PLACER COUNTY

AIR POLLUTION CONTROL DISTRICT

RULES AND REGULATIONS

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Rule adoptions and revisions having dates prior to October 19, 1993, when the Mountain Counties Air Basin/Sacramento Valley Air Basin Rules and the Lake Tahoe Air Basin Rules were consolidated, may reflect only those adoption dates and revision dates applicable to the Mountain Counties Air Basin/Sacramento Valley Air Basin portions of Placer County.

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RULE 101 TITLE

Adopted 11-12-74
(Amended 05-24-77, 06-19-79, 05-27-86, 10-19-93)

These Rules and Regulations, adopted pursuant to Section 40702 of the California Health and Safety Code, shall be known as the Rules of the Air Pollution Control District of the County of Placer.

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RULE 102 DEFINITIONS

Adopted 11-12-74
(Amended 5-24-77, 12-19-78, 6-19-79, 5-20-85, 2-04-92, 8-08-96, 6-19-97, 10-12-00)

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100 GENERAL

101 PURPOSE: To provide definitions of specific terms used in the Placer County Air Pollution Control District Rules and Regulations.

200 DEFINITIONS

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

201 AGRICULTURAL BURNING: Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat or disease or pest prevention or the use of open outdoor fires used in the operation or the maintenance of a system for the delivery of water.

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

203 AGRICULTURAL WASTES: The unwanted or unsellable materials produced wholly from agricultural operations and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.

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

205 AIR POLLUTION CONTROL OFFICER: The Air Pollution Control Officer of the Placer County Air Pollution Control District, or designee.

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

207 APPROVED IGNITION DEVICES: Those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, or diesel oil burners, flares, or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil and other similar materials.

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

209 BOARD: The Board of Directors of the Placer County Air Pollution Control District.

210 BRUSH TREATED: Material which has been felled, crushed or up-rooted with mechanical equipment, or which has been desiccated with herbicides.

211 **BULK PLANT**: A distribution plant which receives organic liquids; stores them in stationary tanks; and loads them into tank trucks for delivery to other bulk plants, service stations or storage tanks.

212 **CITRUS HEATER**: Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

213 **COMBUSTIBLE WASTE**: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.

214 **COMBUSTION CONTAMINANT**: Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.

215 **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, distillation, calcination, or chemical reaction, when these processes create airborne particles.

216 **CONSTRUCTION-DEMOLITION DEBRIS**: Any material associated with the construction or demolition of any building, dwelling, or other man-made structures, including but not limited to lumber, tar paper, roofing material, wiring, flooring material, insulation, and plywood.

217 **DESIGNATED AGENCY**: Any agency designated by the ARB and Placer County Air Pollution Control District as having authority to issue Agricultural Burn Permits.

218 **DISTRICT**: The Placer County Air Pollution Control District.

219 **DUST**: The 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 process.

220 **EMISSION**: The act of releasing or discharging air contaminants into the atmosphere from any source.

221 **EMISSION POINT**: The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.

222 **EXEMPT COMPOUNDS**: Organic compounds which are exempt from the definition of Volatile Organic Compounds (VOC). Notwithstanding definitions of Exempt Compounds that may be included in specific rules in Regulation II, the following compounds are exempt:

222.1 carbon monoxide
222.2 carbon dioxide
222.3 carbonic acid
222.4 metallic carbides or carbonates
222.5 ammonium carbonate

222.6 methane
222.7 methylene chloride (dichloromethane)
222.8 perchloroethylene (tetrachloroethylene)
222.9 1,1,1-trichloroethane (methyl chloroform)
222.10 trichlorofluoromethane (CFC-11)
222.11 dichlorodifluoromethane (CFC-12)

(definition continued on following page)

222.12 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
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222.27 The following classes of perfluorocarbons:

a cyclic, branched, or linear, completely fluorinated alkanes.
b cyclic, branched or linear, completely fluorinated ethers with no unsaturations.
c cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
d sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine.

222.28 The following low-reactive organic compounds which have been exempted by the U. S. EPA:

a acetone
b ethane
c parachlorobenzotrifluoride

223 **FLAMMABLE WASTE**: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.

224 **FLUE**: Any duct or passage for air or other gases, including but not limited to a stack or a chimney.

225 **FOREST MANAGEMENT BURNING**: The use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices and forest production practices.

226 **FOSSIL FUEL**: Natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

227 **FOSSIL FUEL-FIRED STEAM GENERATOR**: A furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

228 **HEARING BOARD**: The Hearing Board of the Air Pollution Control District of Placer County.

229 **HYDROCARBON**: Any compound of carbon containing hydrogen.

230 **INCINERATION**: An operation in which combustion is carried on for the principal purpose, or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.

231 **INCINERATOR**: Any furnace or other closed fire chamber used to dispose of combustible waste by burning, and from which the products of combustion are directed through a flue or chimney.

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

233 **LAKE TAHOE AIR BASIN**: That area as defined by Section 60113, Title 17, California Administrative Code.

234 **NO-BURN DAY**: Any day on which agricultural burning is prohibited by the ARB.

235 **OPEN OUTDOOR FIRE**: Combustion of any combustible material of any type, outdoors in the open air, where the products of combustion are not directed through a flue.

236 **OPERATOR**: Person who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.

237 **ORCHARD HEATER**: Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

238 **OWNER**: Person who owns, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.

239 **PARTICULATE MATTER**: Any material except uncombined water, which can exist in a finely divided form as a liquid or solid at standard conditions.

240 **PERMISSIVE BURN DAY**: Any day on which agricultural burning is not prohibited by the ARB.

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

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

243 **PROCESS WEIGHT PER HOUR**: The total weight, including contained moisture, of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. (The process weight per hour will be derived by dividing the total process weight introduced, by the number of hours in one complete operation, from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.)

244 **PUBLIC RECORD**: Any record made available to the public by law, containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except trade secrets.

245 **RANGE IMPROVEMENT BURNING**: The use of open fires to remove vegetation for a wildlife, game or livestock habitat, or for the initial establishment of an agricultural practice on previously uncultivated land.

246 **RECORD**: Handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographed films and prints, magnetic or punched cards, magnetic disks, drums, and other documents.

247 **RESIDENTIAL ALLOWABLE BURN MATERIALS:** Materials originating from a single or two family dwelling on its premises, limited to the following items: dry paper, dry cardboard, dry tree trimmings, dry leaves and pine needles, dry plants and dry weeds.

248 **SECTION**: A Section of the Health and Safety Code of the State of California, unless some other statute is specifically mentioned.

249 **SILVICULTURAL PRACTICES**: The establishment, development, care and reproduction of stands of timber.

250 **SOLID PARTICULATE MATTER**: Any material except uncombined water, which can exist in a finely divided form as a solid at standard conditions.

251 **SOLID WASTE DUMP**: Any accumulation for the purpose of disposal of any solid waste.

252 **STANDARD CONDITIONS**: A gas temperature of 60 degrees Fahrenheit and a 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.

253 **STANDARD CUBIC FOOT OF GAS**: The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

254 **TIMBER OPERATIONS**: Cutting or removal of timber or other forest vegetation.

255 **VOLATILE ORGANIC COMPOUND (VOC)**: Any chemical compound containing at least one atom of carbon except for those listed as "Exempt Compounds"

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

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RULE 103 VALIDITY

Adopted 05-24-77

If any regulation, rule, subdivision, sentence, clause or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations and every regulation, rule, subdivision, sentence, clause and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid.

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REGULATION 2

PROHIBITIONS

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RULE 201 COVERAGE

Adopted 11-12-74
(Amended 06-19-79, 05-27-86, 10-19-93)

Prohibitions as set forth in this Regulation, shall apply in the Placer County Air Pollution Control District.

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RULE 202 VISIBLE EMISSIONS

Adopted 11-12-74
(Amended 05-24-77, 06-19-79, 05-20-85)

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 that three (3) minutes in any one (1) hour which is:

A. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection (A) above.

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RULE 203 EXCEPTIONS TO RULE 202

Adopted 05-24-77
(Amended 04-21-81, 10-19-93)

A. For the Sacramento Valley Air Basin and Mountain Counties Air Basin portions of the Placer County Air Pollution Control District:

1. Fires set by a public officer pursuant to RULE 320.

2. Agricultural burning for which a permit has been granted pursuant to RULE 315.

3. Fires set or permitted by any public officer in the performance of his official duty for the improvement of watershed range or pasture.

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

5. Use of any aircraft to distribute aids over lands devoted to the growing of crops, or the raising of fowl or animals.

6. The use of orchard or citrus grove heaters which are in compliance with the requirements of RULE 208.

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

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

9. Fires set pursuant to a permit issued by the Air Pollution Control Officer or a designated agency.

10. The use of visible emission generating equipment in training sessions conducted by government agencies necessary for certifying persons to evaluate visible emissions for compliance with Section 41701 or applicable District Rules and Regulations.

11. Smoke emissions from tepee 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 subsection shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subsection shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

12. Smoke emissions from burners fired with 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 subsection shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subsection shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

B. For the Lake Tahoe Air Basin portion of the Placer County Air Pollution Control District:

1. Smoke from fires set or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

   a. For the purpose of the prevention of a fire (or health hazard as determined by the Health Officer), which cannot be abated by any other means, or

   b. The instruction of public employees and/or volunteer firemen in the methods of fighting fires.

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

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

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

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

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

RULE 204 WET PLUMES

Adopted 11-12-74
(Amended 05-24-77)

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

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RULE 205 NUISANCE

Adopted 12-08-70
(Amended 05-24-77)

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

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

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RULE 206 INCINERATOR BURNING

Adopted 11-12-74
(Amended 05-24-77, 12-19-78, 05-20-85, 02-04-92, 11-03-94)

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100 GENERAL

101 APPLICABILITY: This rule applies to any incinerator which burns combustible or flammable waste or refuse-derived fuel.

102 EXEMPTION, BIOMASS BOILERS: This rule shall not apply to boilers which have a primary energy source of biomass consisting of a minimum of 75 percent of the total annual heat input and which are subject to the requirements of Rule 232, BIOMASS SUSPENSION BOILERS, or Rule 233, BIOMASS BOILERS.

103 EXEMPTION, CREMATORY INCINERATORS: This rule shall not apply to existing incinerators in operation on February 4, 1992 and which are exclusively crematoria of human or animal remains and are not modified or replaced.

104 EXEMPTION, EXISTING INCINERATORS: The operating requirements of Section 302 shall not apply to an existing incinerator for which an Authority to Construct was issued by the Air Pollution Control Officer before February 4, 1992.

105 EXEMPTION, MEDICAL WASTE INCINERATORS: This rule shall not apply to those incinerators which are subject to the requirements of Rule 906, AIRBORNE TOXIC CONTROL MEASURE - MEDICAL WASTE INCINERATORS.

106 EXEMPTION, RESIDENTIAL WASTE INCINERATORS: This rule shall not apply to the burning of wood waste from trees, vines, or bushes burned on the property where grown; or rubbish originating from a single or two family dwelling on its premises, provided that the requirements of Regulation 3 are met; nor to an incinerator used exclusively in connection with a structure designed for and used exclusively as a dwelling for not more than four families.

107 EXEMPTION, TREATMENT UNITS: This rule shall not apply to treatment units associated with aeration of contaminated soil, air stripping, and vapor extraction operations.

200 DEFINITIONS

201 ARB: State of California Air Resources Board.

202 BIOMASS: Any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. Biomass does not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or radioactive waste.

203 CONTROL EQUIPMENT: Any device which reduces emissions.

204 DIOXINS: 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 Environmental Protection Agency toxic equivalency factors.

205 **EXCESS AIR:** The air supplied in excess of that necessary to completely burn compounds.

206 **INCINERATOR:** Any furnace or other closed fire chamber used to dispose of combustible or flammable materials by burning and from which the products of combustion are directed through a flue, chimney, or smoke stack. For the purposes of this rule incinerators shall include boilers heated by the burning of waste, unless otherwise exempted in Section 100.

207 **MULTIPLE-CHAMBER INCINERATOR:** An incinerator consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, inter-connected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of the materials to be burned.

208 **MULTIPLE-CHAMBER STARVED-AIR INCINERATOR (or Controlled Air Incinerator):** An incinerator which is designed to burn waste in two independent chambers:

208.1 Primary Chamber: where the majority of waste volume reduction occurs operated at sub-stoichiometric conditions.

208.2 Secondary Chamber: operates at excess air conditions; where destruction of gas-phase combustion products occurs. Passage ports, ducts, flues, chimneys, or stacks with burners shall not be considered Controlled Air secondary chambers unless the combustion zone exhibits design measures for the retention of the gas stream in the chamber, turbulence or mixing, and the availability of excess air, as determined by engineering analysis.

209 **REFUSE-DERIVED FUEL:** Treated or processed solid waste that is used as a fuel.

210 **UNCONTROLLED EMISSIONS** - The emissions measured from the incinerator at a location downstream of the last combustion chamber, but prior to any air pollution control equipment.

211 **STOICHIOMETRIC AIR:** An amount of air (theoretical combustion air) theoretically required for the complete combustion of compounds with total depletion of oxygen.

212 **SUB-STOICHIOMETRIC AIR:** An amount of air (theoretical combustion air) less than that required for the complete combustion of compounds.

213 **WASTE:** All discarded putrescible and nonputrescible solid, semisolid, and liquid materials, including garbage, trash, refuse, paper, rubbish, food, ashes, plastics, industrial wastes, demolition and construction wastes, equipment, instruments, utensils, appliances, manure, and human or animal solid and semi-solid wastes or remains.

214 **WASTE CHARGING RATE:** The amount of waste charged or fed into the incinerator

per unit of time, usually expressed in terms of pounds per hour or kilograms per hour.

300 STANDARDS

301 EMISSION LIMITATIONS: No person shall operate an incinerator subject to this rule unless:

301.1 Oxides of Nitrogen emissions, expressed as Nitrogen Dioxide (NO_2), do not exceed 50 parts per million by volume, dry basis, (ppmdv) corrected to 12% carbon dioxide (CO_2), for any 1 hour average emission rate.

301.2 Sulfur Dioxide emissions, expressed as Sulfur Dioxide (SO_2), do not exceed 30 ppmdv, corrected to 12% carbon dioxide (CO_2), for any 1 hour average emission rate.

301.3 Carbon Monoxide (CO) emissions do not exceed 100 ppmdv, corrected to 12% carbon dioxide (CO_2), for any 1 hour average emission rate.

301.4 Particulate Matter emissions do not exceed 0.015 grains per dry cubic foot of gas at standard conditions, corrected to 12% carbon dioxide (CO_2). The concentration limit shall apply to particulate matter measured using ARB Test Method 5.

301.5 Total Hydrocarbon emissions (THC) emissions expressed as equivalent methane do not exceed 10 ppmdv, corrected to 12% carbon dioxide (CO_2), for any 1 average hour emission rate.

301.6 Total Hydrochloric Acid (HCl) emissions do not exceed 30 ppmdv, corrected to 12% carbon dioxide (CO_2), for any 1 hour average emission rate.

301.7 Dioxins emissions have been reduced to 10 nanograms or less per kilogram of waste burned.

Demonstration of compliance with Subsections 301.6 and 301.7 shall not apply to incinerators which are exclusively crematoria of human or animal remains.

302 OPERATING REQUIREMENTS: No person shall operate an incinerator subject to this rule and not exempt under Section 102, unless control equipment is installed and used in a manner which has been demonstrated and approved by the Air Pollution Control Officer to meet the following requirements:

302.1 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 Air Pollution Control Officer that lower emissions are achieved at a higher outlet temperature;

302.2 Only multiple-chamber starved-air incinerators may be used. 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; and

302.3 The furnace design shall provide for a residence time in the secondary chamber for combustion gas of at least one second. Residence time shall be calculated using the following equation:

$$\textbf{Residence Time} = \frac{V}{Q_C}$$

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°F.

Q_C = means the combustion gas flow through V, as expressed in actual cubic feet per second, which is measured according to ARB Test 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 ARB Test Method 2 calculation for Q_C.

The volumetric flow rate measured at the sampling 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 unacceptable. The determination shall be equivalent to, and within the guidelines of, ARB Test Method 2 and approved by the Air Pollution Control Officer and the U.S. Environmental Protection Agency (EPA).

T_C = means the maximum temperature, in degrees Fahrenheit, that has been reached in the incinerator.

302.4 No person shall operate a waste or refuse-derived fuel incinerator unless the following equipment is installed and maintained in an operable condition:

a. A continuous data recording system as specified in Section 501.

b. Primary and secondary combustion chamber temperature indication.

c. Equipment for determining and recording the weight of waste charged to the incinerator.

d. An automated ram waste feeder with airlock, for batch fed incinerators, such that no ingress of external air occurs during the process of feeding waste to the primary combustion chamber.

303 AUXILIARY FUEL: Auxiliary fuels shall be natural gas, liquefied petroleum gas, or

equivalent gaseous fuel.

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

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE:

401.1 By November 3, 1995, any person subject to the emission limitations in Section 301 shall submit an application for Authority to Construct for any modifications required to achieve compliance with this rule.

401.2 By November 3, 1996, any person subject to the emission limitations in Section 301 shall demonstrate final compliance with all applicable standards and requirements of this rule.

402 UPSET NOTIFICATION: 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 9:00 AM 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.

403 OPERATOR CERTIFICATION: No person shall operate a waste incinerator unless each individual who operates or maintains the incinerator obtains either a certificate of training in waste incineration issued by the American Society of Mechanical Engineers within nine months of the commencement of operation, 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 District and the original certificates shall be available for inspection at the facility with the permit to operate.

404 OPERATION AND MAINTENANCE PLAN: Any person using an emission control device as a means of complying with the emission limitations of Section 301 shall submit an Operation and Maintenance Plan with the application for Authority to Construct for the emission control device.

404.1 The Operation and Maintenance Plan shall specify:

a. Operation and maintenance procedures that will demonstrate continuous operation of the emission control device during emission-producing operations; and

b. Records that must be kept to document the operation and maintenance procedures.

404.2 The records must comply with Sections 501, 505, and 506.

404.3 The Operation and Maintenance Plan shall be implemented upon approval

by the Air Pollution Control Officer.

404.4 After completing the construction of the emission control device, the Operation and Maintenance Plan shall be resubmitted annually for approval.

500 MONITORING AND RECORDS

501 MONITORING: Any person operating an incinerator subject to this rule shall maintain a data recording system which provides for each day of operation continuous recording of:

501.1 Primary and secondary combustion chamber temperatures;

501.2 Carbon monoxide emissions;

501.3 Hourly waste charging rates;

501.4 The opacity of stack emissions or other indicator of particulate matter which is approved by the Air Pollution Control Officer; and

501.5 Key operating parameters of the air pollution control equipment, as specified by the Air Pollution Control Officer.

502 DETERMINATION OF COMPLIANCE: For purposes of demonstrating initial or continued compliance with the emission limits of Section 301, any person operating an incinerator subject to this rule shall conduct the following source tests in the manner specified in Section 503:

502.1 Source test for Oxides of Nitrogen using ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 7E.

502.2 Source test for Sulfur Dioxide using ARB Test Method 6, Title 17, CCR, Section 94106, Determination of Sulfur Dioxide Emissions from Stationary Sources, or ARB Test Method 100.

502.3 Source test for Carbon Monoxide using ARB Test Method 10, Title 17, CCR, Section 94109, Determination of Carbon Monoxide Emissions from Stationary Sources, or ARB Test Method 100.

502.4 One source test for Particulate Matter using ARB Test Method 5, Title 17, CCR, Section 94105, Determination of Particulate Matter Emissions from Stationary Sources, including non-volatile impinger catch.

502.5 One source test for Total Hydrocarbons using ARB Test Method 100, measured as equivalent methane.

502.6 One source test for Hydrochloric Acid using ARB Test Method 421, Title 17, CCR,

Section 94131, Determination of Hydrochloric Acid Emissions from Stationary Sources, for waste or refuse-derived fuel incinerators, excluding crematoria.

502.7 One source test for Dioxins using ARB Test Method 428, Title 17, CCR, Section 94139, Determination of Polychlorinated Dibenzo-p-Dioxin (PCDD), Polychlorinated Dibenzofuran (PCDF), and Polychlorinated Biphenyl (PCB) Emissions from Stationary Sources, for waste or refuse-derived fuel incinerators, excluding crematoria. The high resolution mass spectrometry option of ARB Test Method 428 shall be used.

502.8 Source test for Carbon Dioxide using ARB Test Method 100, or EPA Test Method 3A.

Further source testing may be required by the Air Pollution Control Officer in accordance with Rule 501, Section 304, Provision of Sampling and Testing Facilities. The installed continuous emissions monitoring systems specified by Section 501 shall demonstrate compliance or non-compliance with the emission limitations of Section 301.

503 TEST REQUIREMENTS

503.1 Test Plan: At least sixty (60) days prior to any testing, a written test plan (two copies) detailing the test methods and procedures to be used shall be submitted for approval by the Air Pollution Control Officer. The plan shall cite the test methods to be used for the determination of compliance with the emission limitations of this rule, including any use of alternate test methods proposed in accordance with Section 504. The plan shall provide the proposed procedures for the characterization of the representative waste to be burned during testing.

503.2 Test Performance and Reporting: For purposes of determining compliance with Section 301, the source testing shall be conducted at the stack. Information regarding the composition (moisture content, heating value in British Thermal Units, and amount of the total waste, by weight percent, that is paper or cardboard, plastics, glass, wet garbage, or that is hazardous or radioactive) and feed rate of the waste and auxiliary fuel charged during the source test shall be provided with the test results. The 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 District.

504 ALTERNATE TEST METHODS: Alternate test methods, may be used to demonstrate compliance with Section 301 in lieu of the specified test methods of Section 503 only if approved in writing by, both the Air Pollution Control Officer and the U.S. EPA. Such test methods may include EPA test methods specified in 40 CFR 60 Appendix A, required for sources subject to New Source Performance Standards.

505 RECORD-KEEPING: Maintenance records shall be kept for the incinerator, control equipment, and monitoring equipment; and calibration records for the monitoring equipment.

506 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

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RULE 207 PARTICULATE MATTER

Adopted 11-12-74
(Amended 05-24-77, 06-19-79, 05-20-85, 10-19-93)

A. For the Sacramento Valley Air Basin and the Mountain Counties Air Basin portions of the Placer County Air Pollution Control District a person shall not release or discharge into the atmosphere from any source or single processing unit, exclusive of sources emitting combustion contaminants only, particulate matter emissions in excess of: 0.1 grains per cubic foot of gas at District standard conditions.

B. For the Lake Tahoe Air Basin portion of the Placer County Air Pollution Control District a person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, particulate matter emissions in excess of: 0.2 grains per cubic foot of gas at District standard conditions.

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RULE 208 ORCHARD OR CITRUS HEATERS

Adopted 11-12-74
(Amended 05-24-77)

A. No person shall use any orchard or citrus heater unless it has been approved by the ARB, or does not produce more than 1 gram per minute of unconsumed solid carbonaceous material.

B. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.

C. It shall be unlawful for any person, for the purpose of frost protection to burn any rubber, rubber tires or other substance containing rubber, or to burn oil or other combustible substances in drums, pails or other containers except orchard heaters.

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RULE 209 FOSSIL FUEL-STEAM FACILITY

Adopted 11-12-74
(Amended 05-24-77)

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

A. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2).

B. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2).

C. 10 pounds per hour of combustion contaminants (as defined in RULE 102) derived from the fuel.

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RULE 210 SPECIFIC CONTAMINANTS

Adopted 11-12-74
(Amended 05-24-77, 12-19-78, 6-19-79, 05-20-85, 10-19-93)

A. A person shall not discharge into the atmosphere from any source of emissions whatsoever, any one or more of the following contaminants, in any state or combination, therefore exceeding in concentration at point of discharge:

1. Sulfur compounds, calculated as sulfur dioxide (SO2):

   a. 0.2 percent by volume for the Sacramento Valley and Mountain Counties Air Basin portions of the Placer County Air Pollution Control District.

   b. 500 parts per million by volume for the Lake Tahoe Air Basin portion of the Placer County Air Pollution Control District.

2. Combustion Contaminants:

   a. Wood fired boilers and incinerators in the Sacramento Valley and Mountain Counties Air Basin portions of the Placer County Air Pollution Control District: 0.2 grains per cubic foot of gas calculated to 12 percent carbon dioxide (CO2) at standard conditions.

   b. All other combustion sources in the Sacramento Valley and Mountain Counties Air Basin portions of the Placer County Air Pollution Control District and all combustion sources in the Lake Tahoe Air Basin portion of the District: 0.1 grains per cubic foot of gas calculated at 12 percent carbon dioxide (CO2) at standard conditions.

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

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RULE 211 PROCESS WEIGHT

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85, 10-19-93)

A person shall not discharge into the atmosphere in any one hour from any source whatsoever solid particulate matter in excess of the amount shown in the following table:

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

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

Interpolation of the data from the process weight rate up to 60,000 lb/hr shall be accomplished by the use of equation:

$$E = 3.59\ P^{0.62} \quad P < 30 \text{ tons/hr}$$

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

$$E = 17.31\ P^{0.16} \quad P > 30 \text{ tons/hr}$$

Where: E = Emission in pounds per hour
P = Process weight rate in tons per hour

A. The provisions of this Rule shall not apply to the following source categories located in the Sacramento Valley and Mountain Counties Air Basin portions of the District:

1. Combustion equipment which derives at least 80% of its fuel input heat content from

wood or wood associated waste.

2. Incinerators.

3. Processing equipment used in conjunction with combustion sources to dry, calcine, pyrolyze, sinter or otherwise thermally condition any process material.

4. Sewage sludge incinerators, except that no person shall discharge from any sewage sludge incinerator particulate matter at a rate in excess of 1.30 lb/ton of dry sludge input. Performance tests used to determine compliance with this section shall comply with the provisions of CFR 40 Part 60, Appendix A, only.

RULE 212 STORAGE OF ORGANIC LIQUIDS

Adopted 5-24-77
(Amended 6-19-79, 9-25-90, 10-19-93, 11-03-94, 6-08-95, 6-19-97)

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100 GENERAL

101 PURPOSE: To limit emissions from storage tanks for organic liquids.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule apply to all of Placer County.

102.2 Business Function: This rule applies to any facility where organic liquids having a vapor pressure greater than 25.8 mm Hg (0.5 psia) are placed, stored, or held in any stationary tank, reservoir or other bulk container.

200 DEFINITIONS

201 EFFICIENCY: A comparison of controlled emissions to those uncontrolled emissions which would occur from a fixed or cone roof tank in the same product service without a vapor control system. Baseline emissions shall be calculated using the criteria in API Bulletin 2518.

202 EXEMPT COMPOUNDS: Exempt Compounds are defined in Rule 102, Definitions.

203 EXTERNAL FLOATING ROOF: A vapor loss control device, consisting of a pontoon-type or double-deck-type cover that rests on the surface of the liquid contents and which is equipped with an approved closure device between the tank shell and roof edge.

204 INTERNAL FLOATING ROOF: A vapor loss control device consisting of a fixed roof with an internal-floating-type cover which prevents the release or emission to the atmosphere of organic vapors or gases at an efficiency equivalent to an approved external floating roof closure device.

205 METALLIC-SHOE-SEAL: A type of seal used to minimize evaporative losses of organic liquids from a storage tank equipped with an external floating roof. It serves a primary seal, and is constructed with vertical metal plates or "shoes", connected by braces or other devices to the circumference of the floating roof. They are partially immersed in the liquid being stored, and are suspended in such a way that they are forced outward against the inner tank wall.

206 ORGANIC LIQUID: Any volatile organic compound which contains hydrogen and which would exist as a liquid at actual conditions of use or storage.

207 PRESSURE TANK: A closed storage tank designed and constructed to (1) operate at internal pressures above one atmosphere, (2) be able to withstand the vapor pressure of the stored liquid under all storage conditions and (3) prevent at all times the loss of such material or its vapor to the atmosphere.

208 RESILIENT-TOROID-SEAL: A type of seal used to minimize evaporative losses of organic liquids from a storage tank equipped with an external floating roof. It is a toroidal tube, or "donut", made of fabric or other resilient material, that rests on the surface of the stored liquid. It serves as primary seal that minimizes evaporative losses from the tank. The toroid seal may be filled with air, foam, or other resilient

material.

209 STORAGE TANK: Any stationary container, reservoir, or tank used for the storage of organic liquids.

210 VAPOR PRESSURE: The vapor pressure under actual storage conditions as determined by the test methods specified in Section 502.1.

211 VAPOR RECOVERY SYSTEM: A California Air Resources Board (CARB) - certified system that collects organic vapors and gases from a storage tank and either returns them to the tank or otherwise processes them to prevent or reduce emissions to the atmosphere.

212 VAPOR TIGHT: A condition when the concentration of total hydrocarbons does not exceed 10,000 ppm (expressed as methane) above background, as determined by EPA Reference Method 21. Background shall be defined as the ambient concentration of organic compounds determined at least three (3) meters upwind of the potential source and not influenced by any specific emissions source.

213 VOLATILE ORGANIC COMPOUNDS (VOC): Compounds which contain at least one atom of carbon, except for the Exempt Compounds.

300 STANDARDS

301 STORAGE TANKS WITH A CAPACITY GREATER THAN 40,000 GALLONS: A person shall not store any organic liquid having a vapor pressure greater than 25.8 mm Hg (0.5 psia), in any storage tank with a capacity greater than 40,000 gallons, unless such tank is (1) a pressure tank maintaining working pressures sufficient at all times to prevent organic vapor or gas loss to the atmosphere, or (2) designed and equipped with one of the vapor loss control devices as specified in Sections 306, 307, and 308 of this rule.

302 STORAGE TANKS WITH A CAPACITY LESS THAN OR EQUAL TO 40,000 GALLONS: A person shall not store any organic liquid having a vapor pressure greater than 25.8 mm Hg (0.5 psia), in any storage tank with a capacity less than or equal to 40,000 gallons, unless such tank is equipped with one of the following:

302.1 A submerged fill pipe.

302.2 An apparatus of efficiency equal to a submerged fill pipe and which has been approved by the Air Pollution Control Officer.

302.3 One of the vapor loss control devices that complies with the applicable requirements of Sections 306 through 313 of this rule.

303 STORAGE TANKS WITH A CAPACITY GREATER THAN 20,000 GALLONS AND LESS THAN OR EQUAL TO 40,000 GALLONS: A person shall not store any organic liquid having a vapor pressure greater than 77.5 mm Hg (1.5 psia) in any storage tank with a capacity greater than 20,000 gallons, but less than or equal to 40,000 gallons, unless such tank is (1) a pressure tank maintaining working pressures sufficient at all times

to prevent organic vapor or gas loss to the atmosphere, or (2) designed and equipped with one of the vapor loss control devices as specified in Sections 306 through 313 of this rule.

304 ABOVE GROUND STORAGE TANKS WITH A CAPACITY GREATER THAN 10,000 GALLONS AND LESS THAN OR EQUAL TO 20,000 GALLONS: A person shall not store any organic liquid having a vapor pressure greater than 77.5 mm Hg (1.5 psia) in any above ground storage tank with a capacity greater than 10,000 gallons, but less than or equal to 20,000 gallons capacity, unless such tank is (1) equipped with a pressure-vacuum valve which is set to operate at a pressure within 10% of the maximum allowable working pressure of the tank, or at a pressure of at least 25.8 mm Hg (0.5 psia), or (2) equipped with a vapor loss control device as specified in Sections 306 through 313 of this rule.

305 ANY STORAGE TANK CONTAINING ORGANIC LIQUIDS WITH A VAPOR PRESSURE GREATER THAN 569 mm Hg (11 psia): A person shall not store organic liquid with a vapor pressure greater than 569 mm Hg (11 psia) in any storage tank unless such tank is (1) a pressure tank maintaining working pressures sufficient at all times to prevent organic vapor or gas loss to the atmosphere, or (2) designed and equipped with a vapor recovery system which meets the requirements of Section 308 of this rule.

306 EXTERNAL FLOATING ROOF: This vapor loss control device, as defined in Section 203, shall be equipped with a closure device that consists of two seals, one above the other; the one below shall be referred to as the primary seal and the one above shall be referred to as the secondary seal. Seal designs shall be submitted to the Air Pollution Control Officer and shall not be installed or used unless they are approved by the Air Pollution Control Officer as meeting the criteria set forth within this section and the applicable closure requirements of Sections 309 through 313 of this rule.

307 INTERNAL FLOATING ROOF: This vapor loss control device with a fixed external roof, as defined in Section 205, shall prevent the release or emission to the atmosphere of organic vapors or gases at an efficiency equivalent to a floating roof closure device which meets the applicable requirements of Sections 309 through 313 of this rule.

308 VAPOR RECOVERY SYSTEM:

308.1 Any installed vapor recovery system shall be a CARB certified vapor recovery system capable of collecting organic vapors and gases, and shall include a vapor return or disposal system capable of processing such vapors and gases to prevent their emission to the atmosphere, at an efficiency of at least 95 percent by weight, determined in accordance with the applicable test method of Section 502.2.

308.2 Any tank gauging or sampling device on a tank vented to the vapor recovery system shall be equipped with a vapor-tight cover which shall be closed at all times except during gauging or sampling.

308.3 All piping, valves and fittings shall be constructed and maintained in a vapor-tight condition, as defined in Section 212.

309 CRITERIA FOR METALLIC-SHOE-SEAL CLOSURES:

309.1 Metallic-shoe-type seals shall be installed so that one end of the shoe extends into the stored liquid and the other end extends a minimum vertical distance of 61 cm (24 inches) above the stored liquid surface.

309.2 The geometry of the shoe shall be such that the maximum gap between the shoe and the tank shell is no greater than double the gap allowed by the seal gap criteria for a length of at least 46 cm (18 inches) in the vertical plane above the liquid surface.

309.3 There shall be no holes or tears in, or openings through the secondary seal or in the primary seal envelope surrounding the annular vapor space enclosed by the roof edge, stored liquid surface, shoe, and seal fabric.

309.4 The secondary seal shall extend from the roof to the tank shell and shall not be attached to the primary seal.

309.5 Any roof drain which opens directly into the organic liquid content in the tank shall be provided with a slotted membrane fabric cover, or equivalent, that covers at least 90% of the area of the opening.

309.6 All openings in the roof, except pressure-vacuum valves, shall provide a projection below the liquid surface to prevent belching of liquid and to prevent entrained or formed organic vapor from escaping from the liquid contents of the tank and shall be equipped with a cover, seal or lid. The cover, seal, or lid shall at all times be in a closed position, with no measurable gap exceeding 0.32 cm (1/8 in.), except when the device or appurtenance is in use. Pressure-vacuum valves located in the roof shall be set to within ten percent of the maximum allowable working pressure of the roof.

310 CRITERIA FOR WELDED TANKS WITH METALLIC-SHOE-SEALS: Any welded tank shell which uses a metallic-shoe-type seal shall meet the following conditions:

310.1 No gap between the tank shell and the primary seal shall exceed 3.8 cm (1-1/2 inches). The cumulative length of all primary seal gaps exceeding 1.3 cm (**2** inch) shall be not more than 10% of the circumference; the cumulative length of all primary seal gaps exceeding 0.32 cm (1/8 inch) shall not be more than 40 percent of the circumference. No continuous gap greater than 0.32 cm (1/8 inch) shall exceed 10% of the circumference of the tank.

310.2 No gap between the tank shell and the secondary seal shall exceed 1.3 cm (**2** inch). The cumulative length of all secondary seal gaps exceeding 0.32 cm (1/8 inch) shall not exceed 5 percent of the circumference of the tank.

310.3 The secondary seal shall allow easy insertion of probes up to 3.8 cm (1-1/2 inches) in width in order to measure gaps in the primary seal.

311 CRITERIA FOR RIVETED TANKS WITH METALLIC-SHOE-SEALS: Any riveted tank shell

which uses a metallic-shoe-seal shall meet the following conditions:

311.1 No gap between the tank shell and the primary seal shall exceed 6.4 cm (2-1/2 in.). The cumulative length of all primary seal gaps exceeding 3.8 cm (1-1/2 in.) shall not be more than 10% of the circumference.

311.2 The secondary seal shall consist of at least two sealing surfaces, such that the sealing surfaces prevent the emission of organic compounds around the rivets. Serrated sealing surfaces are allowable if the length of serration does not exceed 15.2 cm (6 in.). No gap between the tank shell and the secondary seal shall exceed 1.3 cm (**2** in.). The cumulative length of all secondary seal gaps exceeding 0.32 cm (1/8 in.) shall not be more than 5% of the circumference.

311.3 The secondary seal shall allow easy insertion of probes up to 3.8 cm (1-1/2 inches) in width in order to measure gaps in the primary seal.

312 CRITERIA FOR RESILIENT-TOROID-SEAL: Any storage tank which uses a resilient-toroid-type seal shall meet the following conditions:

312.1 No gap between the tank shell and the primary seal shall exceed 1.3 cm (**2** inch). The cumulative length of all gaps exceeding 0.32 cm (1/8 inch) shall not be more than 5% of the circumference.

312.2 No gap between the tank shell and the secondary seal shall exceed 1.3 cm (**2** inch). The cumulative length of all gaps exceeding 0.32 cm (1/8 inch) shall not be more than 5% of the circumference.

312.3 The secondary seal shall allow easy insertion of probes up to 1.3 cm (**2** inch) in width in order to measure gaps in the primary seal.

312.4 There shall be no holes or tears in, or openings through the secondary seal or in the primary seal envelope surrounding the annular vapor space enclosed by the roof edge, stored liquid surface, shoe, and seal fabric.

313 CRITERIA FOR WELDED TANKS WITH ZERO GAP SECONDARY SEALS: Any welded tank shell which uses a zero gap secondary seal must meet the following conditions:

313.1 No gap between the tank shell and the primary seal shall exceed 3.8 cm (1-1/2 inches). The cumulative length of all primary seal gaps exceeding 1.3 cm (**2** inch) shall be not more than 10% of the circumference and the cumulative length of all primary seal gaps exceeding 0.32 cm (1/8 inch) shall not be more than 40% of the circumference. No continuous gap greater than 0.32 cm (1/8 inch) shall exceed 10% of the circumference of the tank.

313.2 No gap between the tank shell and the secondary seal shall exceed 1.5 mm (0.06 in.). The cumulative length of all secondary seal gaps exceeding 0.5 mm (0.02 inch) shall not exceed 5% of the circumference of the tank, excluding gaps less than 5 cm (1.79 in.) from vertical weld seams.

313.3 The secondary seal must exert a positive pressure against the tank shell such

that the seal surface in contact with the tank shell does not pull away from the tank shell more than the gaps allowed in Section 313.2.

