 - b. Inlet and outlet temperatures
 - c. Identify the emission points and state to where the equipment is to be vented
 - d. The material entering and leaving the equipment
 - e. The energy consumption, (e.g., Btu/hr, KW/hr)
 - f. State whether the operation is continuous or intermittent
8. Describe control equipment and attach calculations and detail drawings. Provide the following information associated with each piece of control equipment (existing and proposed):
 - a. Schematic and description of overall control equipment
 - b. Control equipment identification number
 - c. Inlet and outlet concentrations
 - d. Control efficiency; verify source of data (e.g. calculations, manufacturer's specification, source test)
 - e. Identify the points of emission associated with each piece of equipment
 - f. For particulate matter, include data on the size distribution and chemical nature of emissions
 - g. Energy consumption (e.g., Btu/hr, KW/hr)
9. Describe locations and amounts of emissions (in terms of maximum design rates)
 - a. Identify points of emission
 - b. Height of the outlet above ground level

APPENDIX A

- c. Size and shape of the outlet, (e.g. 9" round)
- d. Flow rate of exhaust gases
- e. Outlet temperature
- f. Estimate the quantity of each pollutant emitted: total suspended particulates, PM₁₀, carbon monoxide, organic gases, nitrogen oxides, and sulfur oxides, as examples

10. Describe emissions of a fugitive nature, i.e., not included in 9.

11. Attach copies of all calculations used in answering the previous questions (also cite references and tolerance of data)

E. Fuel Burning Equipment and Fuel

1. Describe burners

- a. Equipment identification number, manufacturer's name and model, size, number of burners, minimum and maximum ratings per burner, and burner type
- b. The burner mode of control, (e.g. manual, automatic on-off, high-low) if applicable
- c. Air compressor data (if air atomization is used):
 - 1) manufacturer's name and mode
 - 2) drive motor horsepower
 - 3) compressor rating (pressure and capacity)
 - 4) operating pressure
- d. Firing type, (e.g. tangential, opposed, front)
- e. Type of fuels and the percentage of combustion air

2. Describe all fuels used; indicate the types, grades, consumption rates; pretreatment of the fuel if any (method and temperature); heating value (e.g., BTU/cu.ft., BTU/gal., BTU/lb.); and ash, sulfur, moisture, H₂S, and nitrogen contents, where applicable

- a. For oil preheaters, indicate the type and the temperature to which the oil is expected to be preheated
- b. State whether unit is to be used to incinerate waste gas or liquid stream; submit a drawing of the method of waste stream introduction with respect to gas/fuel oil burners
 - 1) Indicate the amount of each fuel used per year (gal./yr. for liquid, million cu.ft./hr. for gaseous and tons/yr. for solid); also indicate fuels used as standby fuel
 - 2) Indicate the maximum consumption rate of fuel in any one hour and any 24-hour period

3. For combustion facilities, specify the heat input rate or thermal efficiency in BTU/unit

F. Describe Storage Facilities

1. Size, model, type, and make of storage facilities
2. Properties or characteristics of materials and products being stored
3. Control procedures and equipment utilized on storage facilities
4. Conditions under which storage exists, e.g., temperatures, pressure, windspeed

APPENDIX A

G. New Source Review

1. Air Quality Impact Analysis

- a. Any monitoring stations that may be installed by applicant
- b. Sufficient data to perform an impact analysis from all emission points and fugitive emissions including meteorological data, topographical data, air quality data, computer modeling data

2. Identify All Facilities - within the air basin that are owned or operated by the applicant and the compliance status of each

3. Power Consumption of Facility

- a. Total amount of electrical power to be consumed by the new facility or the increase in the amount of electrical power to be consumed due to the modification
- b. Percentage of electrical power provided by off-site generating facilities; identify the source of power

4. Cargo Carriers

List the frequency of visits, describe types and sizes of all cargo carriers (other than motor vehicles), identify nature of cargo, and conditions under which the cargo is transferred

5. Tradeoffs

Provide sufficient information to determine whether adequate emission reductions will be achieved to offset the air quality impacts of the applicant's source (e.g., name and location of trade-off sources and of how the emission tradeoffs will be affected)

6. Mitigating Measures

- a. Air pollution control equipment proposed
- b. Process changes or operations utilized to reduce emissions
- c. Other

* * * * *