400 ADMINISTRATIVE REQUIREMENTS

401 PRIMARY SEAL INSPECTION:

401.1 The primary seal envelope shall be made available for unobstructed inspection by the District on an annual basis at four locations selected along its circumference at random by the APCO. If the District detects one or more violations as a result of any such inspection, the District may require such further unobstructed inspection of the primary seal as may be necessary to determine the seal condition for its entire circumference. The District shall also have the authority to require more inspection locations if the inspector suspects the possibility of a cumulative gap criteria violation.

401.2 In addition, for tanks with secondary seals the primary seal envelope shall be made available for inspection by the District prior to the installation of the secondary seal. For tanks with secondary seals installed before June 19, 1979, the primary seal envelope shall be made available for unobstructed inspection by the District for its full length every 5 years after June 19, 1979, except that if the secondary seal is voluntarily removed by the owner or operator prior thereto, it shall be made available for such inspection at that time. The owner or operator shall provide notification to the District no less than 7 working days prior to voluntary removal of the secondary seal.

500 MONITORING AND RECORDS

501 RECORD-KEEPING:

501.1 A person whose tanks are subject to this Rule shall keep an accurate record of liquids stored in such containers and the vapor pressure ranges of such liquids.

501.2 Accurate records of throughput and stock temperature shall also be maintained.

501.3 Records shall include the number of organic liquid storage tanks serviced and their respective capacities in gallons.

501.4 Records shall be retained for a period of at least 2 years, and shall be retained at least 5 years by sources subject to the requirements of Rule 507, Federal Operating Permit Program, and made available to the Air Pollution Control Officer on request.

501.5 In addition to the record-keeping requirements specified herein, all applicable provisions of Rule 410, Record-keeping for Volatile Organic Compounds Emissions, shall be met.

502 TEST METHODS

502.1 Vapor Pressure Determination: The vapor pressure under actual storage conditions is determined by ASTM method D-2879-83 or ASTM method D-323-82.

502.2 Vapor Recovery System Testing: The determination of the overall vapor recovery system efficiency required in Section 308 shall be made using the following test procedures, as applicable:

502.2.1 California Air Resources Board Test Method TP 202.1, ADetermination of Emission Factor of Vapor Recovery Systems at Gasoline Bulk Plants@.

502.2.2 California Air Resources Board Test Method TP 203.1, ADetermination of Emission Factor of Vapor Recovery Systems at Gasoline Terminals@.

502.3 Vapor-Tight Condition Testing: EPA Reference Method 21 shall be used to test for vapor-tight condition.

RULE 213 GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS

Adopted 06-19-79
(Amended 04-21-81, 05-20-85, 09-25-90, 10-19-93)

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1.0 GENERAL

1.1 APPLICABILITY

1.1.1 The provisions of this rule shall apply to the transfer of gasoline into any stationary storage containers, except as provided in Section 3.2 of this rule.

2.0 DEFINITIONS

2.1 AVERAGE MONTHLY THROUGHPUT - is defined as the total gasoline unloaded and dispensed in the most recent full calendar year from the facility's storage tanks divided by twelve.

2.2 GASOLINE - is defined as Petroleum distillates used as motor fuel with a Reid vapor pressure greater than 4.0 pounds.

2.3 GASOLINE BULK PLANT - is defined as a distributing facility, with a throughput less than or equal to 20,000 gallons a day, which receives gasoline, stores it in stationary tanks, and loads it into tank trucks for delivery to service stations or other distribution points.

2.4 GASOLINE VAPORS - are defined as the displaced vapors including any entrained liquid gasoline.

2.5 LEAK FREE - is defined as a liquid leak of less than three drops per minute excluding losses which occur upon disconnecting transfer fittings, provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect, averaged over three disconnects.

2.6 REID VAPOR PRESSURE - is defined as the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquefied petroleum gases, and determined by ASTM-323-58.

2.7 SUBMERGED FILL PIPE - is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6.0 inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18.0 inches above the bottom of the container.

2.8 VAPOR TIGHT - is defined as the concentration of total hydrocarbons, measured 1 cm from any source, not to exceed 10,000 ppm (expressed as methane) above background, as determined by EPA Reference Method 21.

2.9 VAPOR TIGHT GASOLINE CARGO TANK - is defined as a leak that does not exceed the standards as specified in EPA Reference Test Method 27.

3.0 STANDARDS

3.1 TRANSFER PROVISIONS

3.1.1 A person shall not transfer or permit the transfer of gasoline from any tank

truck or trailer into any stationary storage container with a capacity of more than 250 gallons unless such container is provided with a permanent submerged fill pipe and unless such transfer is made under the following conditions:

3.1.2 The displaced gasoline vapors or gases are processed by a vapor recovery system that shall collect at least 95 percent by weight, as determined by ARB Test Method 2-3, of the hydrocarbon vapors vented during filling of the stationary storage container and the system has been certified for installation by the California Air Resources Board.

3.1.3 Transfer is made to a storage container equipped as required in RULE 212.

3.1.4 Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor recovery system. Measures shall be taken to ensure that the loading device is leak free when it is not in use and to accomplish complete drainage before the loading device is disconnected.

3.1.5 The vapor recovery system shall be maintained and operated so that it does not cause the pressure in a gasoline delivery vessel to exceed 18 inches water gauge or the vacuum to exceed 6 inches water gauge.

3.1.6 All vapor recovery equipment and gasoline loading equipment shall be maintained in good working order and shall be leak free and vapor tight.

3.1.7 In no instance shall the gasoline loading operations exceed the capacity of the vapor processing unit.

3.1.8 No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be leak free and vapor tight. Any delivery vessel into which gasoline vapors have been transferred, shall be refilled only at a gasoline bulk plant or terminal that is equipped with a system that prevents at least 95 percent by weight of the gasoline vapors displaced from entering the atmosphere.

3.1.9 A person shall not operate any gasoline loading facility which is not subject to the provisions of RULE 215 unless:

3.1.10 The facility is equipped and operated with a system or systems to prevent the release to the atmosphere of at least 95 percent by weight, as determined by ARB Test Method 2-3, of the gasoline vapors displaced during the filling of the facility's stationary storage containers; and

3.1.11 The facility is equipped and operated with a pressure-vacuum relief valve on the above ground stationary storage containers with a minimum pressure valve setting of 90 percent of the maximum safe pressure and vacuum ratings of the containers, provided that such setting will not exceed the container's maximum pressure rating.

3.2 EXEMPTIONS

3.2.1 The provisions of this Rule shall not apply to the transfer of gasoline into any stationary storage container:

3.2.2 Which has a capacity of less than 550 gallons and is used exclusively for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 3600 et seq.) of the California Vehicle Code, if such container is equipped with a permanent submerged fill pipe.

3.2.3 With a capacity of 2,000 gallons or less and installed before January 1, 1979, if such container is equipped with a permanent submerged fill pipe.

3.3 TEST METHODS

3.3.1 Reference methods for compliance testing for this rule are specified in 40 CFR 60.503.

3.3.2 EPA Reference Method 21 shall be used to test for vapor tight condition or liquid leaks.

4.0 ADMINISTRATIVE

4.1 COMPLIANCE SCHEDULE

4.1.1 Any source of emission subject to this Rule, installed on or after January 1, 1979, shall comply with the provisions of this Rule no later than six months from the date of adoption.

4.2 RECORD-KEEPING

4.2.1 The owner or operator of any facility subject to the provisions of this rule shall prepare a daily log of the throughput and a summary of the throughput for the calendar year to date of the liquid compounds subject to the provisions of this rule. Such records shall be maintained at the facility for at least 2 years and shall be made available to the APCO upon request.

4.2.2 Records shall include the number of gasoline storage tanks serviced and their respective capacities in gallons.

4.2.3 In addition to the record-keeping requirements specified herein, all provisions of Regulation IV, RULE 410, when applicable, must still be adhered to.

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RULE 214 TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS

Adopted 06-19-79
(Amended 04-21-81)

A. A person shall not transfer or permit the transfer of gasoline from a stationary storage container subject to the provisions of RULE 213(A) into any motor vehicle fuel tank of greater than 5 gallons capacity unless such transfer is made through a fill nozzle which directs the gasoline vapors displaced by the transfer through the fill nozzle to a system, certified for installation by the California Air Resources Board, that will prevent at least 95 percent by weight of such gasoline vapors from entering the atmosphere.

B. The provisions of Section (A) shall not be subject to gasoline dispensing facilities located in that part of Placer County east of Range 8, Mount Diablo Base and Meridian.

C. Any gasoline dispensing system subject to this Rule, installed after June 19, 1978 shall comply with the provisions of this Rule at the time of installation.

D. Gasoline dispensing equipment used to comply with the provisions of this Rule shall comply with all applicable safety, fire, weights and measures, and other applicable codes and/or regulations.

E. 1. For the purposes of this Rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

2. For the purposes of this Rule, "motor vehicle" is defined as any vehicle registered with the California Department of Motor Vehicles.

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RULE 215 TRANSFER OF GASOLINE INTO TANK TRUCKS, TRAILERS AND RAILROAD TANK CARS AT LOADING FACILITIES

Adopted 6-19-79
(Amended 9-25-90, 11-03-94, 6-19-97)

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100 GENERAL

101 PURPOSE: To limit the emissions of volatile organic compounds (VOC) during gasoline transfer operations at bulk plants and bulk terminals.

102 APPLICABILITY:

102.1 Geographic: This provisions of this rule apply to all of Placer County.

102.2 Business Function: This rule applies to any bulk plant or bulk terminal where gasoline is loaded into a truck, trailer or railroad tank car, and to any person who owns, operates or is employed at such facility.

200 DEFINITIONS

201 BULK PLANT: A gasoline distribution facility which receives gasoline exclusively by tank truck from a refinery or bulk terminal and has a throughput less than or equal to 20,000 gallons per day or 5,000,000 gallons per year.

202 BULK TERMINAL: A gasoline distribution facility which receives gasoline from a refinery by pipeline, ship, or barge and has a throughput greater than 20,000 gallons per day or 5,000,000 gallons per year.

203 CAPACITY: The maximum volumetric quantity of liquid that may be stored in a tank.

204 EXEMPT COMPOUNDS: Exempt compounds are as defined in Rule 102, Definitions.

205 GASOLINE: Any organic liquid (including petroleum distillates and methanol) having a Reid Vapor Pressure of 4.0 pounds or greater and used as a motor vehicle fuel, or any fuel which is commonly or commercially known or sold as gasoline.

206 GASOLINE VAPORS: The displaced vapors including any entrained liquid gasoline.

207 LEAK FREE: Any liquid leak of less than three drops per minute excluding losses which occur upon disconnecting transfer fittings, provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect, averaged over three contiguous disconnects.

208 ORGANIC LIQUID: Any volatile organic compound which contains hydrogen and which would exist as a liquid at actual conditions of use or storage.

209 REID VAPOR PRESSURE: The absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquefied petroleum gases, and determined by ASTM-323-58.

210 SWITCH LOADING: The transfer of organic liquids with a Reid Vapor Pressure of less than 4.0 lbs into a delivery vessel where the previous load was gasoline.

211 VAPOR TIGHT: A condition when the concentration of total hydrocarbons does not exceed 10,000 ppm (expressed as methane) above background, as determined by EPA Reference Method 21. Background shall be defined as the ambient

concentration of organic compounds determined at least three (3) meters upwind of the potential source and not influenced by any specific emissions source.

212 VOLATILE ORGANIC COMPOUNDS: Compounds which contain at least one atom of carbon, except for the Exempt Compounds.

300 STANDARDS

301 TRANSFER PROVISIONS:

301.1 Vapor Recovery System Certification: A person shall not load gasoline into any tank truck, trailer, or railroad tank car from any bulk plant or bulk terminal, unless the loading device or equipment is equipped with a California Air Resources Board certified vapor recovery and disposal system.

301.2 Loading Procedures: Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor recovery system. Measures shall be taken to ensure complete drainage before the loading device is disconnected and the loading device shall be maintained in a vapor tight and leak free condition when not in use.

301.3 Bulk Plants: A person shall not transfer or permit the transfer of gasoline into any tank truck, trailer, or railroad tank car unless the emission of gasoline vapors and gases to the atmosphere does not exceed 0.6 pounds of Volatile Organic Compounds (VOC) per one thousand (1,000) gallons of gasoline transferred as determined by a method specified in Section 502.1.

301.4 Bulk Terminals: A person shall not transfer or permit the transfer of gasoline into any tank, truck, trailer, or railroad tank car unless the emission of gasoline vapors and gases to the atmosphere does not exceed 0.08 pounds of Volatile Organic Compounds (VOC) per one thousand (1,000) gallons of gasoline transferred as determined by the method specified in Section 502.2.

302 OTHER OPERATING REQUIREMENTS:

302.1 The loading facility vapor recovery system shall not create a back-pressure in excess of the pressure limits of the delivery vessel certification leak test (18 inches of water gauge).

302.2 All vapor recovery equipment and gasoline loading equipment shall be maintained in good working order and shall be leak free and vapor tight.

302.3 Switch loading shall be subject to Sections 301.3 and 301.4 of this rule.

302.4 Transfer equipment shall be configured to require that the gasoline delivery vessel be bottom loaded.

302.5 In no instance shall the gasoline loading operations exceed the capacity of the vapor processing unit.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE:

401.1 By November 3, 1995, any person subject to this rule shall submit an application for Authority to Construct for any modifications required to achieve compliance with the requirements of this rule.

401.2 By November 3, 1996, any person subject to this rule shall demonstrate final compliance with all applicable standards and requirements of this rule. Compliance with Section 301 shall constitute compliance with Section 401 unless it is determined that the equipment does not comply with section 301.3 and 301.4.

500. MONITORING AND RECORDS

501 RECORD-KEEPING:

501.1 The owner or operator of any facility subject to the provisions of this rule shall prepare a daily log of the throughput and a summary of the throughput for the calendar year to date of the liquid compounds subject to the provisions of this rule. Such records shall be retained at the facility for at least 2 years, and shall be retained for at least 5 years for sources subject to the requirements of Rule 507, Federal Operating Permit Program, and shall be made available to the Air Pollution Control Officer upon request.

501.2 Records shall include the number of petroleum storage tanks serviced and their respective capacities in gallons.

501.3 In addition to the record-keeping requirements specified herein, all provisions of Rule 410, Record-keeping for Organic Compound Emissions, shall apply.

502 TEST METHODS: Reference test methods for compliance testing shall be the following, as applicable:

502.1 California Air Resources Board Test Method TP 202.1, ADetermination of Emission Factors of Vapor Recovery Systems at Gasoline Bulk Plants@.

502.2 California Air Resources Board Test Method TP 203.1, ADetermination of Emission Factors of Vapor Recovery Systems at Gasoline Terminals@.

502.3 EPA Reference Method 21 shall be used to test for vapor tight condition or liquid leaks.

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RULE 216 ORGANIC SOLVENT CLEANING AND DEGREASING OPERATIONS

Adopted 06-19-79
(Amended 04-21-81, 09-25-90, 11-03-94, 06-08-95)

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100 GENERAL

101 PURPOSE: To limit the emission of volatile organic compounds from degreasers.

102 EXEMPTIONS:

102.1 Solvents Containing Less Than 2% VOC: Solvent cleaning operations using solvent (including emulsions) containing no more than 2 percent of volatile organic compounds (wt) as determined by EPA Method 24 shall not be subject to the requirements of this rule.

102.2 Cold Cleaners: The provisions of Section 302, of this rule do not apply to non-vapor degreasers which have an air-solvent interface area less than or equal to 1.0 ft^2, except for requirements that cleaners shall be covered when work is not being processed, or to remote reservoir degreasers using a non-volatile solvent spray which is drained into the remote reservoir concurrently with the degreasing operation.

200 DEFINITIONS

201 CONVEYORIZED DEGREASER: Any continually loaded, conveyorized degreaser, using solvent that is maintained either above or below the initial boiling point temperature of the solvent.

202 DEGREASER: A container that contains solvent or into which solvent is sprayed and concurrently drained, used to remove oil, grease, soil, coating, dirt or other undesirable matter from workloads.

203 EXEMPT COMPOUNDS: The following compounds are exempt from the definition of VOC in Section 217:

203.1 Methane
203.2 Carbon dioxide
203.3 Carbon monoxide
203.4 Carbonic acid
203.5 Metallic carbides or carbonates
203.6 Ammonium carbonate
203.7 1,1,1-trichloroethane
203.8 Methylene chloride
203.9 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
203.10 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
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203.14 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114)
203.15 Chloropentafluoroethane (CFC-115)
203.16 Pentafluoroethane (HFC-125)
203.17 1,1,2,2-tetrafluoroethane (HFC-134)
203.18 Tetrafluoroethane (HFC-134a)
203.19 1,1-dichloro-1-fluoroethane (HCFC-141b)
203.20 1-chloro-1,1-difluoroethane (HCFC-142b)
203.21 1,1,1-trifluoroethane (HFC-143a)

203.22 Chlorodifluoromethane (HCFC-22)
203.23 Trifluoromethane (HFC-23)
203.24 Difluoroethane (HFC-152a)

203.25 The following four classes of perfluorocarbon compounds:

a. Cyclic, branched, or linear, completely fluorinated alkanes.
b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

204 FREEBOARD HEIGHT:

204.1 For non-vapor degreasers, freeboard height means the distance from the top of the solvent, or the solvent drain of a remote reservoir cold cleaner, to the top of the tank.

204.2 For vapor degreasers, freeboard height means the distance from the solvent vapor-air interface to the top of the degreaser.

204.3 For conveyorized degreasers, freeboard height means the vertical distance from the top of the solvent (non-vapor solvent) or the top of the vapor-air interface (vapor degreaser), to the bottom of the lowest opening where solvent vapors can escape.

205 FREEBOARD RATIO: The freeboard height divided by the smaller of the inside length or the inside width of the degreaser's evaporative surface area.

206 LEAK: Three or more drops of liquid solvent per minute.

207 LIP EXHAUST: A system which collects solvent vapors escaping from the top of a degreaser and directs them away from operating personnel.

208 LOW VOLATILITY SOLVENT: Any solvent with an initial boiling point which is greater than 248°F (120°C) and with a temperature as used, at least 100°C (180°F) below the initial boiling point as determined pursuant to Section 502.1.

209 MAKEUP SOLVENT: The solvent added to the degreaser to replace solvent lost through evaporation or other means.

210 NON-VAPOR DEGREASER: Any degreaser using solvent which, if heated, is maintained below the initial boiling point temperature of the solvent.

211 OPEN-TOP VAPOR DEGREASER: Any batch-loaded degreaser using solvent which is maintained above the initial boiling point temperature of the solvent. Degreasing occurs through the condensation of the resultant solvent vapor onto the surface of the workload.

212 OSHA: Occupational Safety and Health Administration.

213 REFRIGERATED FREEBOARD CHILLER: A secondary cooling coil mounted above the primary condenser which provides a chilled air blanket above the solvent vapor-air interface to cause the condensation of additional solvent vapor, thereby increasing vapor control efficiency.

214 REMOTE RESERVOIR DEGREASER: A non-vapor degreaser with a tank which is completely enclosed except for a solvent return opening no larger than 15.50 square inches (100 square centimeters) which allows used solvent to drain into it from a separate solvent sink or work area and which is not accessible for soaking workloads.

215 SOLVENT: VOC-containing compounds which are used as diluents, thinners, dissolvers, viscosity reducers, or cleaning agents.

216 STATIONARY SOURCE (SOURCE OR FACILITY): Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as fugitive emissions.

216.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:

a. belong to the same industrial grouping, and;

b. are located on one property or on two or more contiguous properties, and;

c. are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

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

a. they belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual, or;

b. they are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

217 VOLATILE ORGANIC COMPOUNDS (VOC): Compounds containing at least one atom of carbon, except for the compounds listed in Section 203.

218 VOLATILE SOLVENT: Any solvent which is not defined as a low volatility solvent pursuant to Section 208.

219 WIPE CLEANING: That method of cleaning which utilizes a material such as a rag wetted with a solvent, coupled with a physical rubbing process to remove contaminants from surfaces.

220 WORKLOAD: The objects put in a degreaser for the purpose of removing oil, grease, soil, coating, dirt or other undesirable matter from the surface of the objects.

300 STANDARDS

301 GENERAL EQUIPMENT REQUIREMENTS: Any person who uses a degreaser shall utilize the following equipment:

301.1 An apparatus or cover which prevents the solvent from evaporating when not processing work in the degreaser.

a. For non-vapor degreasers using volatile solvent, or solvent that is agitated, the cover should be a sliding, rolling or guillotine (bi-parting) type which can be opened and closed easily with one hand.

b. For open-top vapor degreasers, the cover should be a sliding, rolling or guillotine (bi-parting) type which can be opened and closed easily without disturbing the vapor zone.

c. For conveyorized degreasers, a cover shall be provided for closing off the entrance and exit during shutdown hours.

301.2 A facility for draining cleaned parts such that the drained solvent is returned to the container.

301.3 A permanent, conspicuous label which summarizes operating requirements contained in Sections 303, through 306, of this rule.

302 NON-VAPOR DEGREASERS; EQUIPMENT REQUIREMENTS: A person shall operate non-vapor degreasers, including remote reservoirs (except as noted in Section 102.2), using one of the following control devices:

302.1 Non-vapor degreasers shall operate with a freeboard ratio equal to or greater than 0.75 if using solvents which are:

a. Agitated, or

b. Heated above 122^{o}F (50^{o}C), or

c. Volatile.

A water cover may be used as an acceptable alternative, if the solvent is insoluble in water and has a specific gravity greater than 1.

302.2 Non-vapor degreasers using only low volatility solvents which are not agitated shall operate with a freeboard height of at least 6 inches.

302.3 A permanent conspicuous mark shall identify the location of the maximum allowable solvent level conforming to the applicable freeboard requirements.

303 VAPOR DEGREASERS; EQUIPMENT REQUIREMENTS: A person shall operate vapor degreasers using all of the following control devices:

303.1 A freeboard ratio greater than or equal to 0.75.

303.2 For cleaners with an evaporative surface area greater than or equal to 1 square meter, shall be equipped with a refrigerated freeboard chiller for which the chilled air blanket temperature (^{o}F) at the coldest point on the vertical axis in the center of the air-vapor interface shall be no greater than

30% of the initial boiling point (°F) of the fresh solvent used or no greater than 40°F. If the chiller operates below the freezing temperature of water, it shall be equipped with an automatic defrost.

303.3 A primary condenser.

304 VAPOR DEGREASERS; SAFETY SWITCHES: If a vapor degreaser is used, then the following equipment shall be utilized:

304.1 A device which shuts off the sump heater if the condenser coolant stops circulating or becomes warmer than specified.

304.2 For degreasers of the spray type, a device which prevents spray pump operation unless the solvent vapor level is at the designed operating level.

304.3 A device (of the manual reset type) which shuts off the sump heater if the solvent vapor level rises above the designed operating level.

305 CONVEYORIZED DEGREASERS: In addition to the requirements of Sections 301.2, and 301.3, a person shall not operate a conveyorized degreaser unless it is equipped with the following control devices:

305.1 Either a drying tunnel or other means such as a rotating basket, sufficient to prevent cleaned parts from carrying out solvent liquid or vapor.

305.2 Minimized opening: entrances and exits should silhouette workloads so that the average clearance between parts and the edge of the degreaser opening is either less than 4 inches (10 cm) or less than 10 percent of the width of the opening.

305.3 A primary condenser.

305.4 A vapor level control thermostat.

305.5 A condenser flow switch.

305.6 A spray safety switch.

305.7 A freeboard ratio greater than or equal to 0.75 which is physically verifiable, or a refrigerated freeboard chiller for which the chilled air blanket temperature (°F) at the coldest point on the vertical axis in the center of the air-vapor interface shall be no greater than 30 percent of the initial boiling point (°F) of the solvent used or no greater than 40°F. If the chiller operates below the freezing temperature of water, it shall be equipped with an automatic defrost.

306 GENERAL OPERATING REQUIREMENTS: Any person who uses a degreaser must conform to the following operating requirements:

306.1 Operate and maintain the degreaser and emission control equipment in proper working order.

306.2 Do not allow any solvent to leak from any portion of the degreaser.

306.3 All solvent, including waste solvent and waste solvent residues, shall be stored in closed containers at all times. The containers shall have a label indicating the name of the solvent/material they contain.

306.4 If distillation recovery of waste solvent is performed, solvent residues shall not contain more than 10 percent solvent by volume after distillation.

306.5 Waste solvent and waste solvent residues, shall be disposed of by one of the following methods:

a. A commercial waste solvent reclamation service licensed by the State of California.

b. At a facility that is federally or state licensed to treat, store, or dispose of such waste.

c. Recycling in conformance with Section 25143.2 of the California Health and Safety Code.

306.6 Do not remove or open any device designed to cover the solvent unless processing work in the degreaser or performing maintenance on the degreaser.

306.7 Drain cleaned parts after cleaning until dripping ceases (non-vapor degreaser only).

306.8 If using a solvent flow, use only a continuous, fluid stream (not a fine, atomized, or shower type spray) at a pressure which does not cause liquid solvent to splash outside of the degreaser.

306.9 Perform solvent agitation, where necessary, by means other than air agitation.

306.10 Do not degrease porous or absorbent materials such as cloth, leather, wood, or rope.

306.11 For vapor degreasers:

a. Workloads shall not occupy more than half of the degreaser's evaporative surface area.

b. Solvent spray shall be kept at least 4 inches below the air-vapor interface.

c. When starting the degreaser, the cooling system shall be turned on before, or simultaneously with, the sump heater.

d. When shutting down the degreaser, the sump heater shall be turned off before, or simultaneously with, the cooling system.

e. The degreaser shall be covered whenever the cooling system is off.

306.12 A person shall minimize solvent carry-out by the following measures, as applicable:

a. Rack workload to facilitate drainage;

b. Move workload in and out of the degreaser at less than 3.3 m/min (11 ft/min);

c. Degrease the workload in the vapor zone until condensation ceases;

d. Allow workload to dry within the degreaser until visually dry;

e. For manual operation, tip out any pools of solvent remaining on the workload before removing it from the degreaser.

306.13 A cleaner shall not be located where drafts are directed across the cleaner.

306.14 For those cleaners equipped with water separators, no solvent shall be visually detectable in the water exiting the water separator.

306.15 Wipe cleaning materials containing solvent shall be kept in closed containers at all times, except during use.

307 LIP EXHAUST: Effective November 3, 1995, a lip exhaust system shall not be added to any degreaser, unless it is vented to an emission control system, pursuant to Section 308. The lip exhaust shall be turned off when the degreaser is covered.

308 ALTERNATE EMISSION CONTROL SYSTEM REQUIREMENTS: Any person or stationary source subject to this rule may use an emissions control system as an alternative to Sections 302, or 303.1 and 303.2, provided that the system has an overall control efficiency (the collection efficiency multiplied by the control efficiency) of at least 85 percent on a mass basis, as determined pursuant to Sections 502.2, and 502.3. The emission collection system shall have a ventilation rate not greater than 20 cubic meters per minute per square meter over the total area of the degreaser's evaporative surface area, unless the rate must be changed to meet Federal and State OSHA requirements. The system must be approved in writing by the Air Pollution Control Officer.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: Any person or stationary source subject to this rule, including previously exempt sources, shall be in compliance with this rule by November 3, 1995.

402 CALCULATION FOR DETERMINATION OF VOC CONTENT PER VOLUME OF SOLVENT: The volume of solvent is defined as the volume of the original solvent, plus any VOC-containing material added to the original solvent. The weight of VOC per volume of solvent shall be calculated by the following equation:

$$(W_v - W_w - W_{ec}) / (V_s)$$

Where:
- W_v = Weight of all volatile compounds.
- W_w = Weight of water.
- W_{ec} = Weight of compounds listed as exempt in Section 203 from the definition of VOC.
- V_s = Volume of solvent

403 OPERATION AND MAINTENANCE PLAN: Any person using an approved emission control device pursuant to Section 308, as a means of complying with this rule, as provided in Sections 303, or 303.1 and 303.2, must submit, with the application for Authority to Construct, pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS, an Operation and Maintenance Plan for the emission control device to the Air Pollution Control Officer for approval. Plans for emission control devices installed as of November 3, 1994, if not previously submitted, must be submitted by August 3, 1995, and receive approval of the Air Pollution Control Officer. The Plan shall specify operation and maintenance procedures which will demonstrate continuous operation of the emission control device during periods of emissions-producing operations. The Plan shall also specify which records must be kept to document these operation and maintenance procedures. These records shall comply with the requirements of Sections 501.2, and 501.3. The Plan shall be implemented upon approval of the Air Pollution Control Officer.

500 MONITORING AND RECORDS

501 USAGE RECORDS: In addition to any existing permit conditions issued pursuant to Rule 501, effective November 3, 1995, any person subject to this rule shall comply with the following requirements:

501.1 Usage Amounts: The person shall record on a quarterly basis the type and total volume for the stationary source of makeup solvent used for all cleaners subject to this rule. Records shall be kept for each time waste solvent or waste residue is removed from the facility for disposal.

501.2 Control Equipment: Any person using an emission control system pursuant to Section 308, as a means of complying with this rule shall maintain such records as required by the Operation and Maintenance Plan in Section 403, on a daily basis.

501.3 Duration of Records: Such records shall be maintained on-site for two years, 5 years for sources subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and made available for review by the Air Pollution Control Officer upon request.

502 TEST METHODS

502.1 Determination of Boiling Point: The initial boiling point of solvents shall be determined in accordance with ASTM D 1078-86.

502.2 Determination of Control Efficiency: The exhaust vapor concentration from a control device shall be determined by EPA Test Methods 25 and 25A (40 CFR 60, Appendix A).

502.3 Determination of Collection Efficiency: Collection efficiency of the collection system shall be determined in accordance with EPA protocols referenced in 40 CFR 52.741(a)(4)(iii).

502.4 Determination of Volumetric Flowrate: Volumetric flowrate shall be determined in accordance with EPA Methods 2, 2A, 2C, and 2D (40 CFR 60, Appendix A).

502.5 Determination of VOC Content: VOC content of solvents shall be determined in accordance with EPA Method 24 and Sections 402, and 502.6, of this rule.

502.6 Determination of Compounds Exempt From VOC Definition: Compounds exempted from the VOC definition, as listed in Section 203 of this rule, shall be determined in accordance with ASTM D 4457-85 or California Air Resources Board Method 432. If any of the perfluorocarbons are being claimed as exempt compounds, the person making the claim must state in advance which compounds are present, and the EPA-approved test method used to make the determination of these compounds.

RULE 217 CUTBACK AND EMULSIFIED ASPHALT PAVING MATERIALS

Adopted 06-19-79
(Amended 05-20-85, 09-25-90)

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1.0 GENERAL

1.1 APPLICABILITY

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

1.2 EXEMPTIONS

1.2.1 The provisions of Section 3.0 shall not apply to:

1.2.2 The use of cutback asphalt or emulsified asphalt in the manufacturing of paving materials where such materials are for immediate shipment and eventual use outside of the County of Placer, State of California, and where such area is designated as attainment for the State and Federal Ozone Standard.

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

2.0 DEFINITIONS

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

2.2 CUTBACK ASPHALT - is defined as paving grade asphalts liquefied with petroleum distillate and conforming to specifications of the American Society for Testing & Materials (ASTM) as follows:

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

2.3 EMULSIFIED ASPHALT - is defined as any asphalt liquefied with water containing an emulsifier.

2.4 PAVING MATERIAL - is defined as a mixture consisting mainly of an asphalt and aggregate.

2.5 PAVING AND MAINTENANCE OPERATIONS - is defined as all activities involved in the new construction and maintenance of roadways and parking areas.

3.0 STANDARDS

3.1 CUTBACK ASPHALT

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

3.1.2 Rapid cure cutback asphalt;

3.1.3 Slow cure cutback asphalt containing organic compounds which evaporate at 260° C (500° F) or lower as determined by current ASTM Method D402;

3.1.4 Medium cure cutback asphalt except as provided in Section 1.2.

3.2 EMULSIFIED ASPHALT

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

4.0 ADMINISTRATIVE

4.1 TEST METHODS

4.1.2 Analysis of **Cutback Asphalt** samples for VOC content shall be in accordance with current ASTM Method D402.

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

4.2 RECORD-KEEPING

4.2.1 Any person who manufactures or uses cutback asphalts and emulsified asphalts which contain solvents shall comply with the following requirements:

4.2.2 The manufacturer shall maintain records showing the types and amounts of cutback asphalts and emulsified asphalts which contain solvents produced and the destination of these products.

4.2.3 The users shall maintain records showing the types, amounts received, and amounts used of cutback asphalts and emulsified asphalts which contain solvents.

4.2.4 Such records shall be maintained daily and retained and available for inspection by the APCO for the previous 24 month period.

4.2.5 In addition to the record-keeping requirements as specified herein, all provisions of Regulation IV, Rule 410, when applicable, must still be adhered to.

RULE 218 ARCHITECTURAL COATINGS

Adopted 6-19-79
(Amended 2-01-83, 5-20-85, 4-01-86, 2-09-95, 8-14-97, 12-13-01)

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APPENDIX A - AVERAGING PROVISION

100 GENERAL

101 PURPOSE: To limit the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the District.

102 APPLICABILITY: Except as provided in Section 104, this rule is applicable to any person who supplies, sells, offers for sale, or manufacturers any architectural coating for use for all of Placer County, as well as any person who applies or solicits the application of any architectural coating within Placer County.

103 SEVERABILITY: If a court of competent jurisdiction issues an order that any provision of this rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this rule remain in full force and affect, to the extent allowed by law.

104 EXEMPTIONS: This rule does not apply to:

104.1 Any architectural coating that is sold or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging;

104.2 Any aerosol coating product; or

104.3 Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

Shop Coating Operations: Coating operations conducted in a business shop environment and which are subject to either Rule 236, Wood Products Coating Operations or Rule 238, Factory Coating of Flat Wood Paneling, are exempt from all provisions of this rule.

200 DEFINITIONS

201 ADHESIVE: Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.

202 AEROSOL COATING PRODUCT: A pressurized coating product containing pigments or resins that dispense product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marking applications.

203 ANTENNA COATING: A coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

204 ANTIFOULING COATING: A coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Section 136, *et seq*.) and with the California Department of Pesticide Regulation.

205 APPURTENANCES: Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain-gutters and down-spouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

206 ARCHITECTURAL COATING: A coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purpose of this rule.

207 BITUMENS: Black or brown materials including, but not limited to, asphalt, tar,

pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.

208 BITUMINOUS ROOF COATING: A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.

209 BITUMINOUS ROOF PRIMER: A primer which incorporates bitumens that is labeled and formulated exclusively for roofing.

210 BOND BREAKERS: A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.

211 CLEAR BRUSHING LACQUERS: Clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush, and which are labeled as specified in Section 401.5.

212 CLEAR WOOD COATINGS: Clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.

213 COATING: A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.

214 COLORANT: A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.

215 CONCRETE CURING COMPOUND: A coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.

216 DRY FOG COATING: A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.

217 EXEMPT COMPOUND: For the purposes of this rule, “exempt compound” has the same meaning as in Rule 102, Definitions, except that following listed compounds are additional exempt compounds. Exempt compounds content of a coating shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996), incorporated by reference in Section 502.4.10.

217.1 perchloroethylene (tetrachloroethylene)
217.2 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
217.3 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
217.4 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)
217.5 difluoromethane (HFC-32)
217.6 ethylfluoride (HFC-161)
217.7 1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
217.8 1,1,2,2,3-pentafluoropropane (HFC-245ca)
217.9 1,1,2,3,3-pentafluoropropane (HFC-245ea)
217.10 1,1,1,2,3-pentafluoropropane (HFC-245eb)
217.11 1,1,1,3,3-pentafluoropropane (HFC-245fa)
217.12 1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
217.13 1,1,1,3,3-pentafluorobutane (HFC-365mfc)
217.14 chlorofluoromethane (HCFC-31)
217.15 1 chloro-1-fluoroethane (HCFC-151a)
217.16 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
217.17 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$)
217.18 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$))
217.19 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$)
217.20 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$)
217.21 methyl acetate

218 FAUX FINISHING COATING: A coating labeled and formulated as a stain or glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.

219 FIRE-RESISTIVE COATING: An opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating and the testing agency must be approved by building code officials. The fire-resistive coating shall be tested in accordance with ASTM Designation E 119-98, incorporated by reference in Section 502.4.2.

220 FIRE-RETARDANT COATING: A coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, state, and local building code requirements. The fire-retardant coating and the testing agency must be approved by building code officials. The fire-retardant coating shall be tested in accordance with ASTM Designation E 84-99, incorporated by reference in Section 502.4.1.

221 FLAT COATING: A coating that is not defined under any other definition in this rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in Section 502.4.3.

222 FLOOR COATING: An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.

223 FLOW COATING: A coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units**.**

224 FORM-RELEASE COMPOUND: A coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some other material other than concrete.

225 GRAPHIC ARTS COATING OR SIGN PAINT: A coating labeled and formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including lettering enamels, poster colors, copy blockers, and bulletin enamels.

226 HIGH-TEMPERATURE COATING: A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204^{o}C (400^{o}F).

227 INDUSTRIAL MAINTENANCE COATING: A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions listed in Sections 227.1 through 227.5, and labeled as specified in Section 401.4:

227.1 Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;

227.2 Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;

227.3 Repeated exposure to temperatures above 121^{o}C (250^{o}F);

227.4 Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or

227.5 Exterior exposure of metal structures and structural components.

228 LACQUER: A clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.

229 LOW-SOLIDS COATING: A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material.

230 MAGNESITE CEMENT COATING: A coatings labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.

231 MASTIC TEXTURE COATING: A coatings labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.

232 METALLIC PIGMENTED COATING: A coating containing at least 48 grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with South Coast Air Quality Management District Method 318-95, incorporated by reference in Section 502.4.4.

233 MULTI-COLOR COATING: A coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.

234 NONFLAT COATING: A coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in Section 502.4.3.

235 NONFLAT - HIGH GLOSS COATING: A nonflat coating that registers a gloss of 70 or above on a 60 degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in Section 502.4.3.

236 NONINDUSTRIAL USE: Nonindustrial use means any use of architectural coatings except in the construction or maintenance of any of the following: facilities used in the manufacturing of goods and commodities; transportation infrastructure, including highways, bridges, airports and railroads; facilities used in mining activities, including petroleum extraction; and utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.

237 POST-CONSUMER COATING: A finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.

238 PRE-TREATMENT WASH PRIMER: A primer that contains a minimum of 0.5 percent by acid, by weight, when tested in accordance with ASTM Designation D 1613-96, incorporated by reference in Section 502.4.5, that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

239 PRIMER: A coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.

240 QUICK-DRY ENAMEL: A nonflat coating that is labeled as specified in Section 401.8 and that is formulated to have the following characteristics:

240.1 Is capable of being applied directly from the container under normal conditions with ambient temperatures between 16 and 27^{o}C (60 and 80^{o}F);

240.2 When tested in accordance with ASTM Designation D-1640-95, incorporated by reference in Section 502.4.6., sets to touch in 2 hours or less, is tack free in 4 hours or less, and dries hard in 8 hours or less by the mechanical test method; and

240.3 Has a dried film gloss of 70 or above on a 60 degree meter.

241 QUICK DRY PRIMER, SEALER AND UNDERCOATER: A primer, sealer or undercoater that is dry to the touch in 30 minutes and can be recoated in 2 hours when tested in accordance with ASTM Designation 1640-95, incorporated by reference in Section 502.4.6.

242 RECYCLED COATING: An architectural coating formulated such that not less than 50 percent of the total weight consists of secondary and post-consumer coating, with not less than 10 percent of the total weight consisting of post-consumer coating.

243 RESIDENTIAL: Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.

244 ROOF COATING: A non-bituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which qualify as Metallic Pigmented Coating shall not be considered to be in this category, but shall be considered to be in the Metallic Pigmented Coating category.

245 RUST PREVENTATIVE COATING: A coating formulated for nonindustrial use

to prevent the corrosion of metal surfaces and labeled as specified in Section 401.6.

246 SANDING SEALER: A clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A sanding sealer that also meets the definition of a lacquer is not included in this category, but is included in the lacquer category.

247 SEALER: A coating labeled and formulated for application to a substrate for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

248 SECONDARY COATING (REWORK): A fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process.

249 SHELLAC: A clear or opaque coating formulated solely with the resinous secretions of the lac beetle (Laccifer lacca), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

250 SHOP APPLICATION: Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).

251 SOLICIT: To require for use or to specify, by written or oral contract.

252 SPECIALTY PRIMER, SEALER AND UNDERCOATER: A coating labeled as specified in Section 401.7 and that is formulated for application to a substrate to seal fire, smoke or water damage; to condition excessively chalky surfaces, or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM Designation D 4214-98, incorporated by reference in Section 502.4.7.

253 STAIN: A clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.

254 SWIMMING POOL COATING: A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.

255 SWIMMING POOL REPAIR AND MAINTENANCE COATING: A rubber based coating labeled and formulated to be used over existing rubber based

coatings for the repair and maintenance of swimming pools.

256 TEMPERATURE-INDICATOR SAFETY COATING: A coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).

257 TINT BASE: An architectural coating to which colorant is added after packaging in sale units to produce a desired color.

258 TRAFFIC MARKING COATING: A coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.

259 UNDERCOATER: A coating labeled and formulated to provide a smooth surface for subsequent coats.

260 VARNISH: A clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.

261 VOLATILE ORGANIC COMPOUND (VOC): For the purposes of this rule, "volatile organic compound" has the same meaning as in Rule 102, Definitions.

262 VOC CONTENT: The weight of VOC per volume of coating, calculated according to the procedures specified in Section 402.

263 WATERPROOFING SEALER: A coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.

264 WATERPROOFING CONCRETE/MASONRY SEALER: A clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining.

265 WOOD PRESERVATIVE: A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the U.S. Environmental Protection Agency under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, *et seq.*) and with the California Department of Pesticide Regulation.)

300 STANDARDS

301 VOC CONTENT LIMITS: Except as provided in Sections 302, 303, 308, and 309, no person shall: (i) manufacture, blend, or repackage for sale within the District; (ii) supply, sell, or offer for sale within the District; or (iii) solicit for application or apply within the District, any architectural coating with a VOC content in excess of the corresponding limit specified in the following table. Limits are expressed in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to the tint bases. "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

Coating Category	**Effective 1997[1]**	**Effective 6/15/2002**	**Effective 1/1/2003**	**Effective 1/1/2004**
Flat Coatings	250		100	
Nonflat Coatings	250		150	
Nonflat - High Gloss		250		
Specialty Coatings:				
Antenna		530		
Antifouling		400		
Bituminous Roof		300		
Bituminous Roof Primers		350		
Bond Breakers	350			
Clear Wood Coatings:				
Clear Brushing Lacquer		680		
Lacquers (including lacquer sanding sealers)	680		550	
Sanding Sealers (other than lacquer sanding sealers)	350			
Varnishes	350			
Concrete Curing Compounds	350			
Dry Fog	400			
Faux Finishing		350		
Fire Resistive		350		
Fire Retardant:				
Clear	650			
Opaque	350			
Floor		250		
Flow		420		
Form-Release Compounds	250			
Graphic Arts (Sign Paints)	500			
High Temperature	420			
Industrial Maintenance	420			250
Low Solids[2]		120		
Magnesite Cement	450			
Mastic Texture	300			

Metallic Pigmented	500			
Multi-Color	420		250	
Pre-Treatment Wash Primers	675	420		
Primers, Sealers, and Undercoaters	350		200	
Quick-Dry Enamels	400		250	
Quick-Dry Primers, Sealers, Undercoaters	350		200	
Recycled		250		
Roof	300	250		
Coating Category	**Effective 1997[1]**	**Effective 6/15/2002**	**1/1/2003**	**Effective Effective 1/1/2004**
Rust Preventative		400		
Shellacs:				
Clear	730			
Opaque	550			
Specialty Primers, Sealers and Undercoaters		350		
Stains	350		250	
Swimming Pool Coatings	340			
Swimming Pool Repair and Maintenance		340		
Temperature-Indicator Safety		550		
Traffic Marking	250	150		
Waterproofing Sealers	400		250	
Waterproofing Concrete/ Masonry Sealers		400		
Wood Preservatives	350			

1 The specified limits remain in effect unless revised limits are listed in subsequent columns in the table.

2 Units are grams of VOC per liter (pounds of VOC per gallon) or coating, including water and exempt compounds. Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams VOC per liter.

302 MOST RESTRICTIVE VOC LIMITS: If anywhere on the container of any architectural coating or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in the table in Section 301, then the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified in Section 302.1 through 302.15.

302.1 Lacquer coatings (including lacquer sanding sealers).

302.2 Metallic pigmented coatings.

302.3 Shellacs.

302.4 Fire-retardant coatings.
302.5 Pretreatment wash primers.
302.6 Industrial maintenance coatings.
302.7 Low-solids coatings.
302.8 Wood preservatives.
302.9 High temperature coatings.
302.10 Temperature-indicator safety coatings.
302.11 Antenna coatings.
302.12 Antifouling coatings.
302.13 Flow coatings.
302.14 Bituminous roof primers.
302.15 Specialty primers, sealers, and undercoaters.

303 SELL-THROUGH OF COATINGS:

303.1 Coatings manufactured prior to the June 15, 2002, January 1, 2003 or January 1, 2004 effective date specified for that coating in the table in Section 301 may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in the table in Section 301 may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. This Section 303 does not apply to any coating that complies with the future effective June 15, 2002, January 1, 2003 or January 1, 2004 limits or that does not display the date or date-code required by Section 401.1.

303.2 A coating included in an approved Averaging Program that does not comply with the specified limit in the table in Section 301 may be sold, supplied, or offered for sale for up to three years after the end of the compliance period specified in the approved Averaging Program. In addition, such a coating may be applied at any time, both during and after the compliance period. This Section 303.2 does not apply to any coating that does not display on the container either the statement: "This product is subject to architectural coatings averaging provisions in California" or a substitute symbol specified by the Executive Officer of the California Air Resources Board. This Section 303.2 shall remain in effect until January 1, 2008.

304 PAINTING PRACTICES: All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

305 THINNING: No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in the table in Section 301.

306 RUST PREVENTATIVE COATINGS: After January 1, 2004, a person shall only apply or solicit the application of a rust preventative coating for non-industrial uses, unless the rust preventative coating complies with the industrial maintenance coating VOC limit specified in the table in Section 301.

307 COATINGS NOT LISTED IN SECTION 301: For any coating that does not meet any of the definitions for the specialty coatings categories listed in the table in Section 301, the VOC content limit shall be determined by classifying the coating as a flat coating or a nonflat coating, based on its gloss, as defined in Section 221, 234 and 235 and the corresponding flat or nonflat VOC limit shall apply.

308 LACQUERS: Notwithstanding the provisions of Sections 301 and 305, a person or facility may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than 70 percent and temperature below 65 degrees Fahrenheit, at the time of application, provided that the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.

309 AVERAGING COMPLIANCE OPTION: On or after January 1, 2003, in lieu of compliance with the specified limits in the table in Section 301 for floor coatings; industrial maintenance coatings; primers, sealers, and undercoaters; quick-dry primers, sealers, and undercoaters; quick-dry enamels; roof coatings; bituminous roof coatings; rust preventative coatings; stains; waterproofing sealers, as well as flats and nonflats (excluding recycled coatings), manufacturers may average designated coatings such that their actual cumulative emissions from the averaged coatings are less than or equal to the cumulative emissions that would have been allowed under those limits over a compliance period not to exceed one year. Such manufacturers must also comply with the averaging provisions contained in Appendix A, as well as maintain and make available for inspection records for at least three years after the end of the compliance period. This Section 309 and Appendix A shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

400 ADMINISTRATIVE REQUIREMENTS

401 CONTAINER LABELING REQUIREMENTS: Each manufacturer of any architectural coating subject to this rule shall display the information listed in

Sections 401.1 through 401.9 on the coating container (or label) in which the coating is sold or distributed.

401.1 Date Code**:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the Executive Officer of the California Air Resources Board.

401.2 Thinning Recommendations: A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.

401.3 VOC Content: Each container of any coating subject to this rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed as grams of VOC per liter of coating. VOC content displayed shall be calculated using product formulation data, or shall be determined using the test method in Section 502. The equations in Section 402 shall be used to calculate VOC content.

401.4 Industrial Maintenance Coatings: In addition to the information specified in Sections 401.1, 401.2 and 401.3, each manufacturer of any industrial maintenance coating subject to this rule shall display on the label or lid of the container in which the coating is sold or distributed one or more of the descriptions listed in Sections 401.4.1. through 401.4.3.

401.4.1 “For industrial use only.”

401.4.2 “For professional use only.”

401.4.3 “Not for residential use” or “Not intended for residential use.”

401.5 Clear Brushing Lacquers: Effective January 1, 2003, the labels of all clear brushing lacquers shall prominently display the statements “For brush application only,” and “This product must not be thinned or sprayed.”

401.6 Rust Preventative Coatings: Effective January 1, 2003, the labels of all rust preventative coatings shall prominently display the statement “For Metal Substrates Only.”

401.7 Specialty Primers, Sealers, and Undercoaters: Effective January 1, 2003, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in Sections 401.7.1 through 401.7.5.

401.7.1 For blocking stains.

401.7.2 For fire-damaged substrates.

401.7.3 For smoke-damaged substrates.

401.7.4 For water-damaged substrates.

401.7.5 For excessively chalky substrates.

401.8 Quick-dry Enamels: Effective January 1, 2003, the labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time.

401.9 Non-flat - High Gloss Coatings: Effective January 1, 2003, the labels of all non-flat - high gloss coatings shall prominently display the words "High Gloss."

402 CALCULATION OF VOC CONTENT: For the purpose of determining compliance with the VOC content limits in the table in Section 301, the VOC content of a coating shall be determined by using the procedures described in Sections 402.1 or 402.2, as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured.

402.1 With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using the following equation:

VOC Content = (Ws - Ww - Wec) / (Vm - Vw - Vec)

Where: VOC content= grams of VOC per liter of coating
Ws = weight of all volatiles, in grams
Ww = weight of water, in grams
Wec = weight of exempt compounds, in grams
Vm = volume of coating, in liters
Vw = volume of water, in liters
Vec = volume of exempt compounds, in liters

402.2 For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum

recommendation, including the volume of any water and exempt compounds. Determine the VOC content using the following equation:

VOC Contents = (Ws - Ww - Wec) / (Vm)

Where:
VOC contents = the VOC content of a low solids coating in grams of VOC per liter of coating
Ws = weight of all volatiles, in grams
Ww = weight of water, in grams
Wec = weight of exempt compounds, in grams
Vm = volume of coating, in liters

500 MONITORING AND RECORDS

501 REPORTING REQUIREMENTS:

501.1 Clear Brushing Lacquers: Each manufacturer of clear brushing lacquers shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall specify the number of gallons of clear brushing lacquers sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

501.2 Rust Preventative Coatings: Each manufacturer of rust preventative coatings shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall specify the number of gallons of rust preventative coatings sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

501.3 Specialty Primers, Sealers, and Undercoaters: Each manufacturer of specialty primers, sealers, and undercoaters shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall specify the number of gallons of specialty primers, sealers, and undercoaters sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

501.4 Toxic Exempt Compounds: For each architectural coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before April 1 of each calendar year beginning in the year 2004, report to the Executive Officer of the California Air Resources Board the following information for products sold in California during the preceding year:

501.4.1 the product brand name and a copy of the product label

with legible usage instructions;

501.4.2 the product category listed in the table in Section 301 to which the coating belongs;

501.4.3 the total sales in California during the calendar year to the nearest gallon;

501.4.4 the volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.

501.5 Recycled Coating: Manufacturers of recycled coatings must submit a letter to the Executive Officer of the California Air Resources Board certifying their status as a Recycled Paint Manufacturer. The manufacturer shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall include, for all recycled coatings, the total number of gallons distributed in California during the preceding year, and shall describe the method used by the manufacturer to calculate California's distribution.

501.6 Bituminous Coatings: Each manufacturer of bituminous roof coatings or bituminous roof primers shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the Executive Officer of the California Air Resources Board. The report shall specify the number of gallons of bituminous roof coatings or bituminous roof primers sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate California's sales.

502 TESTING PROCEDURE:

502.1 VOC Content: To determine the physical properties of a coating in order to perform the calculation in Section 402, the reference method for VOC content is U.S. Environmental Protection Agency Method 24, incorporated by reference in Section 502.4.11, except as provided in Sections 502.2 and 502.3. An alternative method to determine the VOC content of coatings is South Coast Air Quality Management District Method 304-91 (Revised February 1996), incorporated by reference in Section 502.4.12.

The exempt compounds content shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996), incorporated by reference in Section 502.4.10. To determine the VOC content of a coating, the manufacturer may use U.S. Environmental Protection Agency Method 24, or an alternative method as provided in Section 502.2, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g. quality assurance checks, recordkeeping). However, if there are any

inconsistencies between the results of a Method 24 test and any other means for determining VOC content, the Method 24 test results will govern, except when an alternative method is approved as specified in Section 502.2. The District Air Pollution Control Officer may require the manufacturer to conduct a Method 24 analysis.

502.2 Alternative Test Method: Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with Section 502.1, after review and approved in writing by the staffs of the District, the California Air Resources Board, and the U.S. Environmental Protection Agency, may also be used.

502.3 Methacrylate Traffic Marking Coatings: Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of U.S. Environmental Protection Agency Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in Section 502.4.13. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

502.4 Test Methods: The following test methods are incorporated by reference herein, and shall be used to test coatings subject to provisions of this rule:

502.4.1 Flame Spread Index: The flame spread index of a fire-retardant coating shall be determined by ASTM Designation E 84-99, "Standard Test Method for Surface Burning Characteristics of Building Materials," (see Section 220, Fire-Retardant Coating).

502.4.2 Fire Resistance Rating: The fire resistance rating of a fire-resistive coating shall be determined by ASTM Designation E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials, " (see Section 219, Fire-Resistive Coating).

502.4.3 Gloss Determination: The gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), "Standard Test Method for Specular Gloss," (see Section 221, 234, 235 and 240, Flat Coating, Nonflat Coating, Nonflat High Gloss Coating, and Quick-Dry Enamels).

502.4.4 Metal Content of Coatings: The metallic content of a coating shall be determined by South Coast Air Quality Management District Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," South Coast Air Quality Management District "Laboratory Methods of Analysis for Enforcement Samples," (see Section 232, Metallic Pigmented Coating).

502.4.5 Acid Content of Coatings: The acid content of a coating shall be determined by ASTM Designation D 1613-96, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products," (see Section 238, Pre-Treatment Wash Primers).

502.4.6 Drying Times: The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature, " (see Section 240 and 241, Quick-Dry Enamel and Quick-Dry Primer, Sealer, and Undercoater). The tack-free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95.

502.4.7 Surface Chalkiness: The chalkiness of a surface shall be determined using ASTM Designation D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films," (see Section 252, Specialty Primer, Sealer, and Undercoater).

502.4.8 Exempt Compounds - Siloxanes: Exempt compounds that

are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with Section 502 by Bay Area Air Quality Management District Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," Bay Area Air Quality Management District Manual of Procedures, Volume III, adopted 11/6/96, (see Section 261, Volatile Organic Compounds and Section 502.1).

502.4.9 Exempt Compounds - Parachlorobenzotrifluoride (PCBTF): The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with Section 502 by Bay Area Air Quality Management District Method 41, "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride, Bay Area Air Quality Management District Manual of Procedures, Volume III, adopted 12/20/95, (see Section 261, Volatile Organic Compound and Section 502.1).

502.4.10 Exempt Compounds: The content of compounds exempt under U.S. Environmental Protection Agency Method 24 shall be analyzed by South Coast Air Quality Management District Method 303-91 (Revised 1996), "Determination of Exempt compounds," South Coast Air Quality Management District "Laboratory Methods of Analysis for Enforcement Samples, (see Section 261, Volatile Organic Compound and Section 502.1.

502.4.11 VOC Content of Coatings: The VOC content of a coating shall be determined by U.S. Environmental Protection Agency Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR) part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," (see Section 502.1)

502.4.12 Alternative VOC Content of Coatings: The VOC content of coatings may be analyzed either by U.S. Environmental Protection Agency Method 24 or South Coast Air Quality Management District Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," South Coast Air Quality Management District "Laboratory Methods of Analysis for Enforcement Samples," (see Section 502.1)

502.4.13 Methacrylate Traffic Marking Coatings: The VOC content of methacrylate multicomponent coatings used as traffic marking coatings

shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, “Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings, “ (September 11, 1998), (see Section 502.1).

Appendix A
AVERAGING PROVISION

A. AVERAGING PROVISION

A.1 The manufacturer shall demonstrate that actual emissions from the coatings being averaged are less than or equal to the allowable emissions, for the specified compliance period using the following equation:

$$\sum_{i=1}^{n} GiMi \leq \sum_{i=1}^{n} GiViLi$$

Where:

$\sum_{i=1}^{n} GiMi$ = Actual Emissions

$\sum_{i=1}^{n} GiViLi$ = Allowable Emissions

Gi = Total Gallons of Product (i) subject to Averaging;

Mi = Material VOC Content of Product (i), in pounds per gallon;

$$Mi = \frac{Ws - Ww - Wec}{Vm}$$

Vi = Percent by Volume Solids and VOC in Product (i);

$$Vi = \frac{Vm - Vw - Vec}{Vm}$$

Ws = weight of all volatiles, in pounds
Ww = weight of water, in pounds
Wec = weight of exempt compounds, in pounds

Vm = volume of water, in gallons
Vw = volume of water, in gallons
Vec = volume of exempt compounds, in gallons

For Non-Zero VOC Coatings:

$$Vi = \frac{\text{Material VOC (also known as VOC Actual)}}{\text{Coating VOC (also known as VOC Regulatory)}}$$

$$\text{Where: Coating VOC} = \frac{Ws - Ww - Wec}{Vm - Vw - Vec}$$

For Zero VOC Coatings:
Vi = Percent Solids by Volume

Li = Regulatory VOC Content Limit for Product (I), in pounds per gallon (as listed in the table in Section 301)

The averaging is limited to coatings that are designated by the manufacturer. Any coating not designated in the averaging Program shall comply with the VOC limit in the table in Section 301. The manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in California, if statewide coatings data are used. If district-specific coatings data are used, the manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the District.

A.1.1 In addition to the requirements specified in Section A.1, manufacturers shall not include in an Averaging Program any coating with a VOC content in excess of the following maximum VOC contents, for the applicable categories.

Averaging Categories and VOC Ceiling (Maximum VOC Allowed)

Category	VOC Limit (Li)[1] (grams/liter)	Maximum VOC Content (grams/liter)
Flat Coating	100	250
Nonflat Coating	150	250
Floor Coatings	250	400
Industrial Maintenance Coatings	250	420
Primers, Sealers, and Undercoaters	200	350
Quick-Dry Primers, Sealers, and Undercoaters	200	450
Quick-Dry Enamels	250	400
Roof Coatings	250	250
Bituminous Roof Coatings	300	300
Rust Preventative Coatings	400	400
Stains	250	350
Waterproofing Sealers	250	400

[1] As listed in Table 1. Used when determining allowable emissions in subsection A.1.

A.2 Averaging Program (Program)

At least six months prior to the start of the compliance period, manufacturers

shall submit an Averaging Program to the Executive Officer of the Air Resources Board. As used in this Appendix A, "Executive Officer" means the Executive Officer of the Air Resources Board. Averaging may not be implemented until the Program is approved in writing by the Executive Officer.

Within 45 days of submittal of a complete Program, the Executive Officer shall either approve or disapprove the Program. The Program applicant and the Executive Officer may agree to an extension of time for the Executive Officer to take action on the Program.

A.3 General Requirements

The Program shall include all necessary information for the Executive Officer to make a determination as to whether the manufacturer may comply with the averaging requirements over the specified compliance period in an enforceable manner. Such information shall include, but is not limited to, the following:

A.3.1 An identification of the contact persons, telephone numbers, and name of the manufacturer who is submitting the Program.

A.3.2 An identification of each coating that has been selected by the manufacturer for inclusion in this program that exceeds the applicable VOC limit in the table in Section 301, its VOC content specified in units of both VOC actual and VOC regulatory, and the designation of the coating category.

A.3.3 A detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for a single compliance period that the Program will be in effect. In addition, the demonstration shall include VOC content information for each coating that is below the compliance limit in the table in Section 301. The demonstration shall use the equation specified in Section A.1 of this Appendix for projecting the actual emissions and allowable emissions during each compliance period. The demonstration shall also include all VOC content levels and projected volume sold within the State for each coating listed in the Program during each compliance period. The requested data can be summarized in a matrix form.

A.3.4 A specification of the compliance period(s) and applicable reporting dates. The length of the compliance period shall not be more than one year or less than six months.

A.3.5 An identification and description of all records to be made available to the Executive Officer upon request, if different than those identified under Section A.3.6.

A.3.6 An identification and description of specific records to be used in calculating emissions for the Program and subsequent reporting, and a detailed explanation as to how those records will be used by the manufacturer to verify compliance with the averaging requirements.

A.3.7 A statement, signed by a responsible party for the manufacturer, that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request.

A.4 Reporting Requirements

A.4.1 For every single compliance period, the manufacturer shall submit a mid-term report listing all coatings subject to averaging during the first half of the compliance period, detailed analysis of the actual and allowable emissions at the end of the mid-term, and an explanation as to how the manufacturer intends to achieve compliance by the end of the compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct. The mid-term report shall be submitted within 45 days after the midway date of the compliance period. A manufacturer may request, in writing, an extension of up to 15 days for submittal of the mid-term report.

A.4.2 Within 60 days after the end of the compliance period or upon termination of the Program, whichever is sooner, the manufacturer shall submit to the Executive Officer a report listing all coatings subject to averaging during the compliance period, providing a detailed demonstration of the balance between the actual and allowable emissions for the compliance period, any identification and description of specific records used by the manufacturer to verify compliance with the averaging requirement, and any other information requested by the Executive Officer to determine whether the manufacturer complied with the averaging requirements over the specified compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request. A manufacturer may request, in writing, an extension of up to 30 days for submittal of the final report.

A.5 Renewal of a Program

A Program automatically expires at the end of the compliance period. The manufacturer may request a renewal of the Program by submitting a renewal request that shall include an updated Program, meeting all applicable Program requirements. The renewal request will be considered conditionally approved

until the Executive Officer makes a final decision to deny or approve the renewal request based on a determination of whether the manufacturer is likely to comply with the averaging requirements. The Executive Officer shall base such determination on all available information, including but not limited to, the mid-term and the final reports of the preceding compliance period. The Executive Officer shall make a decision to deny or approve a renewal request no later than 45 days from the date of the final report submittal, unless the manufacturer and the Executive Officer agree to an extension of time for the Executive Officer to take action on the renewal request.

A.6 Modification of a Program

A manufacturer may request a modification of the Program at any time prior to the end of the compliance period. The Executive Officer shall take action to approve or disapprove the modification request no longer than 45 days from the date of its submittal. No modification of the compliance period shall be allowed. A Program need not be modified to specify additional coatings to be averaged that are below the applicable VOC limits.

A.7 Termination of a Program

A.7.1 A manufacturer may terminate its Program at any time by filing a written notification to the Executive Officer. The filing date shall be considered the effective date of the termination, and all other provisions of this rule including the VOC limits shall immediately thereafter apply. The manufacturer shall also submit a final report 60 days after the termination date. Any exceedance of the actual emissions over the allowable emissions over the period that the Program was in effect shall constitute a separate violation for each day of the entire compliance period.

A.7.2 The Executive Officer may terminate a Program if any of the following circumstances occur:

A.7.2.1 The manufacturer violates the requirements of the approved Program, and at the end of the compliance period, the actual emissions exceed the allowable emissions

A.7.2.2 The manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.

A.8 Change in VOC Limits

If the VOC limits of a coating listed in the Program are amended such that its effective date is less than one year from the date of adoption, the affected manufacturer may base its averaging on the prior limits of that coating until the end of the compliance period immediately following the date of adoption.

A.9 Labeling

Each container of any coating that is included in averaging program, and that exceeds the applicable VOC limit in the table in Section 301 shall display the following statement: "This product is subject to architectural coatings averaging provisions in California." A symbol specified by the Executive Officer may be used as a substitute.

A.10 Violations

The exceedance of the allowable emissions for any compliance period shall constitute a separate violation for each day of the compliance period. However, any violation of the requirements of the Averaging Provision of this rule, which the violator can demonstrate, to the Executive Officer, did not cause or allow the emission of an air contaminant and was not the result of negligent or knowing activity may be considered a minor violation.

A.11 Sunset of Averaging Provision

The averaging provision set forth in Appendix A shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

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RULE 219 ORGANIC SOLVENTS

Adopted 06-19-79
(Amended 05-20-85)

A. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, in which any organic solvent or any material containing solvent comes into contact with flame or is baked, heatcured or heat polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section, shall be collectively subject to compliance with this section.

B. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in Section (A) for employing, or applying, any photochemically reactive solvent, as defined in Section (H) or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing or heat-polymerizing as described in Section (A) shall be excluded from determination or compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials using operations described in this section shall be collectively subject to compliance with this section.

C. A person shall not discharge into the atmosphere more than 3000 pounds of organic materials in any one day or more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in Section (A) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivance designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

D. A person shall not, during any one day, dispose of a total of more than 1.5 gallons of any photochemically reactive solvent as defined in Section (H), or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by means which will permit the evaporation of such solvent into the atmosphere.

E. Emissions of organic materials into the atmosphere from the cleanup with photochemically reactive solvent, as defined in Section (H), of any article, machine, equipment or other contrivance described in Sections (A), (B), or (C), shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

F. Emissions of organic materials into the atmosphere required to be controlled by Sections (A), (B) or (C) shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon monoxide, or

2. Adsorption, or

3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

G. For the purposes of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 221 degrees F at 0.5 millimeters mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 221 degrees F.

H. For the purposes of this rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of chemical compounds classified below or which exceed any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: **5 percent**.

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: **8 percent**.

3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: **20 percent**.

Whenever any organic solvent or any constituents of any organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that group having the least allowable percent of the total volume of solvents.

I. For the purposes of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

J. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install, and maintain in calibration, in good working order and in operation, devices specified in the Authority to Construct or the Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree of effectiveness of air pollution control.

K. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request, and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

L. The provisions of this rule shall not apply to:

1. The manufacturer of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

2. The spraying or other employment of insecticides, pesticides or herbicides.

3. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

4. The use of any material, in any article, machine, equipment or other contrivance described in Sections (A), (B), (C) or (E), if:

   a. The volatile content of such material consists only of water and organic solvents, and

   b. The organic solvents comprise not more than 20 percent by volume of said volatile content, and

   c. The volatile content is not photochemically reactive as defined in Section (H), and

   d. The organic solvent of any material containing organic solvent does not come into contact with flame.

5. The use of any material, in any article, machine, equipment or other contrivance described in Sections (A), (B), (C) or (E), if:

   a. The organic solvent content of such material does not exceed 20 percent by volume of said materials, and

   b. The volatile content is not photochemically reactive as defined in Section (H), and

   c. The organic solvent or any material containing organic solvent does not come into contact with flame.

M. In addition to other restrictions contained in these rules and regulations:

1. A person shall not use, in any dry cleaning operation, organic solvents containing 4 percent or more by volume of any photochemically reactive organic material as defined in Section (H) unless the emissions of the discharged organics are reduced by 90 percent or more by use of the methods described in Section (F).

2. A person shall not discharge into the atmosphere any organic materials from surface degreasing operations unless they are either reduced by at least 85 percent, or unless such materials are not photochemically reactive as defined in Section (H).

3. A person shall not manufacture, for use within Placer County, nor use any photochemically reactive solvent as defined in Section (H) for the purpose of thinning or diluting any metal surface coating.

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RULE 220 ABRASIVE BLASTING

Adopted 05-24-77
(Amended 06-19-79)

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

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RULE 221 COMPLIANCE TESTS

Adopted 06-19-79

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

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RULE 222 REDUCTION OF ANIMAL MATTER

Adopted 06-19-79

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

A. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

B. Processed in a manner determined by the Air Pollution Control Officer to be as effective for the purpose of emission control than Subsection (A) above.

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

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

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

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RULE 223 METAL CONTAINER COATING

Adopted 04-21-81
(Amended 09-25-90, 10-19-93, 10-06-94)

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100 GENERAL

101 APPLICABILITY: The provisions of this rule shall apply to all metal container coating operations that use volatile organic compounds.

200 DEFINITIONS

201 COATING APPLICATOR: An apparatus used to apply a surface coating.

202 COATING LINE: An operation or process for applying, drying, baking, and/or curing surface coatings, together with associated equipment including a coating applicator, flash-off area and oven.

203 CAN COATING: Any coating containing organic materials and applied or intended for application by spray, roller, or other means onto the interior and/or exterior of metal cans, drums, pails, or lids.

204 CLOSURE: Any component that is sued to close or seal a container

205 COIL: Any flat metal sheet or strip that is rolled or wound in concentric rings.

206 COIL COATING: Any coating applied to metal sheets or strips which are then rolled into coils for further industrial or commercial use.

207 CONTAINER: Any three-piece can, two-piece can, drum, pail or tube.

208 DRUM: Any cylindrical metal shipping container larger than 12 gallons capacity but not larger than 110 gallons capacity.

209 ENCLOSED GUN WASHER: A washing system that has an enclosed solvent container, and uses non-atomized solvent flow to flush the spray equipment and collects and returns discharged solvent to the enclosed container.

210 END SEALING COMPOUND: A compound which is coated onto can ends and which functions as a gasket when the end is assembled onto the can.

211 EXEMPT COMPOUNDS: For the purposes of this rule, exempt compounds are the following:

211.1 Methane
211.2 Carbon dioxide
211.3 Carbon monoxide
211.4 Carbonic acid
211.5 Metallic carbides or carbonates
211.6 Ammonium carbonate
211.7 1,1,1-trichloroethane
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211.17 1,1,2,2-tetrafluoroethane (HFC-134)
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211.22 Chlorodifluoromethane (HCFC-22)
211.23 Trifluoromethane (HFC-23)
211.24 Difluoroethane (HFC-152a)
211.25 The following four classes of perfluorocarbon compounds:

a. Cyclic, branched, or linear, completely fluorinated alkanes.
b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

212 EXTERIOR BASE COATING: A coating applied to the exterior of a container body to provide protection to the metal or to provide background for any lithographic or printing operation.

213 EXTERIOR BODY SPRAY: A coating sprayed on the exterior of a container body to provide a decorative or protective finish.

214 FOOD/BEVERAGE CAN: A metal container in which food or beverages intended for human consumption are packaged.

215 GRAMS OF VOC PER LITER OF COATING (AS APPLIED EXCLUDING WATER AND EXCLUDING EXEMPT COMPOUNDS): The weight of VOC per combined volume of VOC and coating solids. This can be calculated by the following equation:

$$G_{voc} = (W_v - W_w - W_{ec}) / (V_m - V_w - V_{ec})$$

where:

G_{voc} = Gams VOC per liter of coating less water and exempt compounds
W_v = Weight of all volatile compounds in grams
W_w = Weight of water in grams
W_{ec} = Weight of exempt compounds in grams
V_m = Volume of coating material in liters
V_w = Volume of water in liters
V_{ec} = Volume of exempt compounds in liters

216 GRAMS OF VOC PER LITER OF MATERIAL: The weight of VOC per combined volume of material. This can be calculated by the following equation:

$$G_{voc} = (W_v - W_w - W_{ec}) / V_m$$

where:
- G_{voc} = Grams VOC per liter of material
- W_v = Weight of all volatile compounds in grams
- W_w = Weight of water in grams
- W_{ec} = Weight of exempt compounds in grams
- V_m = Volume of material in liters

217 HIGH-VOLUME LOW-PRESSURE (HVLP): A coating application system that is operated on a delivered air pressure between 0.1 and 10 psig air pressure.

218 INK: Any coating used in any operation that imparts color, design, alphabet, or numerals on an exterior surface of a metal container or closure.

219 INTERIOR BASE COATING: A coating applied to the interior of a container body to provide a protective lining between the product and the can.

220 INTERIOR BODY SPRAY: A coating sprayed on the interior of the container body to provide a protective film between the product and the can.

221 LUBRICANT APPLICATOR: An apparatus used to apply a surface lubricant to beverage container lid tabs.

222 NECKER LUBRICANT: Any fluid or solid applied to a can forming tool to reduce friction while reducing the can diameter to form a neck.

223 OVERVARNISH: A coating applied directly over a design coating to reduce the coefficient of friction, to provide gloss and to protect the finish against abrasion and corrosion.

224 PAIL: Any metal container from 1 gallon to 12 gallon capacity and constructed of 29 gauge or heavier material.

225 RECONDITIONED DRUMS, PAILS, OR LIDS: Any drum, pail, or lid which is reused, recycled or remanufactured.

226 TAB PRESS LUBRICATION: The process that uses a lubricated mechanical press to create beverage container lid tabs from flat aluminum metal stock.

227 THREE-PIECE CAN SIDE-SEAM SPRAY: A coating sprayed on the interior and/or exterior of a welded, cemented or soldered seam to protect the exposed metal.

228 TWO-PIECE CAN EXTERIOR END COATING: A coating applied to the exterior end of a can to provide protection to the metal.

229 VOLATILE ORGANIC COMPOUND (VOC): Any compound that contains at least one atom of carbon, except exempt compounds.

300 STANDARDS

301 VOC LIMITATIONS - Except as provided in Section 302, a person shall not use or apply any coating on any coating line of the type designated below that contains volatile organic compounds in excess of the following limits:

	Coating Category	Grams of VOC/liter of coating as applied, excluding water and exempt compounds.
301.1	Sheet basecoat (interior and exterior) and over-varnish	225
301.2	Two piece can exterior basecoat and over-varnish	250
301.3	Coil Coating	200
301.4	Interior body spray	
	Two piece can	420
	Three piece can	360
301.5	Three piece can side seam spray	660
301.6	End sealing compound:	
	food / beverage	440
	non-food / non-beverage	0
301.7	Exterior body spray	420
301.8	Reconditioned drums, pails and lids coatings:	
	Interior	510
	Exterior	420
301.9	New drums, pails and lids coatings:	
	Exterior, Air Dried	340
	Exterior, Baked	340
	Interior	420
301.10	Inks	225
301.11	Tab Press Lubricant	690
301.12	Necker Lubricants	100

302 EMISSION CONTROL SYSTEM: Alternatively, a person may comply with the provisions of Section 301 by using an emission control system, provided that the overall efficiency of the system (capture efficiency multiplied by control efficiency) shall not be less than 85 percent by weight in reducing emissions of organic compounds. The total VOC emissions from operations under this section, considering capture and control efficiencies, shall be equivalent to or less than the VOC emissions level that would be achieved by complying with Section 301. The emission control system shall be approved in writing by the Air Pollution Control Officer in accordance with Rule 501, GENERAL PERMIT REQUIREMENTS.

303 APPLICATION METHODS: Except for can interior and automatic triggered sideseam sprays, a person shall not apply coatings that contain volatile organic compounds unless the coating is applied with one of the following methods:

303.1 Electrostatic application operated in accordance with the manufacturer's recommendations.

303.2 Flow coat.

303.3 Roll coat.

303.4 Dip coat.

303.5 Squeegee pad.

303.6 High-volume low-pressure (HVLP) operated in accordance with the manufacturer's recommendations.

304 PROHIBITION OF SPECIFICATION: A person shall not solicit nor require for use nor specify the application of a coating to any metal container or closure if such use or application results in a violation of the provisions of this rule. The prohibition applies to all written or oral contracts under the terms of which any coating that is subject to the provisions of this rule is to be applied to any metal container or closure at any physical location within the District.

305 SURFACE PREPARATION AND CLEAN-UP SOLVENT: The requirements of this section shall apply to any person using VOC-containing materials for surface preparation and clean-up:

305.1 A person shall not use materials that have a VOC content in excess of 200 grams per liter of material for surface preparation.

305.2 A person shall use closed, nonabsorbent containers for the storage or disposal of cloth or paper used for clean-up.

305.3 A person shall not use volatile organic compounds for the clean-up of spray equipment, including paint lines, unless an enclosed gun washer or other low-emission washing system approved in writing by the Air Pollution Control Officer is used.

305.4 A person shall not use organic compounds with a composite vapor pressure equal to or greater than 45 mm Hg measured at 20EC (68EF) in a gun washing system.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE:

401.1 VOC Limitations: The VOC limitations described in Section 301, or alternatively Section 302, of this rule shall be achieved on or before October 6, 1995, with the exception of facilities subject to the Tab Press Lubricant limitation of Subsection 301.10, for which compliance is required no later than May 31, 1995.

401.2 Application Methods: The application methods described in Section 303 of this rule shall be in use on or before October 6, 1995, with the exception of facilities subject to the Tab Press Lubricant limitation of Subsection 301.10, for which compliance is required no later than May 31, 1995.

401.3 Surface Preparation and Clean-Up Solvents: The surface preparation and clean-up solvents and gun washing system described in Sections 305.1, 305.3, and 305.4 shall be in use on or before October 6, 1995, with the exception of facilities subject to the Tab Press Lubricant limitation of Subsection 301.10, for which compliance is required no later than May 31, 1995.

401.4 Compliance with all other requirements of this rule shall become effective upon adoption.

402 OPERATION AND MAINTENANCE PLAN: A person using an emission control device as a means of complying with this rule, as provided in Section 302, shall submit an Operation and Maintenance Plan with the application for Authority to Construct for the emission control device.

402.1 The Operation and Maintenance Plan shall specify:

a. Operation and maintenance procedures that will demonstrate continuous operation of the emission control device during emission-producing operations;

b. Records that must be kept to document the operation and maintenance procedures.

402.2 The records must comply with Sections 502 and 503; and

402.3 The Operation and Maintenance Plan shall be implemented upon approval by the Air Pollution Control Officer.

402.4 After completing the construction of the emission control device, the Operation and Maintenance Plan shall be resubmitted annually for approval.

500 MONITORING AND RECORDS

501 RECORD-KEEPING:

501.1 A person who is subject to the limitations of this regulation shall comply with all applicable record-keeping requirements as specified in Rule 410, RECORD-KEEPING FOR VOLATILE ORGANIC COMPOUND EMISSIONS.

502 CONTROL SYSTEM RECORDS:

502.1 A person using an emission control device pursuant to Section 302 as a means of complying with this rule shall maintain records as required by the Operation and Maintenance Plan specified in Section 402 on a daily basis.

502.2 Compliance with the standards of Section 302 shall be demonstrated by conducting annual source testing of any emission control equipment as specified in Section 505 and by analyzing coating VOC content as specified in Section 504.

503 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

504 TEST METHODS FOR VOC CONTENT:

504.1 The VOC content of coatings subject to the provisions of this rule shall be analyzed using U.S. EPA Reference Method 24 as found in 40 CFR 60, Appendix A.

505 TEST METHOD FOR VAPOR PRESSURE: Composite vapor pressure of an organic solvent used in a gun washing system shall be determined in accordance with ASTM D2879-83 and the following equation:

$$VP_c = \sum_{i=1}^{n} \frac{(W_i / MW_i) P_i^{sat}}{(W_w / MW_w) + (W_e / MW_e) + \sum_{i=1}^{n} (W_i / MW_i)}$$

Where:

VP_c = Composite vapor pressure of an organic solvent, in mm Hg
W_i = Weight of i^{th} compound, in grams
Wm_i = Molecular weight of i^{th} compound, in grams per gram-mole
P_i^{sat} = Saturate vapor pressure of i^{th} compound, in mm Hg
W_w = Weight of water, in grams
W_e = Weight of exempt compounds, in grams
MW_w = Molecular weight of water, in grams per mole
MW_e = Molecular weight of exempt compounds, in grams per mole

506 TEST METHODS FOR CAPTURE AND CONTROL EFFICIENCY:

506.1 Capture efficiency of the emission control system as specified in Section 302 shall be determined in accordance with the U.S. EPA protocols referenced in 40 CFR 52.741(a)(4)(iii).

506.2 Control efficiency as specified in Section 302 shall be determined by U.S. EPA Reference Methods 25 and 25A as found in 40 CFR Part 60, Appendix A, or ARB Method 100.

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RULE 224 AGGREGATE CONTAINING ASBESTOS

Adopted 06-17-86

A. No person shall use aggregate containing asbestos in any application or use except as provided in this Rule.

B. This Rule shall not apply to the use of aggregate containing asbestos if it is used:

1. In a manner where the aggregate is permanently buried or sealed; or

2. As a road base where the surface and edge berms are to be permanently sealed with asphaltic concrete, concrete, chip seal, (or other methods approved by the Air Pollution Control Officer), and the public is not allowed access to the road prior to its being sealed.

C. This Rule shall not apply to private right-of-ways, including but not limited to, roads, streets and pathways constructed prior to April 1, 1986.

D. This Rule shall not apply to right-of-ways which are comprised of aggregate containing asbestos that the Air Pollution Control Officer determines not to be a threat to human health. Such determination shall be made by a health risk assessment methodology approved by the California Department of Health Services.

E. For the purpose of this Rule, "asbestos" means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

F. Methods used to determine the asbestos content of aggregate samples shall be determined by the Air Pollution Control Officer.

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RULE 225 WOOD FIRED APPLIANCES

Adopted 06-17-86

A. APPLICABILITY:

1. The provisions of this Rule shall apply to that area known as Squaw Valley as identified on Plate 4, page 58 of the 1983 Squaw Valley General Plan. The legal description of the area for the purpose of this Rule is as follows:

   S28 of T16N R16E; S **2** and NE 1/4 of S29 T16N R16E; SE 1/4 of S30 T16N R16E, NE 1/4 of S31 T16N R16E and the N **2** of S32 T16N R16E; and the NW 1/4 of S33 T16N R16E.

2. This regulation shall apply to all commercial and residential wood fired appliance installations.

B. DEFINITIONS:

1. For the purpose of this Rule "Wood Fired Appliance" is defined as an appliance with a closed combustion chamber which maintains an air-to-fuel ratio of less than 30 to 1 during the burning of 90% or more of the fuel mass consumed in the low firing cycle. The low firing cycle means less than or equal to 25% of the maximum burn rate achieved with doors closed or the minimum burn rate, whichever is greater.

2. For the purpose of this Rule "Fireplace" is defined as a combustion chamber which maintains an air to fuel ratio equal to or greater than 30 to 1 during the burning of 90% or more of the fuel mass consumed in the low firing cycle. The low firing cycle means less than or equal to 25% of the maximum burn rate achieved or the minimum burn rate, whichever is greater.

3. For the purpose of this Rule "Catalytic Combuster" is defined as any device coated with platinum, palladium or other rare metal located in the stack or combustion chamber of a wood fired appliance designed to cause relatively complete combustion at lower than normal temperatures.

4. For the purpose of this Rule "Single Family Residential" is defined as:

   a. A detached building designed for or occupied by one family and located on a parcel where the uses specified in Section 1606.1 of the Placer County Zoning Ordinance are allowable; or

   b. A detached building, under one roof, designed for or occupied exclusively by, two families living independently of each other and located on a parcel where the use specified in Section 1608.2 of the Placer County Zoning Ordinance is allow able.

5. For the purpose of this Rule "Multiple Unit Residential Development" is defined as dwelling groups or apartments with three or more total units located on a parcel where the use specified in Section 1608 and 1610 of the Placer County Zoning Ordinance is allowable.

6. For the purpose of this Rule "Public Area" is defined as an area of a multiple unit residential development, intended for use by groups of people, including but not limited to a lounge, a restaurant, and a lobby, specifically excluding an office space, a hallway, a bedroom and other associated living areas.

C. STANDARDS:

1. Except as otherwise stated in this Rule, the use of wood fired appliances shall be limited to one certified appliance per commercial or single family residential structure which is approved after July 1, 1986.

2. After July 1,1986, no person shall install and use in Squaw Valley, any wood fired appliance that is not certified by the State of Oregon, Department of Environmental Quality or as provided in Section C.6. to emit 15 grams per hour or less of particulate matter for non-catalytic equipped appliances, or 6 grams per hour or less for catalytic equipped appliances.

3. After July 1, 1988, no person shall install and use in Squaw Valley any wood fired appliance that is not certified by the State of Oregon, Department of Environmental Quality or as provided in Section C.6. to emit 9 grams per hour or less of particulate matter for non-catalytic equipped appliances or 4 grams per hour or less for catalytic equipped appliances.

4. Wood fired appliances or fireplaces shall not be used in multiple unit residential developments approved after July 1, 1986 except in public areas.

5. The use of coal as a fuel is prohibited.

6. Certification: Each appliance proposed for installation shall be certified by the State of Oregon, Department of Environmental Quality as being within the emission limits established in Section C.2. and C.3. Alternative certification may be used if the Air Pollution Control Officer determines that: 1) the test methodology used for certification is equivalent to that used in the State of Oregon's certification program and, 2) the certified emission levels are no greater than those specified in Section C.2. or C.3. of this Rule.

D. EXCEPTIONS:

1. For single family residential use, approved after July 1, 1986, a person may install and use more than one appliance, as long as the total emissions do not exceed the emission standards specified by Section C.2. or C.3. of this Rule for non-catalytic equipped appliances.

2. For existing single family residential use, a person with an existing non-certified wood fired appliance may install and use one additional wood fired appliance if the additional appliance is certified to meet the emission standards specified by Section C.2. or C.3. of this Rule.

3. Existing wood fired appliances may be replaced on a one to one basis with appliances certified to meet the emission standards specified by Section C.2. or C.3. of this Rule.

RULE 226 SULFUR CONTENT OF FUELS - LAKE TAHOE AIR BASIN

Adopted 06-19-79
(Amended 10-19-93)

This Rule shall apply to the Lake Tahoe Air Basin portion of the District.

A. A person shall not sell or burn any liquid fuel having a sulfur content in excess of 0.5% by weight.

B. A person shall not sell or burn any solid fossil fuel having a sulfur content in excess of 0.8% by weight.

C. A person shall not sell or burn any natural gas or substitute natural gas commercially sold containing sulfur compounds in excess of 120 ppm (parts per million) calculated as hydrogen sulfide (H_2S).

D. The provisions of Section C of this rule shall not apply to sewage digester gas.

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RULE 227 PETROLEUM DRY CLEANING OPERATIONS

Adopted 02-05-91

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A. GENERAL

1. PURPOSE

To limit the emission of volatile organic compounds from the following affected facilities located at a petroleum dry cleaning plant; dryers, washers, filters, stills and settling tanks. This rule applies to petroleum dry cleaning plants, constructed, reconstructed, or modified after December 14, 1982.

2. EXEMPTION

SMALL DRY CLEANING PLANTS - DRY CLEANING PLANTS WITH A TOTAL MANUFACTURER'S RATED DRYER capacity less than 38 kilograms (84 pounds) shall comply with this rule within five (5) years of the date of adoption..

B. DEFINITIONS

1. CARTRIDGE FILTER - A discrete filter unit containing both filter paper and activated carbon that traps and removes contaminants from petroleum solvent, together with the piping and ductwork used in the installation of this device.

2. DRYER - A machine used to remove petroleum solvent from articles of clothing, leather goods or other textiles, after washing and removing of excess petroleum solvent, together with the piping and ductwork used in the installation of this device.

3. MANUFACTURER'S RATED DRYER CAPACITY - The dryer's rated capacity of articles, in pounds or kilograms of clothing articles per load, dry basis, that is typically found on each dryer, on the manufacturer's name-plate or in the specifications.

4. PERCEPTIBLE LEAKS - Any petroleum solvent vapor or liquid leaks that are conspicuous from visual observation or that bubble after application of a soap solution, such as pools or droplets of liquid or containers of solvent or solvent laden waste standing open to the atmosphere.

5. PETROLEUM DRY CLEANER - A dry cleaning facility that uses petroleum solvent in a combination of washers, dryers, filters, stills, and settling tanks.

6. SETTLING TANK - A container that gravimetrically separates oils, grease, and dirt from petroleum solvent, together with the piping and ductwork used in the installation of this device.

7. SOLVENT FILTER - A discrete solvent filter unit containing a porous medium that traps and removes contaminants from petroleum solvent, together with the piping and ductwork used in the installation of this device.

8. SOLVENT RECOVERY DRYER - A class of dry cleaning dryer that employs a condenser to condense and recover solvent vapors evaporated in a closed loop stream of heated air, together with the piping and ductwork used in the installation of this device.

9. STILL - A device used to volatilize, separate, and recover petroleum solvent from contaminated solvent, together with the piping and ductwork used in the installation of this device.

10. WASHER - A machine which agitates fabric articles in a petroleum solvent bath and spins the articles to remove the solvent, together with the piping and ductwork used in the installation of this device.

C. STANDARDS

1. EQUIPMENT INSTALLATION AND OPERATION - A person shall comply with the following requirements:

   a. Solvent Recovery Dryers - A dryer that is installed in a petroleum dry cleaning facility shall be a solvent recovery dryer. The solvent recovery dryer(s) shall be properly installed, operated, and maintained.

   b. Cartridge Filters - The petroleum solvent filter installed shall be a cartridge filter. Cartridge filters shall be drained in their sealed housing for at least 24 hours prior to their removal.

   c. Transfer of Cleaned Articles - Cleaned articles must be immediately transferred from the washer to the dryer, or stored in enclosed transfer carts.

   d. Operating Requirement - There is no perceptible leak from any portion of the equipment.

2. OTHER REQUIREMENTS - The requirements prescribed in this rule apply on and after the date on which the performance test is required to be conducted, as given in Regulation V, Rule 501, Section 307, Performance Testing. If any other rule in these rules and regulations is more restrictive, that shall apply.

D. ADMINISTRATIVE REQUIREMENTS

1. LABELING REQUIREMENTS - A dry cleaning plant owner or operator shall post a clearly visible label specifying information for solvent recovery dryers. Such information should state: "To protect against fire hazards, loss of valuable solvents, and emissions of solvent to the atmosphere, periodic inspection of this equipment for evidence of leaks and prompt repair of any leaks is recommended." This District recommends that the equipment be inspected every 15 days and all vapor or liquid leaks be repaired within the subsequent 15 day period.

E. MONITORING AND RECORDS

1. MONITORING AND RECORD KEEPING REQUIREMENTS - A person subject to the requirements of this rule shall maintain a record of the performance test required under Regulation IV, Rule 410.

2. TEST METHODS AND PROCEDURES - A person subject to the requirements of this rule shall comply with the test methods and procedures contained in Section 60.624 of 40 CFR Part 60, Subpart JJJ.

RULE 228 FUGITIVE DUST - LAKE TAHOE AIR BASIN

Adopted 06-19-79
(Amended 10-19-93)

This Rule shall apply to the Lake Tahoe Air Basin portion of the District.

A. No person may cause, suffer, allow, or permit any fine material to be handled, transported, or stored without taking precautions determined by the Air Pollution Control Officer to be necessary. Such precautions may include, but are not limited to:

1. Application of water or suitable chemicals or other specified covering on materials stockpiles, wrecking activity, excavation, grading, sweeping, clearing of land, solid waste disposal operation, or construction or demolition of building or structures;

2. Installation and use of hoods, fans and filters to enclose, collect, and clean the emissions of dusty materials.

3. Covering or wetting at all times when in motion of open-bodies trucks, trailers, or other vehicles transporting materials which can create airborne particulate matter in areas where the general public has access.

B. No person responsible for the ownership or maintenance of a road or thoroughfare may cause, suffer, allow, or permit a road or thoroughfare to be used, constructed, altered, or repaired without taking precautions determined by the Air Pollution Control Officer to be necessary. Such precautions may include, but are not limited to:

1. Application of asphalt, oil, water or suitable chemicals on dirt roads;

2. Paving of public or commercial parking surfaces;

3. Removal from paved streets and parking surfaces of earth or other material which has a tendency to become airborne;

4. Alternate means of control as approved by the Air Pollution Control Officer.

C. This rule shall not apply to fugitive dust from publicly maintained unpaved roads where no nuisance or health hazard is created by its usage or where it is demonstrated to the Air Pollution Control Officer that no means are available to finance the necessary road improvements immediately. A reasonable long range schedule for necessary road improvements must be submitted to support the Air Pollution Control Officer's granting such an exemption.

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RULE 229 FIBERBOARD MANUFACTURING

Adopted 06-28-94

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100 GENERAL

101 APPLICABILITY: The provisions of this rule shall apply to Medium Density Fiberboard (MDF) plants.

200 DEFINITIONS

201 FIBER DRYER: A device that uses steam-generated heat to reduce the moisture content of wood fibers.

202 FIBERBOARD PRESS: A device that uses heat and pressure to form fiberboard from a preformed mat of wood fiber and resin.

203 MEDIUM DENSITY FIBERBOARD PLANT: A plant that manufactures medium density fiberboard consisting of a composite wood product created from digested and refined wood fibers bonded with urea-formaldehyde resin.

204 PRESS LINE: A series of operations occurring within the press building including mat forming, fiberboard pressing, board unloading, and board cooling.

205 PRESS VENT: A building opening through which emissions from fiberboard press lines are exhausted from the press line building.

206 VOLATILE ORGANIC COMPOUND (VOC): Any compound that contains at least one atom of carbon, except:

206.1 Methane
206.2 Carbon dioxide
206.3 Carbon monoxide
206.4 Carbonic acid
206.5 Metallic carbides or carbonates
206.6 Ammonium carbonate
206.7 1,1,1-trichloroethane
206.8 Methylene chloride
206.9 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
206.10 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
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206.21 1,1,1-trifluoroethane (HFC-143a)
206.22 Chlorodifluoromethane (HCFC-22)
206.23 Trifluoromethane (HFC-23)
206.24 Difluoroethane (HFC-152a)
206.25 The following four classes of perfluorocarbon compounds:
- a. Cyclic, branched, or linear, completely fluorinated alkanes.
- b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.

c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.

d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

300 STANDARDS

301 LIMITATIONS: Any person operating an affected MDF plant shall meet the following VOC emission limits:

301.1 Wood Fiber Dryers: A capture and control system shall be in operation to reduce VOC emissions from wood fiber dryers. The capture and control system shall be maintained and operated at all times during the operation of the wood fiber dryers. The overall efficiency of the system (capture efficiency multiplied by control efficiency) shall not be less than 50% by weight in reducing VOC emissions.

301.2 Press Vents: A capture and control system shall be in operation to reduce VOC emissions from press vents. The capture and control system shall be maintained and operated at all times during the operation of the press vents. The overall efficiency of the system (capture efficiency multiplied by control efficiency) shall not be less than 57% by weight in reducing VOC emissions.

301.3 Maximum Achieved Reduction Limitation: In the event that the overall efficiency of the control systems for the Wood Fiber Dryers and/or the Press Vents result in actual efficiencies equal to or greater than the minimum required efficiencies of Section 301.1 or Section 301.2 for the Wood Fiber Dryers and the Press Vents, respectively, the required emission limitation shall be equal to the highest overall control system efficiency demonstrated.

301.4 Allowable Emission Rate: The VOC emission limits satisfying the requirements of Sections 301.1, 301.2, or 301.3, shall be incorporated into the permit to operate of the stationary source and shall be a limiting condition of operation. The emission limitation represented by the application of the overall control system efficiency to the source emissions at the maximum permitted process rate may be expressed in the permit to operate as an emission rate or emission concentration limit.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: The limits specified in Sections 301.1 and 301.2 shall be achieved on or before May 31, 1995.

402 OPERATION AND MAINTENANCE PLAN: A person shall submit an Operation and Maintenance Plan for the emission control device with the application for Authority to Construct or by May 31, 1995, for existing facilities permitted by the District prior to June 28, 1994.

402.1 The Operation and Maintenance Plan shall specify:

a. Operation and maintenance procedures that will demonstrate continuous operation of the emission control device during emission-producing

operations; and

b. Records that must be kept to document the operation and maintenance procedures.

402.2 The records must comply with Sections 501 and 502.

402.3 The Operation and Maintenance Plan shall be implemented upon approval by the Air Pollution Control Officer.

402.4 After completing the construction of the emission control device, the Operation and Maintenance Plan shall be resubmitted annually, or as otherwise requested by the Air Pollution Control Officer, for approval.

500 MONITORING AND RECORDS

501 CONTROL EQUIPMENT RECORDS:

501.1 Any person using an emission control device shall maintain such records as required by the Operation and Maintenance Plan specified in Section 402 on a daily basis.

501.2 Compliance with the standards of Sections 301.1 and 301.2 shall be demonstrated by conducting annual source testing of the emission control equipment as specified in Section 503.

501.3 An annual certification of compliance shall be submitted to the Air Pollution Control Officer on or before February 1 of each year. The certification of compliance shall include:

a. A declaration that the facility is in compliance with all applicable requirements of this rule.

b. The results of any compliance testing performed during the previous year.

c. A description of any process upsets that occurred during the previous year that resulted in noncompliance with an emission limit or proper combustion conditions.

502 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from the date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

503 TEST METHODS FOR CAPTURE AND CONTROL EFFICIENCY:

503.1 Capture efficiency of the emission control system, as specified in Sections 301.1 and 301.2, shall be conducted and reported in accordance with U.S. EPA protocols referenced in 50 CFR 52.741(a)(4)(iii).

503.2 Control efficiency, as specified in Sections 301.1 and 301.2, shall be determined by U.S. EPA Reference Methods 25 or 25A as found in 40 CFR Part 60, Appendix A.

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RULE 230 PLASTIC PRODUCTS AND MATERIALS - PAPER TREATING OPERATIONS

Adopted 06-28-94

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100 GENERAL

101 APPLICABILITY: The provisions of this rule shall apply to paper treating operations involving the application of melamine and phenolic resins to paper substrates.

200 DEFINITIONS

201 COATING APPLICATOR: An apparatus used to apply a surface coating.

202 EXEMPT COMPOUNDS: For the purposes of this rule, exempt compounds are the following:

202.1 Methane
202.2 Carbon dioxide
202.3 Carbon monoxide
202.4 Carbonic acid
202.5 Metallic carbides or carbonates
202.6 Ammonium carbonate
202.7 1,1,1-trichloroethane
202.8 Methylene chloride
202.9 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
202.10 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
202.11 Trichlorofluoromethane (CFC-11)
202.12 Dichlorodifluoromethane (CFC-12)
202.13 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
202.14 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114)
202.15 Chloropentafluoroethane (CFC-115)
202.16 Pentafluoroethane (HFC-125)
202.17 1,1,2,2-tetrafluoroethane (HFC-134)
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202.22 Chlorodifluoromethane (HCFC-22)
202.23 Trifluoromethane (HFC-23)
202.24 Difluoroethane (HFC-152a)
202.25 The following four classes of perfluorocarbon compounds:

a. Cyclic, branched, or linear, completely fluorinated alkanes.
b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

203 MELAMINE TREATER: A coating line process where a melamine resin is applied to a paper substrate.

204 OVEN: A chamber within which heat is used for one or more of the following purposes: to dry, bake, cure, or polymerize a surface coating or ink.

205 PAPER TREATING OPERATION: The coating line process in which a uniform layer of phenolic or melamine resin is applied either by a) dipping a continuous, moving paper substrate into the resin and then using rollers to squeeze the excess resin from the paper, or b) applying the resin directly to the paper substrate with a roll applicator. Paper treating operations also include associated oven equipment used for drying the resin coating.

206 PHENOLIC TREATER: The coating line process where a phenolic resin is applied to the paper substrate.

207 POUNDS OF VOC PER GALLON OF COATING LESS WATER AND LESS EXEMPT COMPOUNDS: The weight of VOC per combined volume of VOC and coating solids and is calculated by the following equation:

$$G_{voc} = (W_v - W_w - W_{ec} / (V_m - V_w - V_{ec})$$

where:

G_{voc} = Pounds VOC per gallon coating less water and exempt compounds
W_v = Weight of all volatile compounds in pounds
W_w = Weight of water in pounds
W_{ec} = Weight of exempt compounds in pounds
V_m = Volume of coating material in gallons
V_w = Volume of water in gallons
V_{ec} = Volume of exempt compounds in gallons

208 VOLATILE ORGANIC COMPOUND (VOC): Any compound that contains at least one atom of carbon, except exempt compounds.

300 STANDARDS

301 VOC LIMITATIONS: Except as provided in Section 302, the VOC content of coatings applied in paper treating operations shall not exceed 1.75 pounds of VOC per gallon of coating less water and exempt compounds for phenolic treaters, and 0.1 pounds of VOC per gallon of coating less water and exempt compounds for melamine treaters.

302 EMISSION CONTROL SYSTEM: Alternatively, a person may comply with the provisions of Section 301 by using an emission control system, provided that the overall efficiency of the system (capture efficiency multiplied by control efficiency) shall not be less than 85 percent by weight in reducing emissions of organic compounds. The total VOC emissions from paper treating operations under this section, considering capture and control efficiencies, shall be equivalent to or less than the VOC emissions level that would be achieved by complying with Section 301. The emission control system shall be approved in writing by the Air Pollution Control Officer in accordance with Rule 501 (General Permit Requirements).

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: The VOC limitations specified in Section 301, or alternatively Section 302, shall be achieved on or before February 1, 1995.

402 OPERATION AND MAINTENANCE PLAN: Any person using an emission control device as a means of complying with this rule, as provided in Section 302, shall submit an Operation and Maintenance Plan with the application for Authority to Construct for the emission control device.

402.1 The Operation and Maintenance Plan shall specify:
a. Operation and maintenance procedures that will demonstrate continuous operation of

the emission control device during emission-producing operations; and

b. Records that must be kept to document the operation and maintenance procedures.

402.2 The records must comply with Sections 502 and 503.

402.3 The Operation and Maintenance Plan shall be implemented upon approval by the Air Pollution Control Officer.

402.4 After completing the construction of the emission control device, the Operation and Maintenance Plan shall be resubmitted annually for approval.

500 MONITORING AND RECORDS

501 COATING AND SOLVENT RECORDS

501.1 Any person subject to the provisions of this rule shall maintain a current list of coatings and solvents used in paper treating operations that includes the information required below. This information shall be updated whenever the coating/solvent formulation is changed, and may be obtained from the coating/solvent manufacturer or from data collected in accordance with the provisions of this rule.

a. name and manufacturer information;

b. mixing instructions;

c. density;

d. weight percent VOC as applied;

e. weight percent water;

f. weight percent exempt compounds;

g. volume percent water; and

h. volume percent exempt compounds.

501.2 Any person subject to the provisions of this rule shall maintain records of the amounts of coatings and VOCs used in paper treating operations according to the following schedule:

a. monthly records showing the types and amounts of coatings used that meet the VOC limitations in Section 301 and

b. daily records showing the types and amounts of coatings used in paper treating operations when such usage was in conjunction with an emission control system as provided in Section 302.

502 CONTROL EQUIPMENT RECORDS

502.1 Any person using an emission control device pursuant to Section 302 as a means of complying with this rule shall maintain such records as required by the Operation and Maintenance Plan specified in Section 402 on a daily basis.

502.2 Compliance with the standards of Section 302 shall be demonstrated by conducting annual source testing of any emission control equipment as specified in Section 505 and by analyzing resin VOC content as specified in Section 504.

503 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from the date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

504 TEST METHODS FOR VOC CONTENT

504.1 The VOC content of coatings subject to the provisions of this rule shall be analyzed as prescribed in U.S. EPA Reference Method 24 as found in 40 CFR 60, Appendix A.

504.2 The water content of coatings subject to the provisions of this rule shall be analyzed as prescribed in ASTM Method D3792-79.

504.3 Measurement of exempt compounds shall be conducted and reported in accordance with ASTM Method D4457-85. For exempt compounds where no reference test method is available, any person requesting the exemption shall provide appropriate alternative test methods approved by the Air Pollution Control Officer and the U.S. EPA.

505 TEST METHODS FOR CAPTURE AND CONTROL EFFICIENCY

505.1 Capture efficiency of the emission control system, as specified in Section 302, shall be determined in accordance with the U.S. EPA protocols referenced in 50 CFR 52.741(a)(4)(iii).

505.2 Control efficiency, as specified in Section 302, shall be determined by U.S. EPA Reference Methods 25 or 25A as found in 40 CFR Part 60, Appendix A.

RULE 231 INDUSTRIAL, INSTITUTIONAL, AND COMMERCIAL BOILERS, STEAM GENERATORS, AND PROCESS HEATERS

Adopted 10-17-94
(Amended 10-9-97)

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100 GENERAL

101 PURPOSE: To limit the emission of Nitrogen Oxides (NOx) from industrial, institutional and commercial, boilers, steam generators and process heaters.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule apply to facilities in all of Placer County.

102.2 General: This rule applies to boilers, steam generators, and process heaters with rated heat inputs of equal to or greater than 5 million BTU per hour, used in industrial, institutional, and commercial operations.

103 EXEMPTIONS:

103.1 Exemption, Biomass Boilers: The provisions of this rule do not apply to boilers subject to Rule 232, Biomass Suspension Boilers , or Rule 233, Biomass Boilers.

103.2 Exemption, Cement and Lime Kilns, Glass Melting Furnaces, and Smelters: The provisions of this rule do not apply to cement and lime kilns, glass melting furnaces and smelters.

103.3 Exemption, Direct-Contact Dryers: The provisions of this rule do not apply to dryers in which the material being dried is in direct contact with the products of combustion.

103.4 Exemption, Electric Utility Boilers: The provisions of this rule do not apply to boilers used by electric utilities to generate electricity.

103.5 Exemption, Medical Waste Incinerators: This rule shall not apply to those incinerators which are subject to the requirements of Rule 906, Airborne Toxic Control Measure - Medical Waste Incinerators

103.6 Exemption, Municipal Waste Incinerators: This rule shall not apply to boilers, steam generators, or process heaters whose primary purpose is to burn municipal solid waste, as defined in Section 206.

103.7 Exemption, Nongaseous Fuels: Units subject to the requirements of Section 301 that normally burn only gaseous fuel shall comply with a 150 ppmv, or 0.215 pound per million BTU of heat input, NOx emission limitation when burning nongaseous fuel, if gas is unavailable for purchase. This exemption is limited to not more than 168 hours of operation per calendar year, excluding equipment and emission testing time not exceeding 48 hours per calendar year.

103.8 Exemption, Waste Heat Recovery Boilers: The provisions of this rule do not apply to waste heat recovery boilers that are used to recover sensible heat from the exhaust of combustion turbines.

200 DEFINITIONS

201 ANNUAL HEAT INPUT: The total heat input of fuels burned by a unit in a calendar year, as determined from the higher heating value and cumulative annual usage of each fuel.

202 BOILER OR STEAM GENERATOR: Any combustion equipment fired with any fuel and used to produce steam that is not used exclusively to produce electricity for sale.

203 BRITISH THERMAL UNIT (BTU): The amount of heat required to raise the temperature of one pound of water from 59EF to 60EF at one atmosphere.

204 GAS: Any fuel which is a gas at standard conditions.

205 HEAT INPUT: The chemical heat released due to fuel combustion in a unit, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.

206 HIGHER HEATING VALUE (HHV): The total heat liberated per mass of fuel burned (BTU per pound), when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions. HHV shall be determined by one of the following test methods:

206.1 ASTM D 2015-85 for solid fuels; or

206.2 ASTM D 240-87 or ASTM D 2382-82 for liquid hydrocarbon fuels; or

206.3 ASTM D 1826-88 or ASTM D 1945-81 in conjunction with ASTM D 3588-89 for gaseous fuels.

207 MUNICIPAL SOLID WASTE: Household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single or multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, hospitals, prisons, and government facilities and other similar establishments or facilities. Municipal solid waste does not include landfill gas or digester gas or other fuels derived from decomposition of municipal solid wastes.

208 NO_X EMISSIONS (NO_X): The sum of nitric oxides and nitrogen dioxide in the flue gas, collectively expressed as nitrogen dioxide (NO_2).

209 NONGASEOUS FUEL: Any fuel which is not a gas at standard conditions.

210 PARTS PER MILLION BY VOLUME (PPMV): - The ratio of the number of gas molecules of a given species, or group, to the number of millions of total gas molecules.

211 PROCESS HEATER: Any combustion equipment fired with any fuel, and which transfers heat from combustion gases to water or process streams.

212 RATED HEAT INPUT CAPACITY: The heat input capacity, in million BTU per hour, specified on the nameplate of the combustion unit. If the combustion unit has been altered or modified such that its maximum heat input is different than the heat input capacity specified on the nameplate, the maximum heat input shall be considered as the rated heat input.

213 RESPONSIBLE OFFICIAL: An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:

213.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of

such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;

213.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

213.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

214 STANDARD CONDITIONS: For purposes of this rule, a gas temperature of 68E Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

215 THERM: One hundred thousand (100,000) BTU.

216 UNIT: Any boiler, steam generator or process heater as defined in Sections 202 and 211.

300 STANDARDS

301 ANNUAL HEAT INPUTS $ 90,000 THERMS: For units with rated heat inputs of greater than or equal to 5 million BTU per hour and annual heat inputs of greater than or equal to 90,000 therms per year , NOx emissions shall not exceed the following levels:

301.1 30 parts per million by volume (ppmv), or 0.036 pound per million BTU of heat input when operated on gas; or

301.2 40 parts per million by volume (ppmv), or 0.052 pound per million BTU of heat input, when operated on nongaseous fuel; or

301.3 The heat-input weighted average of the limits specified in 301.1 and 301.2, above, when operated on combinations of gas and nongaseous fuels.

301.4 Emissions from units subject to this section shall not exceed a carbon monoxide concentration of 400 parts per million by volume (ppmv).

302 ANNUAL HEAT INPUTS < 90,000 THERMS: Units with rated heat inputs of greater than or equal to 5 million BTU per hour and annual heat inputs of less than 90,000 therms per year shall be:

302.1 Operated in a manner that maintains stack-gas oxygen concentrations at less than or equal to 3.00 percent by volume on a dry basis; or

302.2 Operated with a stack-gas oxygen trim system set at 3.00 percent by volume oxygen. The tolerance of this setting shall be plus or minus (") five percent (i.e. 2.85 to 3.15 percent by volume oxygen); or

302.3 Tuned at least once per year by a technician that is qualified, to the satisfaction of the Air Pollution Control Officer, to perform tuning in accordance with Section 600; or

302.4 Operated in compliance with the applicable emission levels specified in Section 301.

303 EQUIPMENT REQUIREMENTS:

303.1 For units which simultaneously fire combinations of different fuels, and are subject to the requirements of Section 301, non-resettable totalizing mass flow rate meters shall be installed in each fuel line. Alternatively, non-resettable totalizing volumetric flow rate meters may be installed in conjunction with temperature and pressure meters in each fuel line.

303.2 For units which employ flue-gas NOx reducing technology, and are subject to the requirements of Section 301, meters, as applicable, shall be installed to allow instantaneous monitoring of the operational characteristics of the NOx reduction equipment.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE:

401.1 By January 1, 1995, any person subject to this rule shall submit a plan containing the following:

a. A list of all units with their rated heat inputs and anticipated annual heat inputs.

b. For each unit subject to Section 301, the selected method of achieving compliance with the applicable standards of Section 301.

c. For each unit subject to Section 302, the selected option (one of four specified in Section 302) to achieve compliance with that section.

401.2 By May 31, 1995, any Major Source subject to this rule shall demonstrate final compliance with all applicable standards and requirements of Section 300. Subject to the approval of the Air Pollution Control Officer, testing conducted in the 18 months preceding May 31, 1995, may be used to demonstrate compliance provided such testing meets the requirements of Sections 502.1, using the test methods specified in Section 502.3.

401.3 By October 17, 1996, any non-Major Source subject to this rule shall submit an application for Authority to Construct for any modifications required to achieve compliance with the requirements of this rule.

401.4 By October 17, 1997, any non-Major Source subject to this rule shall demonstrate final compliance with all applicable standards and requirements of this rule.

401.5 Any non-Major Source subject to this rule installing a new or replacement boiler shall comply with this rule for the new or replacement boiler effective October 17, 1995.

401.6 A violation of the plan required under Section 401.1 shall constitute a violation of this rule.

402 COMPLIANCE DETERMINATION:

402.1 Any person subject to this rule shall have the option of complying with either the pounds-per-million-BTU emission rates or the parts-per-million-by-volume emission limits specified in Section 301.

402.2 All ppmv emission limits specified in Sections 106 and 301 are referenced at dry stack-gas conditions and 3.00 percent by volume stack-gas oxygen. Emission concentrations shall be corrected to 3.00 percent oxygen as follows:

$$[\text{ppm NOx}]_{\text{corrected}} = \frac{20.95\% - 3.00\%}{20.95\% - [\%\ O_2]_{\text{measured}}} \text{ x } [\text{ppm NOx}]_{\text{measured}}$$

$$[\text{ppm CO}]_{\text{corrected}} = \frac{20.95\% - 3.00\%}{20.95\% - [\%\ O_2]_{\text{measured}}} \text{ x } [\text{ppm CO}]_{\text{measured}}$$

402.3 All pounds-per-million-BTU emission rates shall be calculated as pounds of nitrogen dioxide (NO_2) per million BTU of heat input.

403 COMPLIANCE COSTS: A person operating a unit subject to this rule shall bear all expenses associated with compliance with the monitoring and reporting provisions of this rule.

404 CERTIFICATION: All reports submitted in accordance with this rule shall be signed by a responsible official who shall certify the truth, accuracy, and completeness of the report.

500 MONITORING AND RECORDS

501 FUEL USAGE AND OPERATING HOURS

501.1 Any person subject to this rule shall monitor and record for each unit the HHV and cumulative annual usage of each fuel.

501.2 The cumulative annual usage of each fuel shall be monitored from utility service meters, purchase, or tank fill records, or by any other acceptable methods approved by the Air Pollution Control Officer.

501.3 Any person subject to this rule, but exempt from Section 301 in accordance with Section 106, shall monitor and record for each unit the cumulative hours of operation on each nongaseous fuel. The records shall be updated weekly and made available to the District upon request.

502 SOURCE TESTS

502.1 Except for units in compliance with the tuning option of Section 302.3, a source test shall be conducted for all units subject to this rule to demonstrate compliance. A report of this source test shall include the operational characteristics of any flue-gas NOx reduction equipment. Additional source testing may be required by the Air Pollution Control Officer as necessary to ensure compliance with the standards set forth in Sections 301 and 302. Compliance source testing is required on an annual basis for sources subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

502.2 All source tests shall be made in the as-found operating condition, except that source tests shall include at least one test conducted at the maximum firing rate allowed by the District permit, and no source test shall be conducted within two hours after a continuous period in which fuel flow to the unit is zero, or shut off, for thirty minutes or longer. A separate source test shall be conducted for each fuel burned including standby fuel.

502.3 Compliance with NOx emission requirements and the stack-gas carbon monoxide and

oxygen requirements of Section 300 shall be determined using the following test methods:

a. Oxides of Nitrogen - ARB Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling.

b. Carbon Monoxide - ARB Method 100.

c. Stack-Gas Oxygen - ARB Method 100.

d. NOx Emission Rate (Heat Input Basis) - EPA Method 19, 40 CFR Part 60, Appendix A.

502.4 All emission concentrations and emission rates shall be based on 15-consecutive-minute averages. These averages shall be calculated from no less than five data sets, recorded from samplings on intervals of no greater than three minutes.

502.5 Integrated sampling methods for oxides of nitrogen, stack-gas oxygen, and stack-gas carbon monoxide, as approved by the Air Pollution Control Officer, EPA and ARB, may be acceptable for determination of compliance with NOx emission concentration or rate limits.

503 TUNING REPORTS: Units covered under Section 302.3 shall be tuned not less than once every 12 months. Tuning verification reports shall be submitted not less than once every 12 months for each fuel burned. The first tuning verification report shall be submitted by October 17, 1997, for non-Major Sources, and by May 31, 1995, for Major Sources subject to this rule.

504 RETENTION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least three years from date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

600 TUNING PROCEDURE

601 GENERAL: Nothing in this tuning procedure[1] shall be construed to require any act or omission that would result in unsafe conditions or would be in violation of any regulation or requirement established by Factory Mutual, Industrial Risk Insurers, National Fire Prevention Association, the California Department of Industrial Relations (Occupational Safety and Health Division), the Federal Occupational Safety and Health Administration, or other relevant regulations and requirements.

602 PROCEDURES:

601.1 Operate the unit at the firing rate most typical of normal operation. If the unit experiences significant load variations during normal operations, operate the unit at its average firing rate.

601.2 At the firing rate established in Section 601.1, record stack-gas temperatures, oxygen concentration, and CO concentration (for gaseous fuels) or smoke-spot number[2] (for liquid fuels), and observe flame conditions after unit operation stabilizes at the selected firing

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[1] THIS TUNING PROCEDURE IS BASED ON A PROCEDURE DEVELOPED BY KVB, INC. FOR THE U.S. EPA.

[2] THE SMOKE-SPOT NUMBER CAN BE DETERMINED WITH ASTM TEST METHOD D-2156 OR WITH THE BACHARACH METHOD. THE BACHARACH METHOD IS INCLUDED IN A TUNE-UP KIT THAT CAN BE PURCHASED FROM THE BACHARACH COMPANY.

rate. If the excess oxygen in the stack-gas is at the lower range of typical minimum values[3], and if CO emissions are low and there is no smoke, the unit is probably operating at near optimum efficiency - at this particular firing rate. However, complete the remaining portion of this procedure to determine whether still lower oxygen levels are practical.

602.3 Increase combustion air flow until the stack-gas oxygen levels increase by one or two percent over the level measured in Section 602.2. As in Section 602.2, record the stack-gas temperature, CO concentration (for gaseous fuels) or smoke-spot number (for liquid fuels), and observe flame conditions for these higher oxygen levels after unit operation stabilizes.

602.4 Decrease combustion air flow until the stack-gas oxygen is at the level measured in Section 602.2. From this level gradually reduce the combustion air flow, in small increments. After each increment, record the stack-gas temperature, oxygen concentration, CO concentration (for gaseous fuels), and smoke-spot number (for liquid fuels). Also, observe the flame and record any changes in its condition.

602.5 Continue to reduce combustion air flow stepwise, until one of the following limits is reached:

a. Unacceptable flame conditions - such as flame impingement on furnace walls or burner parts, excessive flame carryover, or flame instability;

b. Stack-gas CO concentrations greater than 400 ppm;

c. Smoking at stack;

d. Equipment-related limitations - such as low windbox/furnace pressure differential, built-in air-flow limits, etc.

602.6 Develop an O_2/CO curve (for gaseous fuels) or O_2/smoke curve (for liquid fuels) similar to those shown in Figures 1 and 2 using the excess oxygen and CO or smoke-spot number data obtained at each combustion air flow setting.

602.7 From the curves prepared in Section 602.6, find the stack-gas oxygen levels where the CO emissions or smoke-spot number equal the following values:

Fuel	Measurement	Value
Gaseous	CO Emissions	400 PPM
#1 & #2 Oils	Smoke Spot Number	Number 1
#4 Oil	Smoke Spot Number	Number 2
#5 Oil	Smoke Spot Number	Number 3
Other Oils	Smoke Spot Number	Number 4

TYPICAL MINIMUM OXYGEN LEVELS FOR UNITS AT HIGH FIRING RATES ARE:

A. FOR NATURAL GAS: 0.5 - 3%

B. FOR LIQUID FUELS: 2 - 4%.

The above conditions are referred to as the CO or smoke-spot thresholds, or as the minimum excess oxygen levels. Compare this minimum value of excess oxygen to the expected value provided by the combustion unit manufacturer. If the minimum level found is substantially higher than the value provided by the manufacturer, burner adjustments can probably be made to improve fuel and air mix, thereby allowing operations with less air.

602.8 Add 0.5 to 2.0 percent to the minimum excess oxygen level found in Section 602.7 and reset burner controls to operate automatically at this higher stack-gas oxygen level. This margin above the minimum oxygen level accounts for fuel variations, variations in atmospheric conditions, load changes, and non-repeatability or play in automatic controls.

602.9 If the load of the combustion unit varies significantly during normal operation, repeat Sections 602.1-602.8 for the firing rates that represent the upper and lower limits of the range of the load. Because control adjustments at one firing rate may affect conditions at other firing rates, it may not be possible to establish the optimum excess oxygen level at all firing rates. If this is the case, choose the burner control settings that give the best performance over the range of the firing rates. If one firing rate predominates, the setting should optimize the conditions at the rate.

602.10 Verify that the new settings can accommodate the sudden load changes that may occur in daily operation without adverse effects. Do this by increasing and decreasing load rapidly while observing the flame and stack. If any of the conditions in Section 602.5 result, reset the combustion controls to provide a slightly higher level of excess oxygen at the affected firing rates. Next, verify these new settings in a similar fashion. Then make sure that the final control settings are recorded at steady-state operating conditions for future reference.

Figure 1
Oxygen(O_2)/CO Characteristic Curve

SOURCE: KVB INC.

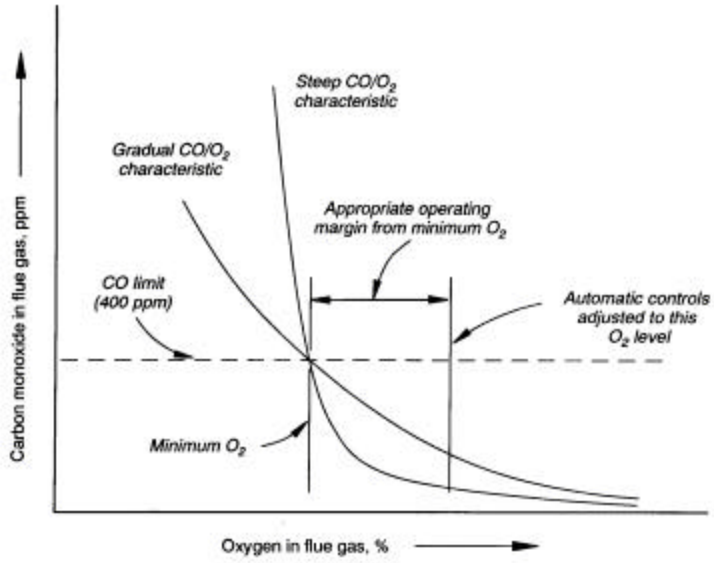

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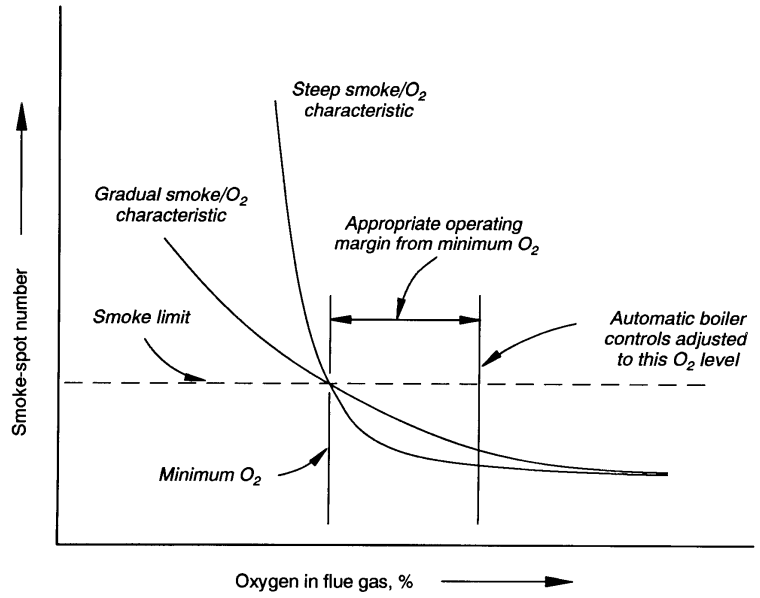
Figure 2

Oxygen(O_2)/Smoke Characteristic Curve

SOURCE: KVB INC.



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RULE 232 BIOMASS SUSPENSION BOILERS

Adopted 10-6-94, (Amended 12-9-99)

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100 GENERAL

101 APPLICABILITY: This rule applies to biomass suspension boilers and steam generators which have a potential to emit, as defined in Rule 502, New Source Review, 25 tons or more of NO_x emissions; which have a primary energy source of biomass from a medium density fiberboard plant consisting of a minimum of 25 percent of the total annual heat input; and which use suspension-type burners.

102 FEDERAL REGULATIONS: Compliance with this rule shall not exempt a person from complying with any federal regulation promulgated pursuant to the Clean Air Act (42 U.S.C. Section 7401 et seq.).

103 EXEMPTION, BOILERS, STEAM GENERATORS, AND PROCESS HEATERS: This rule shall not apply to boilers, steam generators, and process heaters subject to Rule 231, INDUSTRIAL, INSTITUTIONAL, AND COMMERCIAL BOILERS, STEAM GENERATORS, AND PROCESS HEATERS.

104 EXEMPTION, BIOMASS BOILERS: This rule shall not apply to boilers and steam generators subject to Rule 233, BIOMASS BOILERS.

105 EXEMPTION, MUNICIPAL SOLID WASTE: This rule shall not apply to combustion units whose primary purpose is to burn municipal solid waste, as defined in Section 207.

106 EXEMPTION, WASTE HEAT RECOVERY BOILERS: This rule shall not apply to waste heat recovery boilers used to recover sensible heat from the exhaust of combustion turbines or unfired waste heat recovery boilers used to recover sensible heat from the exhaust of any combustion equipment.

200 DEFINITIONS

201 BIOMASS: Any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. Biomass does not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or radioactive waste.

202 BIOMASS SUSPENSION BOILER OR STEAM GENERATOR: Any combustion equipment used in any industrial, institutional, or commercial operation which uses a suspension-type burner to combust biomass to produce steam, heat water or other fluids, and/or produce electricity.

203 BRITISH THERMAL UNIT (BTU): The amount of heat required to raise the temperature of one pound of water from 59EF to 60EF at one atmosphere.

204 HEAT INPUT: The chemical heat released due to fuel combustion in a boiler, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.

205 HIGHER HEATING VALUE (HHV): The total heat liberated per mass of fuel burned (BTU per pound), when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions. HHV shall be determined by one of the following test methods:

205.1 ASTM D 2015-85 for solid fuels; or

205.2 ASTM D 240-87 or ASTM D 2382-82 for liquid hydrocarbon fuels; or

205.3 ASTM D 1826-88 or ASTM D 1945-81 in conjunction with ASTM D 3588-89 for

gaseous fuels.

206 MEDIUM DENSITY FIBERBOARD PLANT: A plant that manufactures medium density fiberboard consisting of a composite wood product created from digested and refined wood fibers bonded with urea-formaldehyde resin.

207 MUNICIPAL SOLID WASTE: Household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single or multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, hospitals, prisons, and government facilities and other similar establishments or facilities.

208 NO_X EMISSIONS: The sum of nitric oxides and nitrogen dioxide in the flue gas, collectively expressed as nitrogen dioxide (NO_2).

209 PARTS PER MILLION BY VOLUME (PPMV): The ratio of the number of gas molecules of a given species, or group, to the number of millions of total gas molecules.

210 RATED HEAT INPUT CAPACITY: The heat input capacity, in million BTU per hour, specified on the nameplate of the combustion unit. If the combustion unit has been altered or modified such that its maximum heat input is different than the input capacity specified on the nameplate, and this alteration or modification has been approved by the Air Pollution Control Officer and made a limiting condition of operation, then the new maximum heat input shall be considered as the rated heat input capacity.

211 RESPONSIBLE OFFICIAL: An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:

211.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;

211.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

211.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

211.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMITS PROGRAM.

212 SHUTDOWN: The period of time a unit is cooled from its normal operating temperature to cold or

ambient temperature.

213 STARTUP: The period of time a unit is heated from cold or ambient temperature to its normal operating temperature as specified by the manufacturer.

214 SUSPENSION-TYPE BURNER: A burner in which solid fuel, in particle form, is combusted in suspension in air.

215 UNIT: Any biomass suspension boiler or steam generator as defined in Sections 202.

216 WOOD: Wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including but not limited to sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

300 STANDARDS

301 LIMITATIONS:

301.1 The nitrogen oxide emissions into the atmosphere from a biomass suspension boiler or steam generator shall not exceed 568 ppmv corrected to 12 percent by volume stack gas CO_2 on a three-hour average dry basis.

301.2 The carbon monoxide emissions into the atmosphere from a biomass suspension boiler or steam generator shall not exceed 400 ppmv corrected to 12 percent by volume stack gas CO_2 on a three-hour average dry basis.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: Full compliance with all applicable standards and requirements of Section 300 and the Continuous Emissions Monitoring System requirements of Section 502 is required upon adoption of this Rule.

402 OPERATION AND MAINTENANCE PLAN: Any person installing an emission control device as a means of complying with the emission limitations of Section 301 shall submit an Operation and Maintenance Plan with the application for Authority to Construct for the emission control device.

402.1 The Operation and Maintenance Plan shall specify:

a. Operation and maintenance procedures that will demonstrate continuous operation of the emission control device during emission-producing operations; and
b. Records that must be kept to document the operation and maintenance procedures.

402.2 The records must comply with Sections 501, 502, and 505.

402.3 The Operation and Maintenance Plan shall be implemented upon approval by the Air Pollution Control Officer.

402.4 Subsequent to the construction of any emission control device used for demonstrating compliance with the emission limitation of Section 301, an Operation and Maintenance Plan shall be submitted or resubmitted in conjunction with any changes in the procedures addressed in the plan, or upon the request of the Air Pollution Control Officer.

403 COMPLIANCE COSTS: A person operating a unit subject to this rule shall bear all expenses associated with compliance with the monitoring and reporting provisions of this rule.

404 CERTIFICATION: All reports submitted in accordance with this rule shall be signed by a responsible official who shall certify the truth, accuracy, and completeness of the report.

500 MONITORING AND RECORDS

501 RECORD-KEEPING: A person operating a unit subject to this rule shall keep the following records for each unit:

501.1 Calendar date of record.

501.2 Number of hours the unit is operated during each day.

501.3 Boiler load.

501.4 Fuel types, including supplementary gaseous or liquid fuels.

501.5 Duration of startups and shutdowns.

501.6 Type and duration of maintenance and repairs.

501.7 Results of compliance tests.

501.8 Three-hour average NO_x emission concentration (expressed as NO_2 and corrected to 12 percent by volume stack gas CO_2).

501.9 Three-hour average CO emission concentration (corrected to 12 percent by volume stack gas CO_2).

501.10 Identification of time periods during which NO_x and CO emission limitations are exceeded, the reason for the exceedance, and a description of corrective action taken.

501.11 Identification of time periods during which operating condition and pollutant emission data were not obtained, the reason for not obtaining this information, and a description of corrective action taken.

502 CONTINUOUS EMISSIONS MONITORING

502.1 A person operating a unit subject to this rule shall install, calibrate, operate, and maintain a Continuous Emissions Monitoring System (CEMS) in accordance with applicable requirements of Appendices B and F of Title 40 Code of Federal Regulations Part 60 (40 CFR 60).

502.2 The CEMS shall include equipment that measures and records the following:

a. Continuous exhaust gas NO_x and CO concentrations corrected to 12 percent by volume stack gas CO_2 dry basis.

b. Average NO_x and CO concentrations calculated on a three-hour average basis.

502.3 A person operating a CEMS shall submit an excess emissions and monitoring systems performance report to the Air Pollution Control Officer within 30 days after the end of each calendar quarter in accordance with 40 CFR 60, Section 60.7(c) and (d) and Section 60.13.

502.4 A relative accuracy test audit (RATA) is required each calendar year.

502.5 The enhanced monitoring requirements of Sections 113 and 114 of the Federal Clean Air

Act shall take precedence over the requirements of this Section for facilities subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

503 COMPLIANCE TEST

503.1 A person who operates a unit subject to this rule shall conduct an annual compliance test.

a. Each emission test run shall be conducted while the unit is operated within 10% of the rated heat input capacity. No emission test shall be conducted during startup, shutdown, or under breakdown conditions for the purpose of the initial compliance test.

b. The compliance test shall be conducted for NO_x and CO using the test methods specified in Section 504.

503.2 At least sixty (60) days prior to the compliance test, a written test plan detailing the test methods and procedures to be used shall be submitted for approval by the Air Pollution Control Officer. The plan shall cite the test methods to be used for the determination of compliance with the emission limitations of this rule. The plan shall provide the proposed procedures for the characterization of the representative biomass materials to be burned during testing.

504 TEST METHODS - A person conducting source tests in accordance with Section 503 shall use the following test methods:

504.1 Nitrogen Oxides (NO_X): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 7E, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule

504.2 Carbon Monoxide (CO): ARB Test Method 10, Title 17, CCR, Section 94109, Determination of Carbon Monoxide Emissions from Stationary Sources, or ARB Test Method 100, or EPA Test Method 10, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.

504.3 Carbon Dioxide (CO_2): ARB Test Method 100, or EPA Test Method 3A.

505 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

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RULE 233 BIOMASS BOILERS

Adopted 10-06-94

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100 GENERAL

101 APPLICABILITY: This rule applies to boilers and steam generators which have a potential to emit, as defined in Rule 502, NEW SOURCE REVIEW, 25 tons or more of NO_x emissions and which have a primary energy source of biomass consisting of a minimum of 75 percent of the total annual heat input.

102 FEDERAL REGULATIONS: Compliance with this rule shall not exempt a person from complying with any federal regulation promulgated pursuant to the Clean Air Act (42 U.S.C. Section 7401 et seq.).

103 EXEMPTION, BOILERS, STEAM GENERATORS, AND PROCESS HEATERS: This rule shall not apply to boilers, steam generators, and process heaters subject to Rule 231, INDUSTRIAL, INSTITUTIONAL, AND COMMERCIAL BOILERS, STEAM GENERATORS, AND PROCESS HEATERS.

104 EXEMPTION, BIOMASS SUSPENSION BOILERS: This rule shall not apply to existing boilers and steam generators subject to Rule 232, BIOMASS SUSPENSION BOILERS.

105 EXEMPTION, MUNICIPAL SOLID WASTE: This rule shall not apply to combustion units whose primary purpose is to burn municipal solid waste, as defined in Section 206.

106 EXEMPTION, WASTE HEAT RECOVERY BOILERS: The provisions of this rule do not apply to waste heat recovery boilers used to recover sensible heat from the exhaust of combustion turbines or unfired waste heat recovery boilers used to recover sensible heat from the exhaust of any combustion equipment.

200 DEFINITIONS

201 BIOMASS: Any organic material not derived from fossil fuels, such as agricultural crop residues, bark, lawn, yard and garden clippings, leaves, silvicultural residue, tree and brush pruning, wood and wood chips, and wood waste, including these materials when separated from other waste streams. Biomass does not include material containing sewage sludge, industrial sludge, medical waste, hazardous waste, or radioactive waste.

202 BIOMASS BOILER OR STEAM GENERATOR: Any combustion equipment used in any industrial, institutional, or commercial operation designed to burn biomass to produce steam, heat water or other fluids, and/or produce electricity.

203 BRITISH THERMAL UNIT (BTU): The amount of heat required to raise the temperature of one pound of water from 59EF to 60EF at one atmosphere.

204 HEAT INPUT: The chemical heat released due to fuel combustion in a boiler, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.

205 HIGHER HEATING VALUE (HHV): The total heat liberated per mass of fuel burned (BTU per pound), when fuel and dry air at standard conditions undergo complete combustion and all resultant products are brought to their standard states at standard conditions. HHV shall be determined by one of the following test methods:

205.1 ASTM D 2015-85 for solid fuels; or

205.2 ASTM D 240-87 or ASTM D 2382-82 for liquid hydrocarbon fuels; or

205.3 ASTM D 1826-88 or ASTM D 1945-81 in conjunction with ASTM D 3588-89 for gaseous

fuels.

206 MUNICIPAL SOLID WASTE: Household, commercial/retail, and/or institutional waste. Household waste includes material discarded by single or multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, non-manufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, hospitals, prisons, and government facilities and other similar establishments or facilities.

207 NO_X EMISSIONS: The sum of nitric oxides and nitrogen dioxide in the flue gas, collectively expressed as nitrogen dioxide (NO_2).

208 PARTS PER MILLION BY VOLUME (PPMV): The ratio of the number of gas molecules of a given species, or group, to the number of millions of total gas molecules.

209 RATED HEAT INPUT CAPACITY: The heat input capacity, in million BTU per hour, specified on the nameplate of the combustion unit. If the combustion unit has been altered or modified such that its maximum heat input is different than the input capacity specified on the nameplate, and this alteration or modification has been approved by the Air Pollution Control Officer and made a limiting condition of operation, then the new maximum heat input shall be considered as the rated heat input capacity.

210 RESPONSIBLE OFFICIAL: An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:

210.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;

210.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

210.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

210.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMITS PROGRAM.

211 SHUTDOWN: The period of time a unit is cooled from its normal operating temperature to cold or ambient temperature.

212 STARTUP: The period of time a unit is heated from cold or ambient temperature to its normal operating temperature as specified by the manufacturer.

213 UNIT: Any biomass boiler or steam generator as defined in Sections 202.

214 WOOD: Wood, wood residue, bark, or any derivative fuel or residue thereof, in any form, including but not limited to sawdust, sanderdust, wood chips, scraps, slabs, millings, shavings, and processed pellets made from wood or other forest residues.

300 STANDARDS

301 LIMITATIONS:

301.1 No person shall allow the discharge of NO_x emissions into the atmosphere from a biomass boiler or steam generator in excess of the following standards, whichever is less stringent:

a. An exhaust concentration of 115 parts per million (ppmv) corrected to 12 percent by volume stack gas carbon dioxide (CO_2) on a three-hour average dry basis.

b. 50 percent of the uncontrolled NO_x emission concentration in the exhaust gas stream. A corresponding controlled concentration limit, expressed in ppmv corrected to 12 percent by volume stack gas CO_2 on a three-hour average dry basis, shall be established in a Permit to Operate for the purpose of demonstrating continuous compliance with the 50 percent emission reduction.

301.2 A person operating a biomass boiler or steam generator subject to this rule shall establish a carbon monoxide (CO) emission limitation that represents good operating and combustion practices. No person shall allow the discharge of CO into the atmosphere in excess of 120 percent of the CO exhaust concentration established by an initial compliance test conducted in accordance with Section 503. The CO concentration in ppmv shall be corrected to 12 percent by volume stack gas CO_2 on a 3-hour average dry basis.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE

401.1 Any person operating a unit subject to this rule shall demonstrate full compliance with the emission limitations of Section 300 by May 31, 1995. Subject to the approval of the Air Pollution Control Officer, testing conducted in the 18 months preceding May 31, 1995, may be used to demonstrate compliance provided such testing meets the requirements of Sections 503.1 or Section 503.2, using the test methods specified in Section 504.

401.2 Any person operating a unit subject to this rule shall demonstrate compliance with the continuous emissions monitoring requirements of Section 502 in accordance with the following schedule:

a. By April 6, 1995, submit plans and specifications for the Continuous Emissions Monitoring System, including milestones for installation and certification of the proposed system.

b. By October 6, 1996, achieve full compliance with all requirements of Section 502. Full compliance shall be achieved no later than 60 days after installation of the Continuous Emissions Monitoring System.

402 OPERATION AND MAINTENANCE PLAN: Any person installing an emission control device as

a means of complying with the emission limitations of Section 301 shall submit an Operation and Maintenance Plan with the application for Authority to Construct for the emission control device.

402.1 The Operation and Maintenance Plan shall specify:

a. Operation and maintenance procedures that will demonstrate continuous operation of the emission control device during emission-producing operations; and

b. Records that must be kept to document the operation and maintenance procedures.

402.2 The records must comply with Sections 501, 502, and 505.

402.3 The Operation and Maintenance Plan shall be implemented upon approval by the Air Pollution Control Officer.

402.4 Subsequent to the construction of any emission control device used for demonstrating compliance with the emission limitation of Section 301, a Operation and Maintenance Plan shall be submitted or resubmitted in conjunction with any changes in the procedures addressed in the plan, or upon the request of the Air Pollution Control Officer.

403 COMPLIANCE COSTS: A person operating a unit subject to this rule shall bear all expenses associated with compliance with the monitoring and reporting provisions of this rule.

404 CERTIFICATION: All reports submitted in accordance with this rule shall be signed by a responsible official who shall certify the truth, accuracy, and completeness of the report.

500 MONITORING AND RECORDS

501 RECORD-KEEPING - A person operating a unit subject to this rule shall keep the following records for each unit:

501.1 Calendar date of record.

501.2 Number of hours the unit is operated during each day.

501.3 Boiler load.

501.4 Fuel types, including supplementary gaseous or liquid fuels.

501.5 Duration of startups and shutdowns.

501.6 Type and duration of maintenance and repairs.

501.7 Results of compliance tests.

501.8 Three-hour average NO_x emission concentration (expressed as NO_2 and corrected to 12 percent by volume stack gas CO_2).

501.9 Three-hour average CO emission concentration (corrected to 12 percent by volume stack gas CO_2).

501.10 Identification of time periods during which NO_x and CO emission limitations are exceeded, the reason for the exceedance, and a description of corrective action taken.

501.11 Identification of time periods during which operating condition and pollutant emission data were not obtained, the reason for not obtaining this information, and a description of

corrective action taken.

502 CONTINUOUS EMISSIONS MONITORING

502.1 By the compliance date in Section 401.2, a person operating a unit subject to this rule shall install, calibrate, operate, and maintain a Continuous Emissions Monitoring System (CEMS) in accordance with applicable requirements of Appendices B and F of Title 40 Code of Federal Regulations Part 60 (40 CFR 60).

502.2 The CEMS shall include equipment that measures and records the following:

a. Continuous exhaust gas NO_x and CO concentrations corrected to 12 percent by volume stack gas CO_2 dry basis.

b. Average NO_x and CO concentrations calculated on a three-hour average basis.

502.3 A person operating a CEMS shall submit an excess emissions and monitoring systems performance report to the Air Pollution Control Officer within 30 days after the end of each calendar quarter in accordance with 40 CFR 60, Section 60.7(c) and (d) and Section 60.13.

502.4 The enhanced monitoring requirements of Sections 113 and 114 of the Federal Clean Air Act shall take precedence over the requirements of this Section for facilities subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

503 INITIAL COMPLIANCE TEST

503.1 A person who elects to comply with the limitation specified in Section 301.1.a shall conduct an initial compliance test no later than the applicable final compliance date in Section 401.1. The source test shall also be used to establish the CO limitation in accordance with Section 301.2.

a. Each emission test run shall be conducted while the unit is operated within 10% of the rated heat input capacity. No emission test shall be conducted during startup, shutdown, or under breakdown conditions for the purpose of the initial compliance test.

b. The initial compliance test shall be conducted for NO_x and CO using the test methods specified in Section 504.

503.2 A person who chooses to comply with the limitation specified in Section 301.1.b shall conduct an initial compliance test no later than the applicable final compliance date in Section 401.1. The source test shall also be used to establish the CO limitation in accordance with Section 301.2.

a. Each emission test run shall be conducted while the unit is operated within 10% of the rated heat input capacity. No emission test shall be conducted during startup, shutdown, or under breakdown conditions for the purpose of the initial compliance test.

b. The initial compliance test shall be conducted for NO_x and CO using the test methods specified in Section 504.

c. The 50 percent NO_x emission reduction specified in Section 301.1.b shall be calculated based on the pre- and post-controlled NO_x concentration corrected to 12 percent by volume stack gas CO_2. The pre-controlled concentration to be used in demonstrating the 50 percent reduction shall be obtained using the test methods specified in Section 504. The pre-controlled concentration shall be submitted to the

Air Pollution Control Officer in the application for Authority to Construct specified in Section 401.2 or in a previously submitted application for Authority to Construct for an existing unit.

503.3 At least sixty (60) days prior to the initial compliance test, a written test plan detailing the test methods and procedures to be used shall be submitted for approval by the Air Pollution Control Officer. The plan shall cite the test methods to be used for the determination of compliance with the emission limitations of this rule. The plan shall provide the proposed procedures for the characterization of the representative biomass materials to be burned during testing.

504 TEST METHODS - A person conducting source tests in accordance with Section 503 shall use the following test methods:

504.1 Nitrogen Oxides (NO_X): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 7E, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.

504.2 Carbon Monoxide (CO): ARB Test Method 10, Title 17, CCR, Section 94109, Determination of Carbon Monoxide Emissions from Stationary Sources, or ARB Test Method 100, or EPA Test Method 10, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.

504.3 Carbon Dioxide (CO_2): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 3A, 40 CFR 60, Appendix A.

505 CORRECTION OF EMISSION CONCENTRATIONS: NO_x and CO concentrations may be corrected to 8 percent by volume stack gas O_2 instead of 12 percent by volume stack gas CO_2 if approved by the Air Pollution Control Officer in a Permit to Operate.

506 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from date of entry, with the exception that sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

RULE 234 AUTOMOTIVE REFINISHING OPERATIONS

Adopted 11-03-94
(Amended 8-24-95, 8-8-96, 4-9-98)

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100 GENERAL

101 PURPOSE: To limit the emission of volatile organic compounds from finishing or refinishing of Group I and Group II Vehicles and Equipment as defined in this rule.

102 APPLICABILITY: The provisions of this rule apply only to facilities located in the Sacramento Valley Air Basin portion of Placer County, as defined by California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 1.5, Article 1, Section 60106.

103 EXEMPTION FROM RULE 219: The provisions of Rule 219, Organic Solvents, shall not apply to the refinishing of vehicles and equipment as defined in Rule 234.

104 EXEMPTION, TOUCH-UP: The provisions of this rule shall not apply to touch-up operations.

105 EXEMPTION, GRAPHIC DESIGN APPLICATION: The provisions of this rule shall not apply to application of graphic designs.

106 EXEMPTION, MILITARY VEHICLES AND GROUND SUPPORT EQUIPMENT: The provisions of this rule shall not apply to the coating of military vehicles and ground support equipment.

107 EXEMPTION, RADIATORS: The provisions of this rule shall not apply to the coating of radiators and engine parts.

108 EXEMPTION, AEROSOL PAINT PRODUCTS: The provisions of this rule shall not apply to the application of aerosol paint products from non-refillable aerosol containers having a capacity of one liter (34 fluid ounces), or less.

109 LIMITED EXEMPTION, SELF-CONTAINED COATING APPLICATION: The provisions of Section 302, shall not apply to the application of high viscosity or thixotropic coatings with application equipment that is supplied with and is an integral part of the coating container.

110 LIMITED EXEMPTION, SMALL PRODUCTION/UTILITY BODIES: The provisions of Section 301, shall not apply to coatings applied to small production and utility bodies that must match the vehicles upon which they will be mounted. When production is less than or equal to 20 vehicles per day, any coating with a VOC content not in excess of the standards set forth in Section 301.1 can be used. If production is greater than 20 vehicles per day, any coating with a VOC content not in excess of the standards set forth in Section 301.2 can be used. Daily records shall be maintained on the number of utility bodies coated each day and such records shall be retained for the previous five (5) year period and be available at the time of inspection.

200 DEFINITIONS

201 AEROSOL PAINT PRODUCT: A coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a non-refillable can for hand-held application.

202 ANTIGLARE/SAFETY COATING: A coating which minimizes light reflection for safety purposes.

203 CAMOUFLAGE COATING: A coating applied on motor vehicles to conceal such vehicles from detection.

204 CAPTURE EFFICIENCY: The fraction, in percent, of all VOC's generated by a process that are directed to an abatement or recovery device.

205 CONTROL EFFICIENCY: The fraction, in percent, of pollution prevented by a control device and the pollution introduced to the control device.

206 CATALYST: A substance whose presence initiates the reaction between chemical compounds.

207 COATING: A material which is applied to a surface and which forms a film in order to beautify and/or protect such surface.

208 COLOR MATCH: The ability of a repair coating to blend into an existing coating so that color difference is not visible.

209 ELECTROSTATIC APPLICATION: The application of charged atomized paint droplets which are deposited by electrostatic attraction.

210 EXEMPT COMPOUNDS: For the purpose of this Rule, exempt compounds are as defined in Rule 102, Definitions.

211 FINISHING: The coating of incomplete vehicles, their parts and components, or mobile equipment for which the original coating was not applied from an Original Equipment Manufacturing (OEM) plant coating assembly line.

212 GRAMS OF VOC PER LITER OF COATING EXCLUDING WATER AND EXEMPT COMPOUNDS: The weight of VOC per combined volume of VOC and coating solids. It can be calculated by the following equation:

$$G_{voc} = \frac{(W_s - W_w - W_{es})}{(V_m - V_w - V_{es})}$$

Where:

G_{voc} = Grams VOC per liter of coating excluding water and exempt compounds.
W_s = Weight of volatile compounds in grams.
W_w = Weight of water in grams.
W_{es} = Weight of exempt compounds in grams.
V_m = Volume of material in liters.
V_w = Volume of water in liters.
V_{es} = Volume of exempt compounds (as defined in Rule 102, Definitions), in liters.

213 GRAMS OF VOC PER LITER OF MATERIAL: The weight of VOC per volume of material. It can be calculated by the following equation:

Install Equation Editor and double-click here to view equation.

214 GRAPHIC DESIGN APPLICATION: The application of logos, letters, numbers and graphics to a painted surface, with or without the use of a template.

215 GROUND SUPPORT EQUIPMENT: Vehicles used in support of aircraft activities at airports.

216 GROUP I VEHICLES: Passenger cars, large/heavy duty truck cabs and chassis, light and medium duty trucks and vans, and motorcycles.

217 GROUP II VEHICLES: Public transit buses and mobile equipment.

218 HIGH VOLUME, LOW PRESSURE (HVLP) SPRAY APPLICATOR: Equipment used to apply coatings by means of a gun which is designed to be operated and which is operated between 0.1 and 10 psig air atomized pressure measured dynamically at the center of the air cap and at the air horns.

219 LACQUER: A coating that dries primarily by solvent evaporation and is resoluble in its original solvent.

220 LARGE/HEAVY DUTY TRUCK: A truck having a manufacturer's gross vehicle weight rating of over 30,000 pounds.

221 LIGHT AND MEDIUM DUTY TRUCK OR VAN: A truck or van having a manufacturer's gross vehicle weight rating of 30,000 pounds or less.

222 METALLIC COATING TOPCOAT: A coating which contains more than 5 g/l (0.042 lb/gal) of metal particles, as applied, where such particles are visible in the dried film.

223 MOBILE EQUIPMENT: Equipment which may be drawn or is capable of being driven on rails or on a roadway, including, but not limited to, trains, railcars, truck bodies, truck trailers, camper shells, mobile cranes, bulldozers, street cleaners, golf carts and implements of husbandry.

224 MULTI STAGE TOPCOAT SYSTEM: A topcoat system composed of either a basecoat-clearcoat, a basecoat-midcoat-clearcoat, or a groundcoat-basecoat-midcoat-clearcoat.

The VOC content of a basecoat-clearcoat coating system shall be calculated according to the

following formula:

$$VOC_{Total} = \frac{VOC_{bc} + 2VOC_{cc}}{3}$$

The VOC content of a 3 Stage coating system shall be calculated according to the following formula:

$$VOC_{Total} = \frac{VOC_{bc} + VOC_{mc} + 2VOC_{cc}}{4}$$

The VOC content of a 4 Stage coating system shall be calculated according to the following formula:

$$VOC_{Total} = \frac{VOC_{gc} + VOC_{bc} + VOC_{mc} + 2VOC_{cc}}{5}$$

Where:

VOC_{Total} = The sum of the VOC content, as applied and used to determine compliance with Section 301.
VOC_{gc} = The VOC content, as applied, of a pigmented groundcoat or tinted primer sealer.
VOC_{bc} = The VOC content, as applied, of a pigmented basecoat.
VOC_{mc} = The VOC content, as applied, of a translucent midcoat.
$2VOC_{cc}$ = Two times the VOC content, as applied, of a transparent clearcoat.

225 PRECOAT: A coating which is applied to bare metal primarily to deactivate the metal surface prior to application of a subsequent water-base primer surfacer. Effective January 1, 1997, a precoat shall be a coating that dries by oxidation or chemical polymerization. A precoat must not be a lacquer product. Purchase invoices must be retained to verify that usage of precoat is no more than 25%, by volume, of primer/surfacer usage.

226 PRETREATMENT WASH PRIMER: A coating which contains a minimum of 0.5 percent acid by weight to provide surface etching, and which is applied directly to bare metal surfaces to provide corrosion resistance and topcoat adhesion.

227 PRIMER: A coating applied prior to the application of a topcoat for the purpose of corrosion resistance and adhesion of the topcoat. Primer surfacer and primer sealer shall be considered a primer when applied to Group II vehicles.

228 PRIMER SEALER: A coating applied for the purpose of sealing the underlying metal or coating system prior to the application of a topcoat.

229 PRIMER SURFACER: A coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and which promotes a uniform surface by filling in surface imperfections.

230 REDUCER: The solvent used to thin enamel.

231 REFINISHING: The coating of vehicles, their parts and components, or mobile equipment, including partial body collision repairs, for the purpose of protection or beautification and which is

subsequent to the original coating applied at an Original Equipment Manufacturing (OEM) plant coating assembly line.

232 SPECIALTY COATING: A unique coating containing additives which are necessary due to unusual job performance requirements. Specialty coatings include, but are not limited to, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, bright metal trim repair, and anti-glare/safety coatings.

233 TEMPORARY PROTECTIVE COATING: A coating applied to areas adjacent to those being painted, for the purpose of protecting those areas from overspray. The temporary protective coating is removed after primer or topcoat applications.

234 TOPCOAT: A coating applied over a primer, primer system, or an original OEM finish for the purpose of protection or appearance. For the purposes of this rule, solid color and metallic topcoats are single stage applications, the VOC_{Total} of a multi stage topcoat system will determine compliance with VOC standards in Section 301.

235 TOUCH-UP: The application of a coating by brush, air brush, or hand held, non-refillable aerosol cans, to repair minor surface damage and imperfections less than four square feet in area.

236 TRANSFER EFFICIENCY: The ratio of the amount of coating solids adhering to the object being coated to the total amount of coating solids used in the application process, expressed as a percentage.

237 UTILITY BODY: A special purpose service compartment or unit that will be bolted, welded, or affixed onto an existing cab and chassis. The compartment may serve as storage for equipment or parts.

238 VOLATILE ORGANIC COMPOUND (VOC): Any chemical compound containing at least one atom of carbon except for the Exempt Compounds listed in Rule 102, Definitions.

300 STANDARDS

301 LIMITS: Any person who applies coatings to Group I or II vehicles, mobile equipment, or their parts and components, shall comply with Sections 301.1 and 301.2 of this rule, as applicable.

301.1 Group I Vehicles: A person shall not refinish Group I Vehicles (or Group II Vehicles where color match is required), or their parts and components, using any coating with a VOC content in excess of the following limits, expressed as grams of VOC per liter (or pounds per gallon) of coating as applied, excluding water and exempt compounds (as defined in Rule 102) unless emissions to the atmosphere are controlled to an equivalent level by air pollution abatement equipment with an overall control efficiency (capture and control), as determined in Sections 506.4 and 506.5, of at least 85 percent and which has been approved in writing by the Air Pollution Control Officer. Pursuant to Section 302, any person seeking to utilize such abatement equipment shall submit an Operation and Maintenance Plan at least 90 days in advance of the date on which abatement equipment control is to be used in lieu of compliance with VOC content limitations. Submittal of an application for Authority to Construct per Rule 501, General Permit Requirements, will also be required.

COATING	JANUARY 1, 1996 VOC	JANUARY 1, 1997 VOC	JANUARY 1, 1998 VOC
Pretreatment Wash	780 g/l (6.5 lbs/gal)	780 g/l (6.5 lbs/gal)	780 g/l (6.5 lbs/gal)

COATING	JANUARY 1, 1996 VOC	JANUARY 1, 1997 VOC	JANUARY 1, 1998 VOC
Primer			
Precoat	780 g/l (6.5 lbs/gal)	600 g/l (5.0 lbs/gal)	600 g/l (5.0 lbs/gal)
Primer/Primer Surfacer	720 g/l (6.0 lbs/gal)	340 g/l (2.8 lbs/gal)	250 g/l (2.1 lbs/gal)
Primer Sealer	720 g/l (6.0 lbs/gal)	600 g/l (5.0 lbs/gal	420 g/l (3.5 lbs/gal)
Solid Color Topcoat	720 g/l (6.0 lbs/gal)	600 g/l (5.0 lbs/gal)	420 g/l (3.5 lbs/gal)
Metallic Topcoat	720 g/l (6.0 lbs/gal)	600 g/l (5.0 lbs/gal)	520 g/l (4.3 lbs/gal)
Specialty Coating	840 g/l (7.0 lbs/gal)	840 g/l (7.0 lbs/gal)	840 g/l (7.0 lbs/gal)
Multi Stage Topcoat System	720 g/l (6.0 lbs/gal)	600 g/l (5.0 lbs/gal)	540 g/l (4.5 lbs/gal)

301.2 Group II Vehicles and Mobile Equipment: A person shall not finish or refinish Group II vehicles and equipment or their parts and components, using any coating with a VOC content in excess of the following limits, expressed as grams of VOC per liter (or pounds per gallon) of coating as applied, excluding water and exempt compounds (as defined in Rule 102) unless emissions to the atmosphere are controlled to an equivalent level by air pollution abatement equipment with an overall control efficiency (capture and control), as determined in Sections 506.4 and 506.5, of at least 85 percent and which has been approved in writing by the Air Pollution Control Officer. Pursuant to Section 302, any person seeking to utilize such abatement equipment shall submit an Operation and Maintenance Plan at least 90 days in advance of the date on which abatement equipment control is to be used in lieu of compliance with VOC content limitations. Submittal of an application for Authority to Construct per Rule 501, General Permit Requirements, will also be required.

COATING	JANUARY 1, 1996 VOC	JANUARY 1, 1997 VOC	JANUARY 1, 1998 VOC
Pretreatment Wash Primer	780 g/l (6.5 lbs/gal)	780 g/l (6.5 lbs/gal)	780 g/l (6.5 lbs/gal)
Precoat	780 g/l (6.5 lbs/gal)	600 g/l (5.0 lbs/gal)	600 g/l (5.0 lbs/gal)
Primer/Primer Surfacer	340 g/l (2.8 lbs/gal)	340 g/l (2.8 lbs/gal)	250 g/l (2.1 lbs/gal)
Primer Sealer	420 g/l (3.5 lbs/gal)	340 g/l (2.8 lbs/gal)	340 g/l (2.8 lbs/gal)
Topcoat	420 g/l (3.5 lbs/gal)	420 g/l (3.5 lbs/gal)	420 g/l (3.5 lbs/gal)
Metallic Topcoat	420 g/l (3.5 lbs/gal)	420 g/l (3.5 lbs/gal)	420 g/l (3.5 lbs/gal)
Specialty Coating	840 g/l (7.0 lbs/gal)	840 g/l (7.0 lbs/gal)	840 g/l (7.0 lbs/gal)
Camouflage	420 g/l (3.5 lbs/gal)	420 g/l (3.5 lbs/gal)	420 g/l (3.5 lbs/gal)

301.3 Utility Body Requirements: The standards set forth in Section 301.1 shall apply to the coating of utility bodies only when color match is required and the volume of utility bodies to be coated is 20 per day or less. If both of these conditions do not apply, the standards set forth in Section 301.2 shall apply to the coating of utility bodies.

302 OPERATION AND MAINTENANCE PLAN: Any person using air pollution abatement equipment pursuant to Section 301 shall submit an Operation and Maintenance Plan for the emissions control equipment to the Air Pollution Control Officer for approval. The Plan shall specify operation and maintenance procedures which will demonstrate continuous operation and compliance of the emissions control equipment during periods of emissions-producing operations. The Plan shall also specify which daily records must be kept to document these operations and maintenance procedures. These records shall comply with the requirements of Section 504. The Plan shall be implemented upon approval by the Air Pollution Control Officer.

303 TRANSFER EFFICIENCY: Effective January 1, 1998, for all coatings, a person shall not apply any coating to any Group I or II vehicles or mobile equipment or their parts and components unless one of the following methods is used:

303.1 Electrostatic application equipment, operated in accordance with the manufacturer's recommendations;

303.2 High Volume Low Pressure (HVLP) spray equipment, operated in accordance with the manufacturer's recommendations;

303.3 Any other equivalent coating application method which has been demonstrated to have a transfer efficiency of 65% or greater according to the requirements of Section 506.3, Determination of Transfer Efficiency, and which has been submitted to and approved by the Air Pollution Control Officer.

304 SURFACE PREPARATION AND SOLVENT LOSS MINIMIZATION: Any person using organic solvent for surface preparation and cleanup or mixing, using or disposing of coating or stripper containing organic solvent:

304.1 Shall use closed, nonabsorbent containers for the storage or disposal of cloth or paper used for solvent surface preparation and cleanup.

304.2 Shall store fresh or spent solvent, coating, catalyst, thinner, or reducer in closed containers when not in use.

304.3 Shall not, effective January 1, 1997, use organic compounds for the cleanup of spray equipment including paint lines unless an enclosed system or other system that has been approved in writing for use by the Air Pollution Control Officer and submitted to and approved by the Air Resources Board (ARB) and U.S. EPA, is used for cleanup. The system must enclose spray guns, cups, nozzles, bowls and other parts during washing, rinsing and draining procedures. Equipment used shall minimize the evaporation of organic compounds to the atmosphere.

304.4 Effective January 1, 1997, the VOC content of surface preparation solvent shall not exceed 72 g/l (0.6 lb/gal), excluding water and exempt compounds. This limit shall not apply to surface preparation material applied from a hand-held spray bottle for the removal of road tar, engine oil, grease, overspray, or adhesives, from the vehicle, or used to clean plastic parts. The VOC content of surface preparation solvent used to remove road tar, engine oil, grease, overspray, or adhesives, from the vehicle, or used to clean plastic parts shall not exceed 780 g/l (6.5 lbs/gal), excluding water and exempt compounds.

305 SPECIALTY COATING: Use of all specialty coatings except antiglare/safety coatings shall not exceed 5.0% of all coatings applied, on a monthly basis.

306 TEMPORARY PROTECTIVE COATING: A person shall not use any temporary protective coating with a VOC content in excess of 60 g/l (0.5 lbs/gal), of material.

307 PRECOAT LIMITATION: A person shall not use precoat in excess of 25%, by volume, of the amount of primer surfacer used, on a monthly basis.

308 HVLP MARKING: Effective April 3, 1995, a person shall not sell or offer for sale for use within the District any HVLP gun without a permanent marking denoting the maximum inlet air pressure in psig at which the gun will operate within the parameters specified in Section 218.

400 ADMINISTRATIVE REQUIREMENTS

401 PROHIBITION OF SPECIFICATION: No person shall solicit or require for use or specify the application of a coating on a Group I or II vehicle, mobile equipment, or part or component thereof if such use or application results in a violation of the provisions of this rule. The prohibition of this Section will apply to all written or oral contracts under the terms of which any coating which is subject to the provisions of this rule is to be applied to any motor vehicle, mobile equipment, or part or component at any physical location within the District.

402 PROHIBITION OF SALE: A person shall not offer for sale or sell within the District any coating if such product is prohibited by any of the provisions of this rule. The prohibition of this section shall apply to the sale of any coating which will be applied at any physical location within the jurisdiction of the local air pollution control agencies. This requirement shall not apply to the application of coatings where emissions to the atmosphere are controlled to an equivalent level of this rule by air pollution abatement equipment with an overall efficiency (capture and control) as determined in Sections 506.4 and 506.5, of at least 85 percent and which has been approved in writing by the Air Pollution Control Officer.

403 VOC COMPLIANCE STATEMENT REQUIREMENT: The manufacturer of coatings subject to this rule shall include a designation of VOC (as defined in Section 238 of this rule) as supplied and as applied, expressed in grams per liter (or pounds per gallon), excluding water and exempt compounds, on data sheets. The manufacturer of temporary protective coatings shall indicate the VOC designation as grams per liter (or pounds per gallon) of material.

404 CALCULATION FOR VOC MASS EMISSION RATE AND CONTROL EFFICIENCY: The VOC mass emission rate shall be calculated both upstream and downstream of the emissions control device based on the respective VOC mass concentration and volumetric flowrate, pursuant to Section 506.4 and the following equation:

$$M = (Q)(C)(60 \text{ min/hr})$$

Where: M = VOC mass emission rate, in lb/hr.
Q = The volumetric flowrate of the exhaust stack, in scfm.
C = The VOC mass concentration, in lb/scf, as measured by EPA

The percent control efficiency is calculated as follows:

$$\% CE = [(MU - MD) \div MU] \times 100$$

Where: CE = Control efficiency.
MU = The upstream VOC mass emission rate, in lb/hr.
MD = The downstream VOC mass emission rate, in lb/hr.

500 MONITORING AND RECORDS

501 USER COATING RECORDS: Operators of facilities subject to this Rule shall maintain a current listing of all as-applied VOC containing materials in use at their facility. This listing shall include:

a. material name and manufacturer identification;

b. application method;

c. material type, group number (I or II) and specific use instructions (such as "precoat must be applied to bare metal and followed with a compliant primer");

d. specific mixing instructions;

e. maximum VOC content of coatings as applied (including reducing solvents);

Current coating manufacturing specification sheets, material data sheets or current air quality data sheets, which list the VOC content of each material, shall be available for review on site. A record of the total facility VOC emissions shall be maintained on a monthly basis. These records shall be summarized for the previous calendar year and submitted to the District by June 1. Such records shall be retained and available for inspection by the District for the previous three (3) year period, except for sources subject to Rule 507, Federal Operating Permit Program, which shall retain records for five (5) years.

502 HIGH VOC EMISSIONS: If VOC emissions for any calendar year exceed 10,000 pounds, record-keeping requirements in addition to those listed in Section 501, will be required per Rule 511, Potential to Emit.

503 PRECOAT LIMITATION RECORDS: Any person using precoat shall verify compliance with Section 307 by retaining purchase invoices and records of applied volume of precoat on a monthly basis. Such records shall be retained for the previous three (3) year period and made available for inspection upon request.

504 EMISSION CONTROL EQUIPMENT RECORDS: Any person using emissions control equipment pursuant to Section 302 as a means of complying with this rule shall maintain such records as required by the Operation and Maintenance Plan in Section 302 on a daily basis, to include such records as required by Sections 501, 502, and 503.

505 SALES RECORDS: Any person within the District selling coatings subject to this Rule shall make receipts of customer purchases available for inspection upon request. Cash sales shall be recorded including the customer's name and business card. This information can be submitted to the District in electronic data form.

506 TEST METHODS:

506.1 Analysis of Samples: Samples of volatile organic compounds as specified in Sections 301.1, and 301.2, of this rule shall be analyzed as prescribed by EPA Reference Method 24.

506.2 Determination of Emissions: Emissions of volatile organic compounds as specified in Section 301.1, and 301.2, of this rule shall be measured as prescribed by EPA Reference Method 25.

506.3 Determination of Transfer Efficiency: Transfer efficiency as required by Section 302, of this rule shall be determined in accordance with the South Coast Air Quality Management District (SCAQMD) test method for determining transfer efficiency entitled, "Spray Equipment Transfer Efficiency (TE) Test Procedure for Equipment User, May 24, 1989," or other equivalent method which has been approved in writing by the Air Pollution Control Officer and submitted to and approved by U.S. EPA.

506.4 Determination of Control Efficiency: Control efficiency as required by Sections 301.1 and 301.2 of this rule, shall be determined in accordance with EPA Method 18, 25, 25A, EPA Method 2 or 2C (whichever is applicable), and Section 404.

506.5 Determination of Capture Efficiency: Capture efficiency as required by Section 301.1, and 301.2, of this rule shall be determined by and reported in accordance with 40 CFR 52.741, Appendix B, "VOC Measurement Techniques for Capture Efficiency".

506.6 Determination of Metallic Particles in Metallic Coating Topcoat: Metallic particles in metallic coating topcoat as defined, in Section 222, of this rule shall be determined by the South Coast Air Quality Management District (SCAQMD) Method 311 Analysis of Percent Metal in Metallic Coatings by Spectrographic Method contained in the SCAQMD "Laboratory Method of Analysis for Enforcement Samples" manual.

506.7 Determination of Acid Concentration in Pretreatment Wash Primer: Acid concentration in pretreatment wash primer as defined in Section 226, of this rule shall be determined by ASTM Test Method D-1613-85 (modified).

RULE 235 ADHESIVES

Adopted 06-08-95
(Amended 04-10-97)

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100 GENERAL

101 PURPOSE: To limit emissions of volatile organic compounds (VOCs) from the application of commercial and industrial adhesive or sealant products, and from related solvents and strippers.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule apply only to facilities located in the Sacramento Valley Air Basin portion of Placer County, as defined by California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 1.5, Article 1, Section 60106.

102.2 Business Category: This rule is applicable to any person who:

102.2.1 Manufactures, sells, offers for sale, or uses an adhesive or sealant product; or

102.2.2 Uses a surface preparation solvent, a cleanup solvent, or a stripper; or

102.2.3 Supplies an adhesive or sealant product to the person who applies the product (i.e., the product user); or

102.2.4 Solicits, requires the use of, or specifies the application of any adhesive or sealant product, surface preparation solvent, cleanup solvent or stripper, whether or not such material complies with this rule.

103 EXEMPTIONS

103.1 Exemption, Consumer Adhesives: Adhesives that are subject to Article 2, Consumer Products, Sections 94507-94517, Title 17, California Code of Regulations, are exempt from all provisions of this rule.

103.2 Exemption, Low VOC Products: Any adhesive or sealant that contains less than 20 grams/liter (0.17 pounds/gallon) of VOC, less water and exempt compounds, as applied, is exempt from all provisions of this rule.

103.3 Exemption, Small Container: The use of adhesive or sealant products sold or supplied in non-reusable containers that are designed to hold no more than 8 fluid ounces of adhesive or sealant products, is exempt from all provisions of this rule.

103.4 Exemption, Operations Subject To Other District Rules: Operations subject to the following District rule are exempt from all provisions of this rule:

103.4.1 Rule 239, Graphic Arts Operations

103.5 Exemption From Requirements of Other District Rules: Any adhesive or cleaning solvent subject to the VOC limitations of this rule is exempt from the requirements of Rule 219, Organic Solvents.

103.6 Partial Exemption, Specific Businesses; The following business operations are exempt from the VOC limits of Table 3 of Section 302 of this rule:

103.6.1 Testing and evaluation of adhesive or sealant products in any research and development or analytical laboratories.

103.6.2 Solvent welding operations used in the manufacturing of medical devices.

103.6.3 Tire repair operations, provided the label on the adhesive used states "For Tire Repair Only".

103.6.4 Plaque laminating operations where adhesives are used to bond a clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992. Any person seeking to claim this exemption shall notify the APCO in writing that a complying adhesive is not available.

103.6.5 Manufacturing operations of the following products: diving suits, rubber fuel bladders, inflatable boats, life preservers or other products designed for immersion in liquids. The adhesive products used by these operations must be labeled "For the bonding of immersible products only."

103.7 Partial Exemption, Contact Adhesives, VOC Standards: A contact adhesive used and labeled exclusively for any of the following applications, is exempt from the VOC content standard for Acontact adhesive@ in Table 2 of Section 302:

103.7.1 Single-ply roof membrane installation/repair;

103.7.2 Bonding of immersible products;

103.7.3 Bonding of flexible vinyl to flexible vinyl;

103.7.4 Bonding of plastic, rubber, or unprimed metal to plastic, rubber, or unprimed metal.

103.8 Partial Exemption, Contact Adhesives, Small containers, VOC Standards: Until December 1, 1999, Contact adhesives subject to the Consumer Product Safety Commission regulations in Title 16, Code of Federal Regulations, Part 1302 and sold in packages that contain one gallon, (128 fluid ounces) or less, are exempt from the requirements of Section 302.

103.9 Partial Exemption, Low Volume, VOC Standards: Any person using adhesive or sealant products, surface preparation solvents, cleanup solvents, or strippers is exempt from the VOC content standards of this rule, provided the total combined volume of these materials used at any one stationary source in any calendar year, does not exceed 55 gallons. Commercial or industrial users of such materials that do not exceed this low volume threshold, shall comply with all other provisions of this rule, including Section 501, RECORD-KEEPING.

103.10 Partial Exemption, Aerosol Adhesives - VOC Standards: Aerosol Adhesives regulated by the California Air Resources Board, are exempt from the VOC standards of this rule, Sections 302 through 306. This partial exemption does not include Aerosol Adhesive Primers, which are subject to the VOC provisions in Section 303.

103.11 Partial Exemption, Cleanup Solvents:

103.11.1 Aerosol Cleanup Solvents: The use of 160 fluid ounces or less per day per stationary source of aerosol cleanup solvents is exempt from the requirements of Section 305.

103.11.2 Equipment Cleanup Medical: Materials used to clean adhesives application

equipment, when such equipment is used in the manufacturing of transdermal drug delivery products, and fewer than 3 gallons per day of ethyl acetate, averaged over a 30 calendar day period, are used as the equipment cleaning solvent, are exempt from the requirements of Section 305.

103.12 Partial Exemption, Prohibition of Sale: The following materials, persons and businesses are exempt from the requirements of Section 401, Prohibition of Sale:

103.12.1 The adhesives in Table 3 of Section 302 and the contact adhesives in Section 103.7.

103.12.2 The contact adhesives in Section 103.8, until December 1, 1999.

103.12.3 A person who sells an adhesive or sealant product to a purchaser who has installed an air pollution control system pursuant to Section 307, provided that:

a. Prior to each sale the seller receives a letter, signed by the purchaser, stating that: the purchaser has installed an air pollution control system, approved by the Air Pollution Control Officer, for the purpose identified, and that emissions from applying the adhesive or sealant product will be controlled by that system, pursuant to Section 307; and:

b. The seller shall retain the purchaser=s signed letter for three years from the date of receipt and shall make the letter available, on request, to the Air Pollution Control Officer.

103.12.4 Any supplier or seller of an adhesive or sealant product shipped outside the District for use outside the District.

103.12.5 Any manufacturer of an adhesive or sealant product if: the manufacturer has provided the VOC information required by Section 403, and the product was not sold directly to a user, or to a sales outlet located in the District; or the product was sold to an independent distributor that is not a subsidiary of, or under the direct control of, the manufacturer.

104 SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this rule is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

200 DEFINITIONS

201 ACRYLONITRILE-BUTADIENE-STYRENE (ABS) WELDING ADHESIVE: Any adhesive intended by the manufacturer to weld ABS pipe. ABS pipe is made by reacting monomers of acrylonitrile, butadiene, and styrene and is normally identified with an AABS@ marking.

202 ADHESIVE: Any substance that is used to bond one surface to another surface by attachment.

203 ADHESIVE OR SEALANT PRODUCT: Any adhesive, adhesive primer, aerosol adhesive, aerosol adhesive primer, sealant, or sealant primer, as sold by the manufacturer or as applied.

204 ADHESIVE PRIMER: A coating applied to a substrate, prior to the application of an adhesive, to

provide a bonding surface.

205 AEROSOL ADHESIVE: An adhesive consisting of a mixture of rubber, resins, liquid and/or gaseous solvents, and propellants packaged in a hand-held, pressurized, non-refillable container. The container expels pressurized aerosol materials in a finely divided spray when a valve on the container is depressed.

206 AEROSOL ADHESIVE PRIMER: A primer used exclusively to provide a bonding surface on substrates for subsequent application of aerosol adhesives. It consists of a mixture of liquid and/or gaseous materials and propellants packaged in a hand-held, pressurized, non-refillable container. The container expels pressurized aerosol primer materials in a finely divided spray when a valve on the container is depressed.

207 AEROSOL CLEANING SOLVENT: A material used as a surface preparation solvent, a cleanup solvent, or as a stripper and consisting of liquid and/or gaseous solvent and propellants packaged in a hand-held, pressurized, non-refillable container. The container expels pressurized aerosol materials in a finely divided spray when a valve on the container is depressed.

208 AFFECTED POLLUTANT: Volatile organic compounds (VOC) as defined in Section 269.

209 APPLICATION EQUIPMENT: A device such as a spray gun, pot, hose, brush, roller, electrostatic sprayer, non-propellant spray bottle, or squeegee, used to apply an adhesive or sealant product, a surface preparation solvent, a cleanup solvent, or a stripper.

210 ARCHITECTURAL SEALANT/PRIMER: Any sealant or sealant primer intended by the manufacturer to be applied to stationary structures, including mobile homes, and their appurtenances. Appurtenances to an architectural structure include, but are not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and downspouts, and windows.

211 CAPTURE EFFICIENCY: Expressed in percent, capture efficiency, measured per Section 503.6, is the ratio of the weight of the VOC in the effluent stream entering a control device to the weight of the VOC emitted from adhesive/sealant operations, both measured simultaneously, and calculated by the following equation:

$$\text{Capture Efficiency} = \frac{W_c}{W_e} x100$$

Where: W_c = Weight of VOC entering the control device
W_e = Weight of VOC emitted from the operation

212 CERAMIC TILE INSTALLATION ADHESIVE: Any adhesive intended by the manufacturer for the installation of ceramic tiles.

213 CHLORINATED POLYVINYL CHLORIDE (CPVC) WELDING ADHESIVE: Any adhesive intended by the manufacturer to weld CPVC plastic pipe.

214 CLEANUP SOLVENT: A VOC-containing material used to:

214.1 Remove a loosely held uncured (i.e., not dry to the touch) adhesive or sealant from a substrate, or

214.2 Clean equipment that was used to apply an adhesive or sealant product.

215 CLOSED CONTAINER: A covered receptacle which has no visible gaps where the cover and the main body of the receptacle meet.

216 COMPUTER DISKETTE JACKET MANUFACTURING ADHESIVE: Any adhesive intended by the manufacturer to bond the fold-over flaps to the body of a vinyl computer diskette jacket.

217 CONSUMER ADHESIVE: Any adhesive subject to Title 17 of the California Code of Regulations, Article 2, Consumer Products, beginning at Section 94507 and as amended from time to time. AConsumer Adhesive@ does not include:

217.1 Units of product, less packaging, that weigh more than one pound or have a volume of more than 16 fluid ounces.

217.2 Sealants or caulking compounds.

217.3 Plastic cement welding adhesive and plastic cement welding adhesive primer.

218 CONTACT ADHESIVE: An adhesive that forms an instantaneous bond that cannot be repositioned when substrates, on which the adhesive is applied and allowed to dry, are brought together using momentary pressure.

219 CONTROL DEVICE: Equipment that is utilized as part of an emission control system, and which destroys, absorbs or otherwise eliminates or reduces the emission of Volatile Organic Compounds from adhesive/sealant operations.

220 CONTROL EFFICIENCY: Expressed in percent, control efficiency, measured per Section 503.5, is the ratio of the weight of the VOC removed by the control device from the effluent stream entering the control device to the weight of VOC in the effluent stream entering the control device, both measured simultaneously. Control efficiency is calculated by the following equation:

$$\text{Control Efficiency} = \frac{(W_c - W_a)}{W_c} x100$$

Where: W_c = Weight of VOC entering the control device
W_a = Weight of VOC discharged from the control device

221 COVE BASE INSTALLATION ADHESIVE: Any adhesive intended by the manufacturer for the installation of cove base (or wall base), which is generally made of vinyl or rubber, onto a wall or vertical surface at floor level.

222 CURED: Dry to the touch.

223 DRYWALL INSTALLATION: The installation of gypsum drywall to studs or solid surfaces.

224 ENCLOSED GUN CLEANER:

224.1 A device that is used for the cleaning of spray guns, pots, cups, and hoses, that has a closed solvent container, is not open to the ambient air when in use, and has a mechanism to force the cleanup material through the gun while the cleaner is in operation; or

224.2 A device that is used for the cleaning of spray guns, pots, cups, and hoses, that has a closed solvent container, uses non-atomized solvent flow to flush the spray equipment, and collects and returns the discharged solvent to the closed container.

225 EXEMPT COMPOUNDS: For the purposes of this rule, AExempt Compounds@ are as defined in Rule 102, Definitions.

226 FIBERGLASS: A fiber made of fine filaments of glass that is similar in appearance to wool or cotton fiber.

227 FLEXIBLE VINYL: A nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content, as determined per Section 503.8.

228 HAND APPLICATION METHODS: The application of an adhesive or sealant product by manually held equipment. Such equipment includes: paint brushes, hand rollers, trowels, spatulas, daubers, rags, sponges, and mechanically or pneumatically driven syringes that do not atomize the applied products.

229 HIGH-VOLUME LOW-PRESSURE (HVLP) APPLICATION EQUIPMENT: Equipment used to apply coating by means of a spray gun which is designed to be operated, and which is operated between 0.1 and 10.0 pounds per square inch gauge (psig) air pressure, measured dynamically at the center of the air cap and at the air horns.

230 INDOOR FLOOR COVERING INSTALLATION ADHESIVE: Any adhesive intended by the manufacturer for the installation of wood flooring, carpet, carpet pads, rubber flooring, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll, or artificial grass. Such installed materials are in an enclosure and are not exposed to ambient weather conditions during normal use. Indoor floor covering installation does not include ceramic tile installation or subfloor installation.

231 KEY SYSTEM OPERATING PARAMETER: A variable that is critical to the operation of an emission control system and that ensures both operation of the system within the system manufacturer=s specifications, and compliance with the overall system efficiency standard required by Section 307. Such variables may include, but are not limited to, hours of operation, temperature, flow rate, and pressure.

232 LEAK: A visible liquid solvent loss or a solvent vapor (mist) loss from unintended openings in a container.

233 LOW-SOLIDS MATERIAL: Any adhesive or sealant product, surface preparation solvent, cleanup solvent, or stripper containing no more than 120 grams of solids per liter (1.0 pound of solids per gallon) of product.

234 LOW-VOLUME LOW-PRESSURE (LVLP) APPLICATION EQUIPMENT: Spray coating application equipment with air pressure between 0.1 and 10.0 pounds per square inch gauge (psig) and air volume less than 15.5 cubic feet per minute (cfm) per spray gun and which operates at a maximum fluid delivery pressure of 50 psig.

235 MARINE DECK SEALANT/SEALANT PRIMER: Any sealant or sealant primer intended by the manufacturer to seal gaps on wooden marine decks.

236 METAL TO URETHANE/RUBBER MOLDING OR CASTING ADHESIVE: Any adhesive intended by the manufacturer to bond metal to high-density or elastomeric urethane or molded rubber materials, in heater molding or casting processes, to fabricate products such as rollers for computer printers or other paper handling equipment.

237 MULTIPURPOSE CONSTRUCTION ADHESIVE: Any adhesive intended by the manufacturer for the installation or repair of various construction materials, including, but not limited to, drywall, subfloor, panel, fiberglass reinforced plastic, ceiling tile, and acoustical tile.

238 NON-MEMBRANE ROOF INSTALLATION/REPAIR ADHESIVE/SEALANT: Any adhesive or sealant intended by the manufacturer for the installation or repair of non-membrane roofs, but is not intended for the installation of prefabricated single-ply roof membrane. With regard to non-membrane roof installation/repair adhesives, this category includes plastic or asphalt roof cement, asphalt roof coatings, and cold application cement.

239 OUTDOOR FLOOR COVERING INSTALLATION ADHESIVE: Any adhesive intended by the manufacturer for the installation of floor covering that is not in an enclosure and is exposed to ambient weather conditions during normal use. Outdoor floor covering installation does not include ceramic tile installation or subfloor installation.

240 PANEL INSTALLATION: The installation of plywood, pre-decorated hardboard, tile board, fiberglass reinforced plastic, and similar pre-decorated or non-decorated panels to studs or solid surfaces.

241 PLASTIC: A synthetic material chemically formed by the polymerization of organic (carbon-based) substances.

242 PLASTIC CEMENT WELDING ADHESIVE: Any adhesive made of resins and solvents that is formulated to dissolve the surfaces of plastic to form a bond between mating surfaces.

243 PLASTIC CEMENT WELDING ADHESIVE PRIMER: Any primer intended by the manufacturer to prepare plastic substrates prior to bonding or welding.

244 POLYVINYL CHLORIDE (PVC) WELDING ADHESIVE: Any adhesive intended by the manufacturer to weld PVC plastic pipe.

245 POLYVINYL CHLORIDE (PVC) WELDING SEALANT: A sealant designed to adhere to polyvinyl chloride (PVC) by dissolving its surface and to fill or seal gaps between PVC surfaces or between PVC and other surfaces.

246 POROUS MATERIAL: A material whose surface is permeable to liquids; such materials include, but are not limited to, foam, paper, corrugated paperboard, stone, and wood.

247 PROPELLANT: A fluid under pressure that expels the contents of a container when a valve is opened.

248 ROADWAY SEALANT: Any sealant intended by the manufacturer to be applied to public streets, highways, and related surfaces such as curbs, berms, driveways, and parking lots.

249 RUBBER: Any natural or manmade rubber substrate, including, but not limited to: styrene-

butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene, and ethylene propylene diene terpolymer.

250 RUBBER FLOORING: Flooring material in which both the back and the top surface are made of synthetic rubber, and which may be in sheet or tile form.

251 SEALANT: Any material with adhesive properties that is applied as a rope or bead and that is formulated for use primarily to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. Sealants include caulks. Sealants do not include sealers that are applied as continuous coatings.

252 SEALANT PRIMER: Any material intended by the manufacturer for application to a substrate, prior to the application of a sealant, to enhance the bonding surface.

253 SINGLE-PLY ROOF MEMBRANE: A single sheet of rubber, normally ethylene-propylene diene polymer, that is applied in a single layer to a building roof (normally a flat roof).

254 SOLID MATERIAL: The nonvolatile portion of an adhesive or sealant product, surface preparation solvent, cleanup solvent, or stripper that remains after heating a sample of the product at 110EC for one hour.

255 SOLVENT WELDING: The softening of the surfaces of two substrates by wetting them with a solvent and/or adhesive, and joining them together with a chemical and/or physical reaction(s) to form a fused union.

256 STATIONARY SOURCE: Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission. This includes all pollutant-emitting activities which:

256.1 Belong to the same industrial grouping, and

256.2 Are located on one property or on two or more contiguous properties, and

256.3 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 they:

256.4 Belong to the same two-digit standard industrial classification code, or

256.5 Are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

257 STRIPPER: A liquid used to remove cured adhesives and/or cured sealants.

258 STRUCTURAL GLAZING ADHESIVE: Any adhesive intended by the manufacturer to adhere glass, ceramic, metal, stone, or composite panels to exterior building frames.

259 SUBFLOOR INSTALLATION: The installation of subflooring material, typically plywood, over flooring joists. Subfloor installation includes the construction of any load bearing joints in joists or trusses. Subflooring is covered by a finished surface material.

260 SUBSTRATE: The material onto which an adhesive or sealant product, surface preparation solvent, cleanup solvent, or stripper is applied.

261 SURFACE PREPARATION SOLVENT: Any VOC-containing material used to remove contaminants such as dust, soil, oil, grease, etc., from a substrate prior to the application of an adhesive or sealant product.

262 THIN METAL LAMINATING ADHESIVE: Any adhesive intended by the manufacturer to bond multiple layers of metal to metal or metal to plastic in which the thickness of the bond line(s) is less than 0.025 mils (0.000025 inches).

263 TIRE REPAIR: To mend a hole, tear, fissure, blemish, or defect in a tire casing by grinding and/or gouging, applying adhesive, and attaching replacement rubber.

264 TIRE RETREAD ADHESIVE: An adhesive applied to the back of precured tread rubber and to the casing and cushion rubber. Tire retread adhesive may also be used to seal buffed tire casings to prevent oxidation while the tire is being prepared for a new tread.

265 TRAFFIC MARKING TAPE ADHESIVE PRIMER: An adhesive primer intended by the manufacturer to be applied to surfaces prior to the installation of traffic marking tape.
Traffic marking tape is a preformed reflective film intended by the manufacturer to be applied to public streets, highways, and other surfaces including, but not limited to, curbs, berms, driveways, and parking lots. It is not one of the ATraffic Coatings@ included in and defined in Rule 218, Architectural Coatings.

266 VOC COMPOSITE PARTIAL PRESSURE: VOC composite partial pressure is the sum of the partial vapor pressures of the compounds defined as VOCs, and shall be calculated by the following equation

$$PP_c = \frac{\sum_{i=1}^{n} (W_i)(VP_i) / MW_i}{\frac{W_w}{MW_w} + \sum_{i=1}^{n} \frac{W_e}{MW_e} + \sum_{i=1}^{n} \frac{W_i}{MW_i}}$$

Where:

- Pp_c = VOC composite partial pressure at 20°C, in mm mercury.
- W_i = Weight of the "I"th VOC compound, in grams, as determined by ASTM E 260-91.
- W_w = Weight of water, in grams as determined by ASTM D 3792-86.
- W_e = Weight of the AI@th exempt compound, in grams, as determined by ASTM E 260-91.
- Mw_i = Molecular weight of the AI@th VOC compound, in grams per g-mole, as given in chemical reference literature.
- Mw_w = Molecular weight of water, 18 grams per g-mole.
- Mw_e = Molecular weight of the AI@th exempt compound, in grams per g-mole, as given in chemical reference literature.
- Vp_i = Vapor pressure of the AI@th VOC compound at 20°C, in mm Hg, as determined by Section 502.10 of this rule.

267 VOC CONTENT PER LITER OF MATERIAL: The weight (in grams) of VOC per volume (in liters) of adhesive or sealant product is expressed as Agrams of VOC per liter of material@ and shall be calculated using the following formula:

$$\text{Grams of VOC per liter of material} = \frac{W_{vc} - W_w - W_{ec}}{\quad}$$

V_m

Where:

W_{vc} = Weight of all volatile compounds, in grams.
W_w = Weight of water, in grams.
W_{ec} = Weight of exempt compounds identified in Section 225, in grams.
V_m = Volume of material, as supplied by the manufacturer, in liters.

268 VOC CONTENT PER VOLUME OF PRODUCT, LESS WATER AND EXEMPT COMPOUNDS: The weight (in grams) of VOC per combined volume (in liters) of VOC plus solid materials in an adhesive or sealant product is expressed as Agrams of VOC per liter of product, less water and exempt compounds@ and shall be calculated using the following equation:

$$\text{Grams of VOC per liter of product, less water and less exempt compounds} = \frac{W_{vc} - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$

Where:

W_{vc} = Weight of all volatile compounds, in grams.
W_w = Weight of water, in grams.
W_{ec} = Weight of exempt compounds identified in Section 225, in grams.
V_m = Volume of material, as supplied by the manufacturer, in liters.
V_w = Volume of water, in liters.
V_{ec} = Volume of exempt compounds identified in Section 225, in liters.

269 VOC PERCENT OF MATERIAL BY WEIGHT: The percent of VOC by weight is the ratio of the weight of the VOC to the weight of the aerosol adhesive primer as supplied by the manufacturer, expressed as Apercent of VOC by weight@, and shall be calculated using the following formula:

$$\text{Percent of VOC by weight} = \frac{W_{voc}}{W_p} \times 100$$

Where:

W_{voc} = Weight of VOCs in grams.
W_p = Weight of the aerosol adhesive primer, as supplied by the manufacturer, in grams.

270 VOLATILE ORGANIC COMPOUND (VOC): Any chemical compound containing at least one atom of carbon, except for the exempt compounds listed in Rule 102, Definitions.

271 WATERPROOF RESORCINOL GLUE: A two-part resorcinol resin based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.

272 WIPE CLEANING: The method of cleaning a surface by physically rubbing it with a material such as a rag, paper, abrasive pad, brush, or a cotton swab moistened with a solvent.

273 WOOD FLOORING: A wood floor surface, which may be in the form of parquet tiles, planks, or strip-wood.

300 STANDARDS

301 MATERIAL APPLICATION METHODS:

301.1 A person shall not use any methods to apply any adhesive or sealant product except the following:

a. Hand application.

b. Dip coat.

c. Flow coat.

d. Brush or roll coat.

e. Electrodeposition.

f. Electrostatic spray.

g. High-volume low-pressure (HVLP) application equipment.

h. Low-volume low-pressure (LVLP) application equipment.

I. Aerosol cans.

j. airless sprayer (For applying contact adhesives, only)

k. air-assisted airless sprayer (For applying contact adhesives, only)

l. air-atomized sprayer (For applying contact adhesives, only)

m. Any other equivalent method approved in writing by the Air Pollution Control Officer and submitted to and approved by the United States Environmental Protection Agency.

301.2 A person shall not use any methods to apply any surface preparation solvent, cleanup solvent, or stripper except the following:

a. Wipe cleaning.

b. Non-propellant spray bottles or containers.

c. An enclosed gun cleaner as defined by Section 224.

d. Soaking application equipment parts in a closed container.

(STANDARDS continues on the next page)

302 VOC CONTENT LIMITS, ADHESIVES/ADHESIVE PRIMERS: Except as provided in Section 306, a person shall not apply an adhesive or adhesive primer that exceeds the VOC content limit, as applied (as determined per Section 268), in the following three tables:

TABLE 302 - 1
VOC CONTENT FOR ADHESIVES/ADHESIVE PRIMERS

Type of Adhesive/Adhesive Primer	Prior to December 1, 1998 VOC Content gm/liter (lb/gal) less water and exempt compounds	Effective December 1, 1998 VOC Content gm/liter (lb/gal) less water and exempt compounds
ABS Welding Adhesive	400 (3.3)	400 (3.3)
Automotive Glass Adhesive Primer	700 (5.7)	700 (5.7)
Ceramic Tile Installation Adhesive	150 (1.2)	130 (1.1)
Computer Diskette Jacket Mfg. Adhesive	850 (6.9)	850 (6.9)
Cove Base Installation Adhesive	200 (1.6)	150 (1.2)
CPVC Welding Adhesive	490 (4.0)	490 (4.0)
Indoor Floor Covering Installation Adhesive	150 (1.2)	150 (1.2)
Metal to Urethane/Rubber Molding or Casting Adhesive	850 (6.9)	250 (2.0)
Multipurpose Construction Adhesive	200 (1.6)	200 (1.6)
Non-Membrane Roof Install./Repr. Adhes	300 (2.5)	300 (2.5)
Outdoor Floor Covering Install. Adhesive	250 (2.0)	250 (2.0)
Plastic Cement Welding Adhesive Primer	650 (5.3)	650 (5.3)
PVC Welding Adhesive	510 (4.2)	510 (4.2)
Single-Ply Roof Membrane Installation/Repair		

Adhesive	650 (5.3)	250 (2.0)
Structural Glazing Adhesive	100 (0.8)	100 (0.8)
Thin Metal Laminating Adhesive	780 (6.4)	250 (2.0)
Tire Retread Adhesive	100 (0.8)	100 (0.8)
Traffic Marking Tape Adhesive Primer	550 (4.5)	150 (1.2)
Waterproof Resorcinol Glue	170 (1.4)	170 (1.4)
Other Plastic Cement Welding Adhesive	450 (3.7)	450 (3.7)
Other Adhesive Primer	250 (2.0)	250 (2.0)

TABLE 302 - 2
VOC CONTENT FOR CONTACT ADHESIVES

Type of Product	Prior to December 1, 1999 VOC Content gm/liter (lb/gal) less water and exempt compounds	Effective December 1, 1999 VOC Content gm/liter (lb/gal) less water and exempt compounds
Contact Adhesive	540 (4.4)	200 (1.6)

TABLE 302 - 3
VOC CONTENT FOR APPLICATION OF OTHER ADHESIVES ONTO SPECIFIC SUBSTRATES
(Pertains only to Adhesives Other Than those in Tables 302-1, 302-2 and 303)

Note: If two different types of substrates are to be bonded together and if the applicable VOC content limits in this table are not the same for each substrate, the higher of the two limits shall apply, unless specified otherwise.

Adhesive Applications Onto Substrates	Prior to December 1, 1998 VOC Content gm/liter (lb/gal) less water and exempt compounds	Effective December 1, 1998 VOC Content gm/liter (lb/gal) less water and exempt compounds
Adhesive Applied in Bonding: **Flexible Vinyl to Flexible Vinyl**	660 (5.4)	250 (2.0)
Adhesive Applied in Bonding: **Flexible Vinyl to Any Other Substrate**	250 (2.0)	250 (2.0)

Adhesive Applied to: **Fiberglass**	200 (1.6)	200 (1.6)
Adhesive Applied to: **Metal**	30 (0.2)	30 (0.2)
Adhesive Applied to: **Plastic Foam**	120 (1.0)	120 (1.0)
Adhesive Applied to: **Porous Material (e.g., Wood (but not a Plastic), and Plastic Foam)**	150 (1.2)	120 (1.0)
Adhesive Applied to: **Rubber**	650 (5.3)	250 (2.0)
Adhesive Applied to: **Other Substrates**	250 (2.0)	250 (2.0)

303 VOC CONTENT LIMITS, AEROSOL ADHESIVE PRIMERS: A person shall not apply any aerosol adhesive primer if the VOC content, including the propellant, exceeds the percentage value in the following table:

TABLE 303
MAXIMUM VOC CONTENT PERCENTAGES FOR AEROSOL ADHESIVE PRIMERS
(Percent of VOC by Weight Calculated Pursuant to Section 269)

Type of Aerosol	VOC Content Limit
Aerosol Adhesive Primer	75%

304 VOC CONTENT LIMITS SEALANTS/SEALANT PRIMERS: Except as provided in Section 306, a person shall not apply a sealant or sealant primer exceeding the VOC content, as applied (as determined per Section 268), in the following table:

TABLE 304
VOC CONTENT FOR SEALANTS AND SEALANT PRIMERS

Type of Sealant/Sealant Primer	**Prior to December 1, 1998** VOC Content gm/liter (lb/gal) less water and exempt compounds	**Effective December 1, 1998** VOC Content gm/liter (lb/gal) less water and exempt compounds
Architectural Sealant	250 (2.0)	250 (2.0)
Marine Deck Sealant	760 (6.2)	760 (6.2)

Marine Deck Sealant Primer	760 (6.2)	760 (6.2)
Non-membrane Roof Installation/Repair Sealant	300 (2.5)	300 (2.5)
Non-Porous Architectural Sealant Primer	250 (2.0)	250 (2.0)
Porous architectural sealant primer	775 (6.3)	775 (6.3)
PVC Welding Sealant	480 (3.9)	480 (3.9)
Roadway Sealant	250 (2.0)	250 (2.0)
Single-Ply Roof Membrane Sealant	450 (3.7)	450 (3.7)
Other Sealant	420 (3.4)	420 (3.4)
Other Sealant Primer	750 (6.1)	750 (6.1)

305 VOC CONTENT LIMITS SURFACE PREPARATION, CLEANUP, AND STRIPPER SOLVENTS: Except as provided in Sections 103.11, 306 and 307, and relative to the application of an adhesive or sealant product, a person shall not use a surface preparation solvent, a cleanup solvent, or a solvent used as a stripper exceeding the VOC content limit standard, as applied (as determined per either Section 266 or Section 268, as applicable), in the following table:

TABLE 305
VOC CONTENT OF SURFACE PREPARATION, CLEANUP, AND STRIPPER SOLVENTS

Note: Where VOC limits are shown as both grams/liter and composite vapor pressure, either may be used as the content limit for the specific application shown.

Adhesive or Sealant Product Activity For Which the Solvent Is Used	**VOC Content gm/liter (lb/gal) less water and exempt compounds**	**VOC Composite Partial Pressure Millimeters of Mercury at 20EC (68EF)**
Substrate Preparation Activity		
Single-Ply Roof Membrane Installation/Repair	**C**	45
Electronic Components	900 (7.3)	33
Medical Devices	900 (7.3)	33

Other Substrates	70 (0.6)	**C**
Cleanup Activity		
Cleaning a Spray Gun in an Enclosed Gun Cleaner	**C**	less than 45
Soaking Application Equipment in a Closed Container	**C**	9.5
Application Equipment - No Closed Container, No Enclosed Gun Cleaner	70 (0.6)	**C**
Equipment Other Than Adhesive or Sealant Product Application Equipment	**C**	less than 45
Solvent Stripping Activity		
Adhesive or Sealant Products on Wood Substrates	less than 350	2
Adhesive or Sealant Products on Substrates Other Than Wood	**C**	9.5

306 VOC CONTENT LIMITS LOW-SOLIDS MATERIALS: For any low-solids material listed in the tables of Sections 302 and 304, the VOC content standard shall be expressed as Agrams of VOC per liter of material@ (Section 267), as applied. For any low-solids material listed in table 305, the VOC content standard, as applied, shall be expressed as Agrams of VOC per liter of material@ (Section 267) or as AVOC composite partial pressure@ (Section 266), whichever is appropriate.

307 EMISSION CONTROL SYSTEM: As an alternative, a person may comply with the VOC limits specified in this rule, by using an approved air pollution control system consisting of capture and control devices, which reduces VOC emissions from the use of adhesives, sealants, strippers or solvents, by an equivalent or greater amount than the limits specified in Sections 302 through 305, with the written approval of the Air Pollution Control Officer. The minimum required overall capture and control efficiency of an emission system at which an equivalent or greater level of VOC reduction will be achieved, shall not be less than 85%, calculated by the following equation:

$$\text{Overall Capture and Control Efficiency, \%} = \frac{\text{Cap Eff} \times \text{Con Eff}}{100}$$

Where: Cap Eff = Capture Efficiency, in Percent
Con Eff = Control Efficiency, in Percent

308 STORAGE AND DISPOSAL: All VOC-containing materials used in applying adhesive or sealant products, such as surface preparation solvents; cleanup solvents and strippers; and cloth, paper, abrasive pads, and brushes moistened with solvents; shall be stored in non-absorbent closed containers with no liquid leaks. These containers shall be kept closed at all times except when such containers are being filled or emptied or when such containers are empty and dry.

400 ADMINISTRATIVE REQUIREMENTS

401 PROHIBITION OF SALE: Except as allowed in Section 103.12, no person shall sell or offer for sale any adhesive or sealant product that does not meet the applicable VOC content limits specified in Sections 302 through 306.

402 PROHIBITION OF SPECIFICATION: No person shall solicit, require the use of, or specify the application of any adhesive or sealant product subject to this rule, or any surface preparation solvent, cleanup solvent, or stripper subject to this rule, if such use or application would violate this rule. The prohibition in this section shall also apply to all written or oral contracts under the terms of which any such product or solvent is to be applied within the District.

403 LABELING REQUIREMENTS: For any adhesive or sealant product subject to this rule and manufactured on or after July 1, 1997, the product=s manufacturer shall:

403.1 Display the following on each adhesive or sealant product container label and/or on the product=s material safety data sheet:

403.1.1 The product=s maximum VOC content as supplied.

403.1.2 Recommendations regarding thinning, reducing, or mixing with any material containing one or more VOCs (as defined in Section 270).

403.1.3 The maximum VOC content as applied, when the product is applied according to the manufacturer=s recommendations.

403.2 Express the VOC content and/or the VOC Composite Partial Vapor Pressure content in

accordance with the definitions, Section 200 and Standards, Sections 302 through 306 in this rule.

403.3 Use the applicable methods in Section 503 and calculations in Section 200 to determine VOC content and VOC Composite Partial Pressure.

404 OPERATION AND MAINTENANCE PLAN: A person using an emission control system pursuant to Section 307 as a means of alternate compliance with this rule, must submit, with the application for Authority to Construct, pursuant to Rule 501, General Permit Requirements, an Operation and Maintenance Plan for the emission control system to the Air Pollution Control Officer for approval. The Plan shall specify operating and maintenance procedures which will demonstrate continuous operation of the emission control system during periods of emissions-producing operations. The Plan shall also specify which records shall be kept to document these operating and maintenance procedures. These records shall comply with the requirements of Sections 501 and 502. The Air Pollution Control Officer shall determine whether the Operation and Maintenance Plan meets the requirements of this section not later than 30 days after receipt of the Plan, or within a longer period of time agreed upon by the parties. If the Air Pollution Control Officer does not approve an Operation and Maintenance Plan, the source shall receive written notice of the deficiency, and shall have an additional 30 days from the date of the notification of the deficiency to correct and resubmit the Operation and Maintenance Plan. The Plan shall be implemented upon approval of the Air Pollution Control Officer. A Plan not re-submitted with the deficiencies corrected on a timely basis shall constitute a violation of this rule.

405 FEASIBILITY AND TECHNOLOGY ASSESSMENT, CONTACT ADHESIVES:
By January 1, 1999, the Air Pollution Control Officer shall assess the feasibility of both the exemption expiration date provision in Section 103.8, and the final VOC limits for contact adhesives and whether new technology could provide additional emissions reductions to meet the District=s Air Quality Management Plan objectives.

500 MONITORING AND RECORDS

501 RECORD-KEEPING:
In addition to any applicable record-keeping requirements of either Rule 502, New Source Review, Rule 507, Federal Operating Permit Program, Rule 511, Potential to Emit, or any other District rule which may be applicable, any person applying adhesive or sealant products, surface preparation solvents, cleanup solvents, or strippers subject to any provision of this rule shall maintain the following records in order to evaluate compliance:

501.1 Product Data: A list of currently used adhesive or sealant products, surface preparation solvents, cleanup solvents, or strippers shall be provided and maintained. The list shall include all of the following items for each material used:

501.1.1 The material=s manufacturer, product name, and product number or code.

501.1.2 Classification according to the terminology used in Sections 302, 303, 304 and 305 of this rule (e.g.,APVC Welding Adhesive@, AAdhesive Applied to Metal@, ASubstrate Preparation@, AMedical Devices@, etc.

501.1.3 The material=s VOC content as applied, determined according to Section 200, when used in the mixing ratio recommended by the manufacturer, and labeled pursuant to Section 403.

501.1.4 The actual mixing ratio, if different from the manufacturers recommendation., used in applying the material.

501.2 Product Usage and Frequency: Any person using materials regulated by this rule shall record and maintain records of the monthly usage of each individual material as listed pursuant to Section 501.1

501.2 Non-Complying Materials: Any person who uses materials exceeding the VOC limits specified in Sections 302, 303, 304, 305 and 306 shall record such usage on a daily basis showing the classification, product number and volume of materials used.

501.3 EMISSION CONTROL SYSTEM RECORDS:

501.3.1 A person using an emission control system as a means of alternate compliance pursuant to Section 307, shall maintain records on a daily basis, showing the type and volume of coatings and solvents used.

501.3.2 A person using an emission control system as a means of alternate compliance with this rule pursuant to Section 307, shall maintain daily records of key system operating and maintenance procedures which will demonstrate continuous operation and compliance of the emission control system during periods of emission-producing activities. Key system operating parameters are those necessary to ensure compliance with the requirements of Section 307, and are defined in Section 231.

502 RETENTION OF RECORDS: All records required by this rule shall be retained for at least three years, except for sources subject to Rule 507, Federal Operating Permit Program, which shall be retained for at least five years. Such records shall be made available to the Air Pollution Control Officer upon request.

503 TEST METHODS:

503.1 Determination of VOC Content: Except as provided in Sections 503.2 and 503.3, VOC content of non-aerosol adhesive or sealant products, surface preparation solvents, cleanup solvents, or strippers shall be determined in accordance with United States Environmental Protection Agency Method 24 or United States Environmental Protection Agency Method 24A.

503.2 Determination of VOC Content of Aerosol Adhesives Primers: The VOC content of aerosol adhesive primers shall be determined using South Coast Air Quality Management District Test Method 305 for aerosol coatings, California Air Resources Board Method 310, ADetermination of Volatile Organic Compounds (VOC) in Consumer Products@, or equivalent methods approved by the United States Environmental Protection Agency.

503.3 Determination of VOC Content of Plastic Welding Cement Adhesive/Primer: The VOC content of ABS, CPVC, PVC, or other plastic welding cement adhesive or any plastic welding cement primer shall be determined by using the South Coast Air Quality Management Districts ADetermination of Volatile Organic Compounds (VOC) in Materials Used for Pipes and Fittings@, Method 316a.

503.4 Determination of Compounds Exempt From VOC Definition: Exempt compounds referenced in Section 225 and listed in Rule 102, Definitions, shall be determined in accordance with ASTM D 4457-85 or California Air Resources Board Method 432. If any of the perfluorocarbons or volatile cyclic and linear methyl siloxanes are being claimed as exempt compounds, the person making the claim must state in advance which compounds are present, and the United States Environmental Protection Agency-approved

test method used to make the determination of these compounds.

503.5 Determination of Control Efficiency: Control efficiency of the emissions control system shall be determined in accordance with United States Environmental Protection Agency Method 18, 25, or 25A; or United States Environmental Protection Agency Method 2 or 2C (whichever is applicable).

503.6 Determination of Capture Efficiency: Efficiency of the capture system shall be determined in accordance with the United States Environmental Protection Agency's AGuidelines for Determining Capture Efficiency, January 9, 1995". Individual collection efficiency test runs subject to the EPA technical guidelines shall be determined by:

503.6.1 Applicable U.S. EPA methods 204, 204A, 204B, 204C, 204E, and/or 204F; or

503.6.2 The South Coast Air Quality Management District AProtocol for Determination of Volatile Organic Compound (VOC) Capture Efficiency@; or

503.6.3 Any other method approved by the U.S. EPA, the California Air Resources Board, and the Air Pollution Control Officer.

503.7 Determination of VOC Content of Emissions: The VOC content of emissions shall be determined by United States Environmental Protection Agency Method 18.

503.8 Determination of Plasticizer Content: The test method used to determine plasticizer content of flexible vinyls shall be ASTM Method E260-73, AGeneral Gas Chromatography Procedures@.

503.9 Determination of VOC Composite Partial Pressure: VOC composite partial pressure shall be determined in accordance with ASTM E260-91 for organic compounds, and ASTM D 3792-86 for water content as applicable, and Sections 266, and 503.10 of this rule.

503.10 Determination of Vapor Pressure: Vapor pressure of a VOC shall be determined in accordance with ASTM Method D2879-86, or may be obtained from standard reference texts, such as:

a. AThe Vapor Pressure of Pure Substances@, Boublik, Fried, and Hala; Elsevier Scientific Publishing Company, New York.

b. APerry's Chemical Engineer's Handbook@, McGraw-Hill Book Company.

c. ACRC Handbook of Chemistry and Physics@, Chemical Rubber Publishing Company.

d. ALange's Handbook of Chemistry@, John Dean, editor, McGraw-Hill Book Company.

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RULE 236 WOOD PRODUCTS COATING OPERATIONS

Adopted 11-03-94
(Amended 2-09-95, 4-10-97, 8-14-97)

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100 GENERAL

101 PURPOSE: To establish limits on the emission of volatile organic compounds (VOC) from coatings and strippers used on wood products, and from products used in surface preparation and cleanup.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule apply only to facilities located in the Sacramento Valley Air Basin portion of Placer County, as defined by California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 1.5, Article 1, Section 60106.

102.2 Business Category:: The provisions of this rule shall apply to any person who uses, manufactures, blends, sells, repackages, distributes, or specifies wood products coatings and/or strippers to be used for the coating and/or surface preparation of wood products, including furniture, cabinets, and custom replica furniture.

103 EXEMPTIONS:

103.1 Exemption, Residential: Residential non-commercial operations are exempt from all provisions of this rule.

103.2 Exemption, Non-Shop Architectural Coating Operations: The coating of stationary structures and their appurtenances in a non-shop environment, is subject to Rule 218, Architectural Coatings, and is exempt from all provisions of this rule.

103.3 Exemption, Aerosol Spray Coatings: Aerosol wood products coatings sold in non-refillable aerosol containers are exempt from all provisions of this rule.

103.4 Exemption, Panels and Siding: The factory application of wood products coatings in the manufacturing of finished wood panels intended for attachment to the inside walls of buildings, including, but not limited to, homes and office buildings, mobile homes, trailers, prefabricated buildings and similar structures, is subject to Rule 238, Factory Coating of Flat Wood Paneling, and is exempt from all provisions of this rule.

103.5 Exemption, Other: The application of coatings by template or stencil to add designs, letters or numbers to wood products, and the application of coatings to wooden musical instruments are exempt from all provisions of this rule.

103.6 Partial Exemption, Low Volume: Businesses using less than 55 gallons per year of wood products coatings and/or strippers (singly or in any combination) are exempt from all provisions of this rule with the exception of Section 501, USAGE RECORDS.

103.7 Partial Exemption, Specific Finishes: Coatings used to produce the following finishes are exempt from the provisions of Sections 302, 303 and 304, provided that records are maintained as specified in Section 501:

103.7.1 Crackle lacquers.

103.7.2 Faux finishes.

103.7.3 Imitation wood grain.

103.7.4 Leaf Finishes.

103.8 Exemption From Requirements of Other District Rules: Any wood products coating, stripper or cleaning solvent subject to the VOC limitations of this rule, Sections 302, 303, and 304, is exempt from the requirements of Rule 219, Organic Solvents.

200 DEFINITIONS

201 AEROSOL-SPRAY COATING: A coating which is sold in a hand-held, pressurized, non-refillable container of 1 liter (1.1 quarts) or less, and which is expelled from the container in a finely divided spray when a valve on the container is depressed.

202 AFFECTED POLLUTANT: Volatile organic compounds (VOC), as defined in Section 249.

203 AIR ASSISTED AIRLESS SPRAY: Equipment used to apply coatings that uses fluid pressure to atomize coating and air pressure between 0.1 and 20 psig to adjust the spray pattern.

204 BINDERS: Non-volatile polymeric organic materials (resins) which form surface film in coating applications.

205 CAPTURE EFFICIENCY: Expressed in percent, capture efficiency is the ratio of the weight of the VOC in the effluent stream entering a control device to the weight of the VOC emitted from wood product coating operations, both measured simultaneously in accordance with Section 503.4, and calculated by the following equation:

$$\text{Capture Efficiency} = \frac{W_c}{W_e} \times 100$$

Where: W_c = Weight of VOC entering the control device
W_e = Weight of VOC discharged from the coating operations.

206 CLEANUP MATERIAL: A VOC-containing material used to clean application equipment used in wood products coating operations.

207 CLEAR TOPCOAT: The final coating which contains binders, but not opaque pigments, and is specifically formulated to form a transparent or translucent solid protective film.

208 CLOSED CONTAINER: A container which has a cover where the cover meets with the main body of the container without any gaps between the cover and the main body

of the container.

209 COATING: A material which is applied to a surface and which forms a film in order to beautify and/or protect such surface. "Coating" includes, but is not limited to, materials such as topcoats, stains, sealers, fillers, conversion varnish, pigmented coating, multicolored coating, moldseal coating, washcoat, and toner.

210 CONTROL DEVICE EFFICIENCY: Expressed in percent, control device efficiency is the ratio of the weight of the VOC removed by the control device from the effluent stream entering the control device to the weight of VOC in the effluent stream entering the control device, both measured simultaneously in accordance with Section 503.5, and calculated by the following equation:

$$\text{Control Device Efficiency} = \frac{(W_c - W_a)}{W_c} \times 100$$

Where: W_c = Weight of VOC entering the control device
W_a = Weight of VOC discharged from the control device

211 CONVERSION VARNISH: A coating comprised of a homogeneous (alkyd-amino resin) liquid which, when acid catalyzed and applied, hardens upon exposure to air or heat, by evaporation and polymerization, to form a continuous film that imparts protective or decorative properties to wood surfaces. When used as a self sealing system or as a pigmented coating, conversion varnish shall not be subject to the July 1, 2005 VOC limit for Sealers or for Pigmented Coatings, as specified in section 302.

212 CRACKLE LACQUER: A clear or pigmented topcoat intended to produce a cracked or crazed appearance when dry.

213 DETAILING OR TOUCH-UP GUN: Small air spray equipment, including air brushes, that operates at no greater than five (5) cfm air flow and no greater than 50 psig air pressure and is used to repair or touch-up portions of wood products.

214 DIP COAT: A coating which is applied by dipping an object into a vat of coating material and allowing any excess coating material to drain off.

215 ELECTROSTATIC APPLICATION: The electrical charging of atomized coating droplets for deposition by electrostatic attraction.

216 EMISSIONS UNIT: An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected pollutant directly or as fugitive emissions

217 EMISSION CONTROL SYSTEM: A system for reducing emissions of VOC from coating operations. It consists of (1) equipment which captures drying oven exhaust and fugitive emissions from the line and transports them to the control device, and (2) a VOC control device which destroys the VOC or otherwise limits the emission of VOC to the atmosphere. The capture efficiency and the control device efficiency are calculated in accordance with Sections 205 and 210, respectively.

The Emission Control System Efficiency is calculated by the following equation:

$$\text{Efficiency},\% = \frac{\text{Capture Efficiency},\% \times \text{Control Device Efficiency},\%}{100}$$

218 ENCLOSED GUN CLEANER:

218.1 A device that is used for the cleaning of spray guns, pots and hoses, that has an enclosed solvent container, is not open to the ambient air when in use, and has a mechanism to force the cleanup material through the gun while the cleaner is in operation; or

218.2 A device that is used for the cleaning of spray guns, pots and hoses, that has an enclosed solvent container, uses non-atomized solvent flow to flush the spray equipment and collects and returns the discharged solvent to the enclosed container

219 EXEMPT COMPOUNDS: For the purposes of this rule, Exempt Compounds are as described in Rule 102, Definitions.

220 FAUX FINISH: A finish intended to simulate a surface other than wood, including stone, sand, slate, marble, metal, metal flake or leather.

221 FILLER: A preparation used to fill in cracks, grains, etc., of wood before applying a coating.

222 FLOW COATING: A coating application system where paint flows over the part and the excess coating drains back into the collection system.

223 HIGH-SOLIDS: A coating containing more than one (1) pound of solids per gallon of coating, by weight and which can include wiping stains, glazes, and opaque stains.

224 HIGH-VOLUME-LOW-PRESSURE (HVLP) SPRAY: Equipment used to apply coatings by means of a spray gun which is designed to be operated and which is operated between 0.1 and 10 psig air pressure measured dynamically at the center of the air cap and at the air horns.

225 IMITATION WOOD GRAIN: A hand applied finish that simulates the appearance of a specific natural wood grain.

226 INK: A fluid that contains dyes and/or colorants and is used to make markings but not to protect surfaces.

227 LEAF FINISH: A finish used in conjunction with metal leaf or foil.

228 LOW-SOLIDS COATING: A coating containing one (1) pound of solids per gallon of coating or less, by weight and which can include semi-transparent stains, toners, and washcoats.

229 LOW-VOLUME, LOW-PRESSURE (LVLP) EQUIPMENT: Spray coating application equipment with air pressure between 0.1 and 10.0 psig and air volume less than 15.5 cfm per spray gun and which operates at a maximum fluid delivery pressure of 50 psig.

230 MOLD-SEAL COATING: The initial coating applied to a new mold or repaired mold to provide a smooth surface which, when coated with a mold release coating, prevents products from sticking to the mold.

231 MULTI-COLORED COATING: A coating which exhibits more than one (1) color when applied and which is packaged in a single container and applied in a single coat.

232 NEW WOOD PRODUCT: A wood product which has not been previously coated or a wood product from which uncured coatings have been removed to repair flaws in initial coatings applications.

233 NON-SHOP ARCHITECTURAL COATING OPERATIONS: The commercial application of coatings to stationary structures and/or their appurtenances, to mobile homes, to pavements, or to curbs, and not conducted inside, or on the premises of, a factory or shop building facility.

234 OPAQUE STAINS: Stains not classified as semitransparent stains, which contain pigments which give character to wood.

235 PIGMENTED COATINGS: Opaque coatings which contain binders and colored pigments which are formulated to hide the wood surface, either as an undercoat or topcoat.

236 REACTIVE DILUENT: A liquid component of a coating which is a VOC during application, and one in which, through chemical or physical reactions, such as polymerization, becomes an integral part of a finished coating.

237 REFINISHING OPERATION: The steps necessary to remove cured coatings and to repair, preserve, or restore a wood product.

238 REPAIR: Recoating portions of previously coated product to cover mechanical damage to the coating following normal painting operations.

239 ROLL COATER: A series of mechanical rollers that forms a thin coating film on the surface of roller, which is applied to a substrate by moving the substrate underneath the roller.

240 SEALER: A coating containing binders, which seals the wood prior to application of the subsequent coatings.

241 SEMITRANSPARENT STAIN: A stain containing dyes and/or semi-transparent pigments which are formulated to enhance wood grain and change surface color but not to conceal surface grain, and include sap stain and non-grain raising stains. Semitransparent stains with greater than one (1) pound of solids per gallon of coating shall be considered opaque stains.

242 SIMULATED WOOD MATERIALS: Materials, such as plastic, glass, metal, etc., that are made to give a wood-like appearance or are processed like a wood product.

243 STENCIL COATING: An ink or a pigmented coating which is rolled or brushed onto a template or stamp in order to add identifying letters and/or numbers to wood products.

244 STRIPPER: A liquid used to remove cured coatings, cured inks, and/or cured adhesives.

245 SURFACE PREPARATION MATERIAL: A VOC-containing material applied to the surface of any wood product, prior to the application of coatings, to clean the wood product or to promote the adhesion of subsequent coatings.

246 TONER: A wash coat which contains binders and dyes or pigments to add tint to a coated surface.

247 TOUCH-UP: A coating used to cover minor coating imperfections appearing after the main coating operation.

248 VOC COMPOSITE PARTIAL VAPOR PRESSURE: VOC composite partial vapor pressure for determination of compliance with Section 304 shall be calculated by the following equation:

$$PP_c = \frac{\sum_{i=1}^{n} (W_i)(VP_i)/MW_i}{\frac{W_w}{MW_w} + \frac{W_e}{MW_e} + \sum_{i=1}^{n} WSUB\frac{i}{MW_i}}$$

Where:

	PP_c	=	VOC composite partial pressure at 20°C, in mm mercury.
	W_i	=	Weight of the "I"$_{th}$ VOC compound, in grams.
	W_w	=	Weight of water, in grams.
	W_e	=	Weight of exempt compounds, in grams.
	Mw_i	=	Molecular weight of the "I"$_{th}$ VOC compound, in (g/g-mole).
	Mw_w	=	Molecular weight of water, in (g/g-mole).

Mw_e = Molecular weight of exempt compound, in (g/g-mole).
Vp_i = Vapor pressure of the "I"$_{th}$ VOC compound at 20°C, in mm mercury.

249 VOLATILE ORGANIC COMPOUND (VOC): Any chemical compound containing at least atom of carbon, except for the Exempt Compounds listed in Rule 102, Definitions.

250 VOC CONTENT PER LITER OF COATING, LESS WATER AND EXEMPT COMPOUNDS: The weight of VOC per combined volume of VOC and coating solids, shall be calculated by the following equation:

$$G_1 = \frac{W_v - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$

Where: G_1 = Weight of VOC per liter of coating, less water and less exempt compounds.
W_v = Weight of volatile compounds, in grams.
W_w = Weight of water, in grams.
W_{ec} = Weight of exempt compounds, in grams.
V_m = Volume of coating material, in liters.
V_w = Volume of water, in liters.
V_{ec} = Volume of exempt compounds, in liters.

251 VOC CONTENT PER LITER OF MATERIAL: The weight (in grams) of VOC per liter of wood products coating material is expressed as Grams VOC per Liter of Material, and shall be calculated using the following

Weight of VOC per volume of material = $\frac{(W_v W_w W_{ec})}{v_m}$

Where: W_v = Weight of all volatile compounds, in grams
W_w = Weight of water, in grams
W_{ec} = Weight of compounds listed as exempt from the definition of VOC, in Section 218, in grams
V_m = Volume of material, including any added VOC-containing solvents or reducers but excluding any colorants added to tint the base, in liters

252 VOC CONTENT PER POUND OF COATING SOLIDS: Pounds of VOC per pound of coating solids is the weight of VOC per weight of coating solids in any given coating material, and shall be calculated by the test method found in Section 503.1 and the following equation:

252.1 Pounds of VOC per Pound of Solids = $\frac{W_s - W_w - W_{es}}{W_r}$

Where: W_s = Weight of volatile compounds, in pounds
W_w = Weight of water, in pounds
W_{es} = Weight of exempt compounds, in pounds
W_r = Weight of coating solids, in pounds

252.2 For coatings that contain **reactive diluents**, the VOC content of the coating is determined **after curing**. For these coatings, the pounds of VOC per pound of coating solids shall be calculated by the test method found in Section 503.1 and the following equation:

$$\text{Pounds of VOC per Pound of Solids} = \frac{W_s - W_w - W_{es}}{W_r}$$

Where: W_s = Weight of volatile compounds in pounds, emitted into the atmosphere during curing
W_w = Weight of water in pounds, emitted into the atmosphere during curing
W_{es} = Weight of exempt compounds in pounds, emitted into the atmosphere during curing
W_r = Weight of coating solids in pounds, prior to reaction

253 WASH COAT: A coating, containing binders, which penetrates into and seals wood, prevents undesired staining, and seals in wood pitch. Washcoats with greater than one (1) pound of solids per gallon of coating shall be considered sealers.

254 WOOD PANEL: Any piece of wood, or wood composition, which is solid or laminated, and which is larger than 10 square feet in size, and which is not subsequently cut into smaller pieces.

255 WOOD PRODUCTS: Surface-coated objects such as cabinets (kitchen, bath and vanity), tables, chairs, beds, sofas, shutters, doors, trim, containers, tools, ladders, art objects, and any other objects made of solid wood and/or wood composition and/or of simulated wood material used in combination with solid wood or wood composition.

256 WOOD PRODUCT COATING APPLICATION OPERATIONS: A combination of coating application steps which may include use of spray guns, flash-off areas, spray booths, ovens, conveyors, and/or other equipment operated for the purpose of applying coating to wood products.

300 STANDARDS

301 APPLICATION EQUIPMENT REQUIREMENTS: A person subject to the provisions of this rule shall not apply any wood product coating to any wood products, unless one of the following application methods is used:

a. Hand application methods, such as brush or roller

b. Roll coater
c. Dip coat

d. Flowcoat

e. High Volume Low Pressure spray equipment

f. Low Volume Low Pressure spray equipment

g. Air assisted airless, for touch-up and repair only

h. Electrostatic application equipment

I. Any other equivalent method which has been approved in writing by the Air Pollution Control Officer and the U.S. Environmental Protection Agency

302 LIMITS FOR VOC CONTENT OF COATINGS FOR NEW WOOD PRODUCTS: Except as provided in Sections 103, 305, and 306 no person shall apply any coatings to a new wood product, or use VOC-containing solvents, if such materials have a VOC content exceeding the applicable limits specified in the following table. The VOC content of coatings, except low-solid stains, toners, washcoats and solvents, shall be determined in accordance with Sections 250 and 503.1. The VOC content of low-solid stains, toners washcoats and solvents, shall be determined in accordance with Sections 251 and 503.1.

302.1 If the emission averaging provisions of Section 306 are <u>not</u> used to achieve compliance with this section, VOC limits expressed in Grams VOC Per Liter of Coating shall be used.

302.2 If the emission averaging provisions of Section 306 are used to achieve compliance with this section, VOC limits expressed in Pounds VOC Per Pound of Solids, in accordance with Section 252, shall be used.

(Section 302 Continues With The Following Table)

LIMITS FOR VOC CONTENT OF COATINGS FOR NEW WOOD PRODUCTS

SPECIFIC MATERIAL	VOC LIMITS Grams VOC Per Liter of Coating Less Water and Exempt Compounds, as defined in Section 250 (Pounds VOC Per Pound of Solids, which applies only if Emission Averaging is used, as defined in Section 252)	
	BEFORE JULY 1, 2005	**EFFECTIVE JULY 1, 2005**
Clear Topcoats	550 (1.37)	275 (0.35)
Conversion Varnish	550 (1.37)	550 (1.20) *
Filler	500 (0.66)	275 (0.18)
High-Solid Stain	550 (1.23)	350 (0.42)
Inks	500 (0.96)	500 (0.96)
Mold-Seal Coating	750 (4.20)	750 (4.20)
Multi-colored Coating	685 (2.60)	275 (0.33)
Pigmented Coating	550 (1.10)	275 (0.25) *
Sealer	550 (1.39)	275 (0.36) *
	VOC LIMITS Grams VOC per Liter of *Material*, as defined in Section 251 (Pounds VOC per Pound of Solids, which applies only if Emission Averaging is used, as defined in Section 252)	
Low Solid Stains, Toners and Washcoats	**BEFORE JULY 1, 2005**	**EFFECTIVE JULY 1, 2005**
	480 (4.0)	120 (1.00)
	VOC LIMITS Grams VOC Per Liter of *Material* (Pounds Per Gallon)	
Surface Prep and Clean-up Solvents Containing VOCs	**BEFORE JULY 1, 2005**	**EFFECTIVE JULY 1, 2005**
	200 (1.67)	200 (1.67)

***** (See Section 211 for special conditions for Conversion Varnish)

302.3 Notwithstanding the VOC limits specified in this section, a person may apply a sealer with a VOC content not exceeding 680 grams/liter, provided that the topcoat used on the same wood product does not exceed 275 grams/liter.

303 **LIMITS FOR VOC CONTENT OF COATINGS FOR REFINISHING, REPAIRING, PRESERVING, OR RESTORING WOOD PRODUCTS:** Except as provided in Sections 103, 305, and 306 no person shall apply any coatings to refinish, repair, preserve, or restore a wood product,

or use VOC-containing solvents, if such materials have a VOC content exceeding the applicable limits specified in the following table. The VOC content of coatings, except low-solid stains, toners, and washcoats, shall be determined in accordance with Sections 250 and 503.1. The VOC content of low-solid stains, toners and washcoats and VOC-containing solvents shall be determined in accordance with Sections 251 and 503.1.

303.1 If the emission averaging provisions of Section 306 are not used to achieve compliance with this section, VOC limits expressed in grams per liter shall be used.

303.2 If the emission averaging provisions of Section 306 are used to achieve compliance with this section, VOC limits expressed in pounds of VOC per pound of solids, in accordance with Section 252, shall be used.

LIMITS FOR VOC CONTENT OF COATINGS TO REFINISH, REPAIR, PRESERVE OR RESTORE

SPECIFIC MATERIAL	VOC LIMITS Grams VOC Per Liter of Coating Less Water and Exempt Compounds, as defined in Section 250 (Pounds VOC Per Pound of Solids [applies only if Emission Averaging is used], as defined in Section 252)
Clear Topcoats	680 (2.50)
Conversion Varnish	550 (1.20) *
Filler	500 (0.96)
High-Solid Stain	700 (2.57)
Inks	500 (0.96)
Mold-Seal Coating	750 (4.20)
Multi-colored Coating	680 (2.50)
Pigmented Coating	600 (1.60) *
Sealer	680 (2.50) *
	VOC LIMIT Grams VOC Per Liter of *Material,* as defined in Section 251 (Pounds VOC Per Pound of Solids [applies only if Emission Averaging is used], as defined in Section 252)
Low Solid Stains, Toners and Washcoats	480 (0.76)
	VOC LIMIT Grams VOC Per Liter of Material (Pounds VOC Per Gallon)
Surface Prep and Clean-up Solvents Containing VOCs	200 (1.67)

* (See Section 211 for special conditions for Conversion Varnish)

304 LIMITS OF VOC CONTENT FOR STRIPPERS: A person shall not use a stripper on wood products unless:

304.1 The stripper contains less than 350 grams of VOC per liter of material; **or**

304.2 the VOC composite partial vapor pressure for the stripper is 2 mm mercury (0.04 psia) or less at 20°C (68°F), as calculated pursuant to Section 248.

305 EMISSION CONTROL SYSTEM:

305.1 As an alternative, a person may comply with the VOC limits specified in Sections 302, 303, and 304, by using an approved air pollution control system consisting of a capture system and a control device, which reduces VOC emissions from the application of wood products coatings or strippers by an equivalent or greater amount than the limits specified in Sections 302, 303, and 304, with the written approval of the Air Pollution Control Officer. In order to achieve an equivalent or greater level of VOC reduction, the minimum allowable Emission Control System Efficiency of such a system, when calculated pursuant to Section 217, shall be the efficiency calculated by the following equation:

$$C.E. = 1 - \left(\frac{(VOC_{LWc})}{(VOC_{LWnMax})} X \frac{(1 - (VOC_{LWnMax} / (D_{nMax})}{(1 - (VOC_{LWc} / D_c)} \right) X100$$

Where:

$C.E.$	=	Minimum allowable Emission Control System Efficiency, percent.
VOC_{LWc}	=	VOC Limit of Rule 236, less water and less exempt compounds, pursuant to Sections 302, 303, and/or 304.
$VOC_{LWn,Max}$	=	Maximum VOC content of non-compliant coating used in conjunction with a control device, less water and less exempt compounds.
$D_{n,Max}$	=	Density of solvent, reducer, or thinner contained in the non-compliant coating, containing the maximum VOC content of the multi component coating, g/L.
D_c	=	Density of corresponding solvent, reducer, or thinner used in the compliant coating system. [= 880 g/L.]

305.2 The capture system shall vent all drying oven exhaust to the control device and shall have one or more inlets for collection of fugitive emissions; and

305.3 During any period of operation of a thermal incinerator, combustion temperature shall be continuously monitored; and

305.4 During any period of operation of a catalytic incinerator, exhaust gas temperature shall be continuously monitored; and

305.5 Written approval for the use of such equipment is obtained from the Air Pollution Control Officer prior to installation or use of the equipment.

306 EMISSIONS AVERAGING PROVISIONS:

306.1 A person may comply with the provisions of Sections 302, 303, and 304 by using an averaging approach for all or a portion of the coatings used at the facility, provided that all requirements of this Section are met.

306.1.1 Standard: A person using the provisions of this Section for compliance shall demonstrate that emissions from the coatings being averaged, on a pounds of VOC per pounds of solids basis, on a rolling 30-day basis, are less than or equal to 90 percent of the allowable emissions, based on the following:

$$0.9\sum_{i=1}^{n} VOC_i(U_i) \geq \sum_{i=1}^{n} ER_i(U_i)$$

Where:

VOC_i = VOC content limit of coating Al@ (grams of VOC per liter of material for low solids coatings and pounds of VOC per pound of solids for all other coatings, as required in Sections 302, 303, or 304).

U_i = Usage of coating Al@ (liters of material for low-solids coatings, and pounds of solids for all other coatings), and

Er_i = Actual VOC content of coating Al@, as applied (grams per liter for low-solids materials and pounds of VOC per pounds of solids for all other coatings).

306.1.2 Conditions: The 0.9 multiplier above is applicable only to facilities that are subject to Rule 507 Federal Operating Permit Program, and is not applicable after July 1, 2005. Any wood product coating not included in the emissions averaging shall comply with the VOC limits in Sections 302, 303, or 304.

307 REQUIREMENTS FOR SURFACE PREPARATION AND CLEANUP MATERIALS: Any person subject to this rule shall comply with the following requirements:

307.1 Spray gun nozzles only, may be soaked in solvent-based materials for cleaning, provided the container (not to exceed five (5) gallons in size) is kept tightly covered at all times except when accessing the container.

307.2 Closed containers shall be used for the disposal of cloth or paper used for surface preparation, cleanup, and coating removal.

307.3 VOC-containing materials shall be stored in containers, which are closed when not in use, and shall be disposed of in a manner that the VOCs are not emitted into the atmosphere.

307.4 A person shall not use solvent-based VOC-containing materials for the cleanup of spray equipment used in wood products coating application operations, unless the spray equipment is disassembled and cleaned in an enclosed gun cleaner.

307.5 A person shall not perform surface preparation or cleanup with a material containing VOCs in excess of 200 grams per liter (1.67 pounds per gallon) in accordance with VOC limit standards in Sections 302 and 303.

400 ADMINISTRATIVE REQUIREMENTS

401 PROHIBITION OF SPECIFICATION: No person shall require for use or specify the application of any coating subject to the provisions of this rule that does not meet the limits and requirements of this rule. The prohibition of this Section shall apply to all written or oral contracts under the terms of which any coating is to be applied to any wood product at any physical location within the District.

402 LABELING REQUIREMENTS, VOC CONTENT: Each container of any coating, surface preparation material, or cleanup material, or stripper manufactured after July 1, 1997 shall display its maximum VOC content of the coating, as applied, and after any thinning as recommended by the manufacturer, or shall have this information provided in a product data sheet supplied with the container. VOC content shall be displayed as grams of VOC per liter of coating (less water and less exempt solvent, and excluding any colorant added to tint bases), surface preparation and cleanup material, or stripper. VOC content displayed may be calculated using product formulation data, or may be determined using the test method in Section 503.1. Alternatively, containers for strippers subject to the provisions of Section 304 may display only the partial vapor pressure.

403 EMISSIONS AVERAGING PLAN:

403.1 A person wanting to use the emissions averaging provisions of Section 306 to achieve compliance with this rule shall submit an Emissions Averaging Plan (APlan@) for approval by the Air Pollution Control Officer. The Plan may not be implemented until it is approved, in writing, by the Air Pollution Control Officer. Submittal of a Plan does not provide an exemption from the requirements of this rule. The Plan must be resubmitted, for approval by the Air Pollution Control Officer on an annual basis. If the Plan is not approved, emissions averaging will not be permitted.

403.2 The Plan shall include, at a minimum:

403.2.1 A description of the wood product coatings to be included in the averaging program, **and**

403.2.2 A description of the quantification and record keeping for coating usage, coating VOC and solids content, VOC emissions, and calculations to show compliance with Section 306.

404 OPERATION AND MAINTENANCE PLAN: A person using an emission control system pursuant to Section 305, as a means of alternate compliance with this rule, as provided in Sections 302, 303 and 304, must submit an Operation and Maintenance Plan for the emission control system to the Air Pollution Control Officer for approval. A person proposing to install a new emission control system as a means of alternate compliance with this rule shall submit in addition to an Operation and Maintenance Plan, an application for Authority to Construct, pursuant to Rule 501, General Permit Requirements. The Plan shall specify operating and maintenance procedures which will demonstrate continuous operation of the emission control system during periods of emissions-producing operations. The Plan shall also specify which records must be kept to document these operating and maintenance procedures. These records shall comply with the requirements of Sections 501 and 502. The Plan shall be implemented upon approval of the Air Pollution Control Officer.

405 FEASIBILITY AND TECHNOLOGY ASSESSMENT: By July 1, 2003, the Air Pollution Control Officer shall assess the feasibility of the July 1, 2005 VOC limits and whether new technology could provide additional emissions reductions to meet the District=s Air Quality Management Plan objectives.

500 MONITORING AND RECORDS

501 RECORD-KEEPING: In addition to any applicable record keeping requirements of either Rule 502, New Source Review, Rule 507, Federal Operating Permit Program, and Rule 511, Potential to Emit, or any other District rule which may be applicable, any person subject to this rule shall maintain the following records in order to evaluate compliance:

501.1 Product Data:

501.1.1 A data sheet, material list, or invoice giving material name, manufacturer identification, material application, and VOC content;

501.1.2 Any catalysts, reducers, or other components used, and the mix ratio;

501.1.3 the applicable VOC limit from Section 302 or 303 and the actual VOC content of the wood product coating as applied.

501.2 Product Usage and Frequency:

501.2.1 For persons using coatings or materials which comply with the VOC limits specified in Sections 302, 303, and 304, records shall be maintained on a monthly basis, showing the type and volume of coatings, strippers and surface preparation and cleanup materials used. Coating type shall be designated according to the coating categories as listed in Sections 302, 303, and 304.

501.2.2 For coatings used in emissions averaging pursuant to Section 306, daily records shall be maintained, showing the type and volume of coatings, strippers and surface preparation and cleanup materials used.

501.2.3 If at any time a person uses coatings or materials exceeding the VOC limits specified in Sections 302, 303, and 304, records shall be maintained on a

daily basis showing the type and volume of materials used.

501.3 Emission Control System:

501.3.1 A person using an emission control system as a means of alternate compliance pursuant to Section 305, shall maintain records on a daily basis, showing the type and volume of coatings and solvents used.

501.3.2 A person using an emission control system as a means of alternate compliance with this rule pursuant to Section 305, shall maintain daily records of key system operating and maintenance procedures which will demonstrate continuous operation and compliance of the emission control system during periods of emission-producing activities. Key system operating parameters are those necessary to ensure compliance with the requirements of Section 305.

502 RETENTION OF RECORDS: All records required by this rule shall be retained for at least three years, except for sources subject to Rule 507, Federal Operating Permit Program, which shall be retained for at least five years. Such records shall be made available to the Air Pollution Control Officer upon request.

503 TEST METHODS

503.1 Determination of VOC Content: VOC content of wood product coatings, strippers, and surface preparation and cleanup materials, subject to this rule, shall be determined in accordance with United States Environmental Protection Agency (U.S. EPA) Method 24 and Sections 250, 251 or 252 of this rule, as applicable.

503.2 Determination of Composition of VOC: The composition of VOC shall be as specified on the manufacturer's label or data sheet, or as determined by ASTM Method E-260, General Gas Chromatograph.

503.3 Determination of Compounds Exempt From VOC Definition: Exempt Compounds per Section 219 of this rule, and as defined in Rule 102, Definitions, shall be determined in accordance with ASTM D-4457-85, or ARB Method 432. If any of the perfluorocarbons or volatile cyclic and linear methyl siloxanes are being claimed as exempt compounds, the person making the claim must state in advance which compounds are present, and the U.S. EPA-approved test method used to make the determination of these compounds.

503.4 Determination of Capture Efficiency: Efficiency of the capture system shall be determined in accordance with U.S. EPA AGuidelines for Determining Capture Efficiency, January 9, 1995". Individual capture efficiency test runs subject to the U.S. EPA technical guidelines, calculated in accordance with Section 205, shall be determined by:

503.4.1 Applicable U.S. EPA methods 204, 204A, 204B, 204C, 204E, and/or 204F; or

503.4.2 The South Coast Air Quality Management District AProtocol for Determination of Volatile Organic Compound (VOC) Capture Efficiency@; or

503.4.3 Any other method approved by the U.S. EPA, the California Air Resources Board, and the Air Pollution

Control
Officer.

503.5 Determination of Control Device Efficiency: Efficiency of the emission control device shall be based upon test measurements made in accordance with (1) U.S. EPA Method 18, 25 or 25A, for VOC concentration, and (2) U.S. EPA Method 2 or 2C for flow rates, as applicable, and calculated in accordance with Section 210.

503.6 Vapor Pressure: Vapor pressures may be obtained from standard reference texts or may be determined by ASTM D-2879.

503.7 Volatile Content of Radiation Curable Materials: Volatile content of radiation curable materials shall be obtained in accordance with ASTM Method D-5403-93.

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RULE 237 MUNICIPAL LANDFILLS

Adopted 11-03-94
(Amended 02-09-95, 08-14-97)

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100 GENERAL

101 PURPOSE: To limit non-methane organic compounds (NMOC) emissions from municipal solid waste (MSW) landfills by implementing the provisions of 40 Code of Federal Regulations (CFR) Part 60, Subpart Cc Emission Guidelines and Compliance Times for MSW Landfills.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule shall apply to all facilities located in Placer County.

102.2 Business Category: The provisions of this rule shall apply to all Municipal Solid Waste (MSW) landfills that meet both of the following conditions:

102.2.1 Construction, reconstruction, or modification that was commenced before May 30, 1991; and

102.2.2 Has accepted waste at any time since November 8, 1987 or has additional design capacity available for future waste deposition.

200 DEFINITIONS

Terms used but not defined in this rule have the meaning given them in 40 CFR Part 60.751 (Definitions) except:

201 ADMINISTRATOR: The Placer County Air Pollution Control Officer is the Administrator for the purposes of this rule and referenced provisions of the Code of Federal Regulations, except that the APCO shall not be empowered to approve:

201.1 Alternative or equivalent test methods, alternative standards; or

201.2 Alternative work practices unless included in the site specific design plan as provided in 40 CFR Section 60.752 (b)(2)(I).

202 DESIGN PLAN OR PLAN: The site-specific design plan for the gas collection and control system submitted under Section 303 of this rule.

203 MUNICIPAL SOLID WASTE LANDFILL OR MSW LANDFILL: An entire disposal facility in a contiguous geographical space where household waste is placed in or on land. A MSW landfill may also receive other types of RCRA Subtitle D wastes such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. A MSW landfill may be publicly or privately owned. A MSW landfill may be a new MSW landfill, an existing MSW landfill or a lateral expansion

300 STANDARDS

301 DESIGN CAPACITY AND EMISSIONS REPORT: The owner or operator of each MSW landfill shall submit an initial design capacity and emissions report and amended design capacity emissions report as specified in 40 CFR 60.752 (Standards for Air Emissions from MSW Landfills). Any density conversions shall be documented and submitted with the report.

302 COLLECTION AND CONTROL SYSTEM: The owner or operator of a MSW landfill that has either

a design capacity equal to or greater than 2.5 million megagrams (2.75 million tons) or 2.5 million cubic meters, or a non-methane organic compounds (NMOC) emission rate of 50 megagrams per year (55.1 tons per year), or more as calculated pursuant to 40 Code of Federal Regulations (CFR) 60.754, shall install a collection and control system meeting the conditions provided in 40 CFR 60.752(b)(2)(ii) and (iii), except as provided in Section 304 of this rule.

303 COLLECTION AND CONTROL SYSTEM DESIGN PLAN: The owner or operator of a MSW landfill required to install a gas collection and control system pursuant to Section 302 shall submit a site-specific collection and control system design plan to the APCO as provided under 40 CFR 60.752(b)(2)(I)(B), and an Authority to Construct application pursuant to Rule 501, General Permit Requirements, and meet all of the following conditions.

303.1 The design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, record keeping or reporting provisions of 40 CFR 60.753 through 60.758.

303.2 The APCO shall review and either approve or disapprove the plan, or request that additional information be submitted. The design plan shall either conform with specifications for active collection systems in 40 CFR 60.759 or include a demonstration to the APCO's satisfaction of the sufficiency of the alternative provisions to 40 CFR 60.759. The design plan may include alternatives as specified in 40 CFR 60.752(b)(2)(B).

303.3 The design plan shall provide for the control of collected MSW landfill emissions through the use of a collection and control system meeting the collection and control system requirements of 40 CFR 60.752(b)(2)(ii) and (iii) except that paragraphs (b)(2)(ii)(B) and (b)(2)(iii)(A) of 40 CFR 60.752 concerning the use of passive collection systems and open flares do not apply to MSW landfills subject to this rule. Sources shall route all collected gas to a collection and control system that complies with the requirements of 40 CFR 60.752(b)(2)(ii)(A) for active collection systems or 40 CFR 60.752(b)(2)(iii)(B) or (C), concerning control devices and treatment systems other than an open flare.

304 COLLECTION AND CONTROL SYSTEM OPERATIONAL STANDARDS: Each MSW landfill required to install a gas collection and control system pursuant to Section 302 shall meet the operational standards in 40 CFR 60.753; the compliance provisions in 40 CFR 60.755 and the monitoring provisions in 40 CFR 60.756, except that the APCO may approve alternatives in the design plan as provided in Section 303 of this rule.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE

401.1 The design capacity and the NMOC emissions reports required pursuant to 40 CFR 60.752 and 40 CFR 60.754 shall be submitted within ninety (90) days after August 8, 1997.

401.2 The site-specific collection and control system design plan required under Section 303 of this rule shall be submitted within one year after the District determines that the MSW landfill has a NMOC emission rate equal to or greater than fifty (50) megagrams per year, or that there is 500,000 tons or more of waste in place.

401.3 The planning, awarding of contracts, and installation of the collection and control equipment required pursuant to Section 302 of this rule shall be accomplished within thirty (30) months after August 8, 1997.

401.4 The initial performance test of the collection and control system equipment shall be accomplished within six (6) months of control system startup.

500 MONITORING AND RECORDS

501 RECORD KEEPING: The owner or operator of each MSW landfill shall meet the record keeping and reporting requirements of 40 CFR 60.757 and 40 CFR 60.758, as applicable, except that the APCO may approve alternative record keeping and reporting provisions as provided in Section 304 of this rule. Any records or reports required to be submitted pursuant to 40 CFR 60.757 or 40 CFR 60.758 shall be submitted to the APCO.

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RULE 238 FACTORY COATING OF FLAT WOOD PANELING

Adopted 11-03-94
(Amended 2-09-95, 6-08-95, 8-14-97)

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100 GENERAL

101 PURPOSE: The purpose of this Rule is to limit the emission of volatile organic compounds (VOC) from the factory application of coatings and inks to flatwood paneling as defined in Section 207, and to wood flat stock, as defined in Section 219.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule apply only to facilities located in the Sacramento Valley Air Basin portion of Placer County, as defined by California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 1.5, Article 1, Section 60106.

102.2 Business Category: The provisions of this rule shall apply to any person who applies in a shop or factory facility, coatings or inks used to coat any products defined in Section 207 or 219, or who manufactures, blends, sells, repackages, distributes or specifies, such coatings and inks. Standard Industrial Code (SIC) classifications covering these coating processes are 2431, 2435, 2436, 2492 and 2499.

103 EXEMPTIONS:

103.1 Exemption, Furniture and Cabinet Components: Surface coating of flat wood stock intended to be used as a furniture or cabinet component, is subject to Rule 236, Wood Products Coating Operations, and is exempt from all provisions of this rule.

103.2 Exemption, Non-Shop Architectural Coatings: The coating of stationary structures and their appurtenances in a non-shop operation is subject to Rule 218, Architectural Coatings, and is exempt from all provisions of this rule.

103.3 Exemption, Adhesives: The use of adhesives to manufacture flatwood panels or wood flat stock, is subject to Rule 235, Adhesives, and is exempt from all provisions of this rule.

103.4 Exemption From Requirements of Other District Rules: Any coating, ink or cleanup material which contains compounds that are subject to the VOC provisions of this rule, is exempt from the provisions of Rule 219, Organic Solvents.

103.5 Exemption - Residential, Non-Commercial Operations: Residential, non-commercial flatwood coating operations are exempt from all provisions of this rule.

103.6 Partial Exemption, Low Volume: Businesses using less than 55 gallons per year or coatings, inks and VOC-containing cleanup solvents or strippers, (singly or in combination) are exempt from the provisions of this rule, except for Record-keeping, Section 501.

103.7 Exemption, Aerosol Coatings, Touch-Up: Aerosol-spray coatings for touch up and repair are exempt from all provisions of this rule.

103.8 Exemption, Other: The application of coatings by template in order to add

designs, letters, or numbers to wood products, is exempt from all provisions of this rule.

200 DEFINITIONS

201 ADHESIVE: Any substance that is applied for the primary purpose of bonding surfaces together.

202 CAPTURE EFFICIENCY: Expressed in percent, capture efficiency is the ratio of the weight of the VOC in the effluent stream entering a control device to the weight of the VOC emitted from flatwood paneling coating operations, both measured simultaneously in accordance with Section 505.2, and can be calculated by the following equation:

$$\text{Capture Efficiency} = \frac{W_c}{W_e} \times 100$$

Where: W_c = Weight of VOC entering the control device
W_e = Weight of VOC discharged from the coating operations

203 COATING: Any coating applied on any flatwood paneling or wood flat stock including but not limited to water repellant preservative, semitransparent stains, opaque stains, Filler, or clear top coat.

204 CONTROL DEVICE EFFICIENCY: Expressed in percent, control device efficiency is the ratio of the weight of the VOC removed by the control device from the effluent stream entering the control device to the weight of VOC in the effluent stream entering the control device, both measured simultaneously in accordance with Section 505.3, and can be calculated by the following equation:

$$\text{Control Device Efficiency} = \frac{(W_c - W_a)}{W_c} \times 100$$

Where: W_c = Weight of VOC entering the control device
W_a = Weight of VOC discharged from the control device

205 EMISSION CONTROL SYSTEM: A system for reducing emissions of VOC from flatwood paneling coating operations. It consists of (1) a capture device or system which collects all drying oven exhaust and fugitive emissions from the line and transports them to the control device, and (2) a VOC control device which destroys the VOC or otherwise limits the emission of VOC to the atmosphere. The individual efficiencies are calculated in

accordance with Sections 202 and 204.

The overall efficiency of the emission control system is calculated by the following equation:

$$\text{Overall Efficiency,\%} = \frac{\text{Capture Efficiency,\%} \times \text{Control Device Efficiency,\%}}{100}$$

206 EXEMPT COMPOUNDS: For the purposes of this rule, exempt compounds are as defined in Rule 102, Definitions.

207 FLATWOOD PANELING: Printed interior panels made of hardwood plywood and thin particle board, natural finish hardwood plywood, hardwood paneling, baseboard, wood flat stock, veneers, doors, door skins, wood flat product skins, tileboard and wallboard.

208 HARDBOARD: A panel manufactured primarily from inter-felted ligno-cellulosic fibers which are consolidated under heat and pressure in a hot press.

209 HARDWOOD PLYWOOD: Plywood whose surface layer is a veneer of hardwood.

210 INK: Any fluid or viscous composition used in printing impressing or transferring an image onto a panel.

211 NATURAL FINISH HARDWOOD PLYWOOD PANELS: Panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

212 NON-HEAT-SET INK: An ink which dries by oxidation and absorption into the substrate without the use of heat from dryers or ovens.

213 PANEL: A flat piece of wood or wood product usually rectangular and used inside homes and mobile homes for wall decorations.

214 PRINTED INTERIOR PANELS: Panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

215 THIN PARTICLEBOARD: A manufactured board 1/4 inch or less in thickness made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure.

216 TILEBOARD: Paneling that has a colored waterproof surface coating.

217 VOC CONTENT PER LITER OF COATING, LESS WATER AND EXEMPT COMPOUNDS: The weight of VOC per combined volume of VOC and coating solids, measured in accordance with Section 505.1, and calculated by the following equation:

$$G_1 = \frac{W_v - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$

Where: G_1 = Weight of VOC per liter of coating, less water and exempt compounds.
W_v = Weight of volatile compounds, in grams.
W_w = Weight of water, in grams.
W_{ec} = Weight of exempt compounds, in grams.
V_m = Volume of coating material, in liters.
V_w = Volume of water, in liters.
V_{ec} = Volume of exempt compounds, in liters.

218 VOLATILE ORGANIC COMPOUND (VOC): Any chemical compound containing at least one atom of carbon, except for the Exempt Compounds listed in Rule 102, Definitions.

219 WOOD FLAT STOCK: Interior panels containing wood including but not limited to redwood stocks, plywood panels, particle boards, composition hardboards, and any other panels containing solid wood or wood product.

300 STANDARDS

301 GENERAL REQUIREMENTS: Any person applying coatings or inks to flatwood paneling products subject to this rule shall comply with either of the following requirements:

301.1 Use only coatings and inks which contain, on an as-applied basis, 250 grams or less of VOC per liter (2.1 pounds per gallon) less water and exempt compounds, calculated in accordance with Section 217.

OR

301.2 Install and operate on the line(s), an Emission Control System as defined in Section 205, that operates at an overall efficiency of at least 90%, as calculated in accordance with Section 205, and that has been approved pursuant to Section 401.

302 APPLICATION EQUIPMENT REQUIREMENTS: A person or facility shall not apply coatings to wood products subject to the provisions of this rule unless the coating is applied with properly operating equipment, in accordance with proper operating procedures, and by the use of one of the following methods:

302.1 Electrostatic application

302.2 High volume, low pressure (HVLP) spray

302.3 Hand roller

302.4 Flow coat

302.5 Roll coater

302.6 Dip coat

302.7 Paint brush

302.8 Detailing or touch-up guns

303 CLEANUP AND STORAGE PROCEDURES: Any person or facility using VOC-containing solvents for cleanup or related uses shall observe the following procedures:

303.1 All solvent, including waste solvent and waste solvent residues, shall be stored in closed containers at all times. Each container shall have a label indicating the name of the solvent or material it contains.

303.2 If recovery of waste solvent by distillation is performed, solvent residues shall not contain more than 10 percent solvent by volume after distillation.

400 ADMINISTRATIVE REQUIREMENTS

401 OPERATION AND MAINTENANCE PLAN: A person using an existing emission control system as a means of compliance with this rule, pursuant to Section 301.2, shall submit an Operation and Maintenance Plan for the emission control system to the Air Pollution Control Officer for approval. A person proposing to install a new emission control system as a means of compliance with this rule, shall submit in addition to an Operation and Maintenance Plan, an application for an Authority to Construct, pursuant to Rule 501, General Permit Requirements. The Plan shall specify operating and maintenance procedures which will demonstrate continuous operation of the emission control system during periods of emissions-producing operations. The Plan shall also specify which records shall be kept to document these operating and maintenance procedures. These records shall comply with the requirements of Sections 503. The Plan shall be implemented upon approval of the Air Pollution Control Officer.

500 MONITORING AND RECORDS

501 COATING LIST: Any person subject to Section 301 shall maintain at the facility, a current list of coatings and inks in use, and which includes all of the data necessary to evaluate compliance with the standards of this rule.

502 RECORD-KEEPING: Any person subject to this Rule shall maintain records on a daily basis that provide the following information as applicable:

502.1 Coating types and mix ratios of components used

502.2 Quantity of each coating applied

502.3 Description of substrate(s) coated

502.4 Oven or cure temperature, if applicable

502.5 Type and amount of solvent used for cleanup and surface preparation

503 EMISSION CONTROL SYSTEM RECORDS: A person using an emission control system as a means of compliance with this rule pursuant to Section 301.2, shall maintain daily records of key system operating and maintenance procedures which will demonstrate continuous operation and compliance of the emission control system during periods of emission-producing activities. Key system operating parameters are those necessary to ensure compliance with the requirements of Section 301.2.

504 RETENTION OF RECORDS: All records maintained pursuant to this rule shall be retained for at

least three years from date of entry, with the exception that sources subject to the requirements of Rule 507, Federal Operating Permit Program , shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

505 TEST METHODS

505.1 Determination of VOC Content: VOC content of flatwood paneling coatings shall be determined in accordance with United States Environmental Protection Agency (U.S. EPA) Method 24 or U.S. EPA Method 24A and Section 217 of this rule.

505.2 Determination of Capture Efficiency: Efficiency of the capture system, calculated in accordance with Section 202, shall be based upon test measurements made in accordance with U.S. EPA AGuidelines for Determining Capture Efficiency, January 9, 1995". Individual capture efficiency test runs subject to the U.S. EPA technical guidelines shall be determined by:

505.2.1 Applicable U.S. EPA methods 204, 204A, 204B, 204C, 204E, and/or 204F; or

505.2.2 The South Coast Air Quality Management District AProtocol for Determination of Volatile Organic Compound (VOC) Capture Efficiency@; or

505.2.3 Any other method approved by U.S. EPA, the California Air Resources Board, and the Air Pollution Control Officer.

505.3 Determination of Control Device Efficiency: Efficiency of the emissions control device, calculated in accordance with Section 204, shall be based upon test measurements made in accordance with (1) U.S. EPA Method 18, 25, or 25A, for VOC concentration, and (2) U.S. EPA Method 2 or 2C for flow rates, as applicable.

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RULE 239 GRAPHIC ARTS OPERATIONS

Adopted 11-03-94
(Amended 6-08-95, 2-13-97, 8-14-97)

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100 GENERAL

101 PURPOSE: To limit the emissions of volatile organic compounds from graphic arts operations.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule apply only to facilities located in the Sacramento Valley Air Basin portion of Placer County, as defined by California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 1.5, Article 1, Section 60106.

102.2 Operations: Except for the operations listed in Section 103, EXEMPTIONS, the provisions of this rule apply to all GRAPHIC ARTS OPERATIONS as defined in Section 213 and to any person who manufactures, sells, offers to sell, or supplies any graphic arts materials listed in Sections 301, 302, 303 and 305, STANDARDS. (GRAPHIC ARTS OPERATIONS are typically categorized under the Standard Industrial Classification (SIC) Codes of 27xx)

103 EXEMPTIONS:

103.1 Exemption, Partial, Low Emission Limit: Any graphic arts facility which emits less than 660 pounds of volatile organic compounds per calendar month from all graphic arts operations, including surface preparation and cleanup solvents, is exempt from all provisions of this rule with the exception of Section 501, USAGE RECORDS. Records required by Section 501, shall be maintained by these facilities to demonstrate their exemption status.

103.2 Exemption, Partial, Research and Test: Graphic arts operations used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, such as proof presses or other proofing systems, provided that total VOC emissions from all such equipment do not exceed 300 pounds per calendar month per facility, are exempt from all provisions of this rule, with the exception of Section 501, USAGE RECORDS. Records required by Section 501, shall be maintained by these facilities to demonstrate their exemption status.

103.3 Exemption, Screen Printing: Screen printing operations are exempt from all provisions of this rule.

103.4 Exemption From Rule 219: The provisions of Rule 219, Organic Solvents, shall not apply to Graphic Arts Operations as defined in Rule 239, Section 213.

200 DEFINITIONS

201 CAPTURE EFFICIENCY: Expressed in percent, capture efficiency is the ratio of the weight of the VOC in the effluent stream entering a control device to the weight of the VOC emitted from graphic arts operations, both measured simultaneously in accordance with Section 502.5, and calculated by the following equation:

$$\text{Capture Efficiency} = \frac{W_c}{W_e} \times 100$$

Where: W_c = Weight of VOC entering the control device

W_e = Weight of VOC discharged from the coating operations

202 COATING: The application of a uniform layer of material across the entire width of a substrate. Those machines which have both coating and printing units are considered to be performing a graphic arts operation.

203 CONTROL DEVICE: Equipment such as an incinerator or adsorber used to prevent air pollutants from reaching the ambient air.

204 CONTROL DEVICE EFFICIENCY: Expressed in percent, control device efficiency is the ratio of the weight of the VOC removed by the control device from the effluent stream entering the control device to the weight of VOC in the effluent stream entering the control device, both measured simultaneously in accordance with Section 502.4, and calculated by the following equation:

$$\text{Control Device Efficiency} = \frac{(W_c - W_a)}{W_c} \times 100$$

Where: W_c = Weight of VOC entering the control device
W_a = Weight of VOC discharged from the control device

205 CONVERTING OPERATION: Coating, waxing, laminating, extrusion coating and printing, for fabrication of base materials. The base materials are then used to produce wraps, bags, and other preformed packages.

206 DOCTOR BLADE: A steel blade used to scrape excess ink from a printing plate.

207 DRYING OVEN: An oven used to hasten the process of drying printed or coated material.

208 EXEMPT COMPOUNDS: For the purposes of this rule, Exempt Compounds are as defined in Rule 102, Definitions.

209 FLEXIBLE PACKAGING INDUSTRY: Establishments that convert materials consisting of light gauge papers, plastic films, cellulosic films such as cellophane, thin gauge metal sheets such as aluminum foil or steel foil, and combinations thereof into a variety of product packages.

210 FLEXOGRAPHIC PRINTING: A printing operation in which words, designs, or pictures are applied to a substrate by means of a roll printing technique in which a raised pattern is applied to an image carrier made of rubber or other elastomeric materials mounted on a steel matting cylinder. The image is then printed directly from the raised pattern to the substrate.

211 FOUNTAIN SOLUTION: The solution applied to the image plate to maintain the hydrophilic properties of the non-image areas and to keep the non-image area free from ink.

212 FUGITIVE EMISSIONS: Emissions of VOC from any portion of Graphic Arts Operations as defined in Section 213, other than the drying oven.

213 GRAPHIC ARTS OPERATIONS: Publication gravure, packaging gravure, specialty gravure, flexographic printing operations, lithographic printing operations, letterpress printing operations, or any coating or laminating operation that manufactures flexible packaging materials. Coating operations which are performed by a machine having only coating units and no printing units are

not graphic arts operations.

214 GRAVURE PRINTING: An intaglio printing operation in which the ink is transferred from minute etched wells which comprise the image on a plate to the substrate which is supported by an impression roller, with excess ink removed from the plate by a doctor blade.

215 INTAGLIO PRINTING: A printing operation done from a plate in which the image is etched or engraved into the surface.

216 LAMINATING OPERATIONS: A process of composing two or more layers of material to form a single multiple-layer sheet by using adhesive as the bonding agent.

217 LETTERPRESS PRINTING: A printing operation in which the image area is raised relative to the non-image area and the ink is transferred to the paper directly from the image surface.

218 LINE: The minimum equipment which is required for the application and/or curing of inks and/or coatings on a substrate, including the ink and/or coating applicators and heating oven(s) and associated ink and coating mixing equipment.

219 LITHOGRAPHIC PRINTING: A printing operation in which the image and non-image areas exist in the same plane. The non-image area is treated chemically so that only the image areas will be printed onto the substrate.

220 NON-HEATSET INK: An ink which dries primarily by oxidation and absorption into the substrate without the use of heat from dryers or ovens, used primarily in lithographic and letterpress printing.

221 NONPOROUS SUBSTRATE: Any substrate other than paper or paperboard, including but not limited to foil, polyethylene, polypropylene, cellophane, metalized polyester, nylon and polyethylene terephthalate (mylar), but not including wood, metal, or ceramic materials.

222 OFFSET PRINTING: A lithographic printing operation in which the image area is transferred, or offset, to another surface, and then printed onto the substrate.

223 PACKAGING GRAVURE PRINTING: A gravure printing operation on paper, paperboard, foil, film or other substrates which are to be used to produce containers or packages.

224 POROUS SUBSTRATE: Paper or paperboard.

225 PRODUCTION UNIT: A ream of paper, consisting of 500 sheets of paper.

226 PUBLICATION GRAVURE PRINTING: A gravure printing operation on paper which is subsequently formed into books, magazines, catalogs, brochures, directories, newspaper supplements or other publication material.

227 SCREEN PRINTING: A printing operation in which the printing ink passes through a refined form of stencil to a web or fabric. The stencil openings determine the form and dimension of the imprint.

228 SPECIALTY GRAVURE PRINTING: A gravure printing operation for production of wall and floor covering, decorated household paper products such as towels and tissues, cigarette filter tips, vinyl upholstery, gift wrap, and woodgrains.

229 STANDARD INDUSTRIAL CLASSIFICATION (SIC): Number codes created by the U. S. Government Office of Management and Budget (OMB) to classify establishments by type of economic activity.

230 VOLATILE ORGANIC COMPOUNDS (VOC): Any chemical compound containing at least one atom of carbon except for the Exempt Compounds listed in Rule 102, Definitions.

231 VOC CONTENT OF FOUNTAIN SOLUTIONS, MAKEUP SOLVENTS, SURFACE PREPARATION SOLVENTS AND CLEANUP SOLVENTS: The weight of VOC per volume of material. It shall be determined using the appropriate test method pursuant to Section 502 and calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{W_m - W_w - W_{ec}}{V_m}$$

Where:

W_m = Weight of all volatile compounds in grams
W_w = Weight of water in grams
W_{ec} = Weight of exempt compounds in grams
V_m = Volume of material in liters

232 VOC CONTENT OF INKS, COATINGS AND ADHESIVES: The weight of VOC per liter of material, less water and exempt compounds. It shall be determined using the appropriate test method pursuant to Section 502, and calculated by the following equation:

$$\textit{Grams per Liter less Water and Exempt Compounds} = \frac{W_m - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$

Where:

W_s = *Weight of volatile compounds in grams.*
W_w = *Weight of water in grams.*
W_{es} = *Weight of exempt compounds in grams.*
V_m = *Volume of material in liters.*
V_w = *Volume of water in liters.*
V_{es} = *Volume of exempt compounds (as defined in Rule 102, Definitions), in liters.*

233 WEB: A continuous sheet of substrate that is printed on web-fed printing presses.

234 WEB-FEED: An automatic system on a printing press which supplies a web substrate to the printing unit.

300 STANDARDS

301 GENERAL REQUIREMENTS: Any person operating equipment for GRAPHIC ARTS OPERATIONS as defined in Section 213, and any related coating, laminating or converting operations on porous or nonporous substrates, shall comply with one of the following requirements:

301.1 Use only low-VOC (Volatile Organic Compounds) inks, coatings, adhesives, and fountain solutions as specified in Section 302 and 303, of this rule.

OR

301.2 Install and operate on the line, an approved emission control system pursuant to Section 304, with a control device efficiency of at least 95 percent on a mass basis, calculated in accordance with Section 204, and a capture efficiency of at least 70% on a mass basis, calculated in accordance with Section 201. (Note that the use of an approved emission control system does not eliminate the need to comply with the provisions of Section 305 of this rule.)

302 LOW-V0C INK, COATING AND ADHESIVE REQUIREMENT: Any person choosing to comply with this rule through the use of low-VOC inks, coatings, adhesives, or fountain solutions or makeup solvents, shall comply with the following requirement:

302.1 Use only inks, coatings, or adhesives, which contain, on an as-applied basis, 300 grams or less of VOC per liter (2.5 pounds per gallon) of material, less water and exempt compounds, calculated as defined in Section 232.

303 LOW-VOC FOUNTAIN SOLUTION AND MAKEUP SOLVENT REQUIREMENT: Any person choosing to comply with this rule through the use of low-VOC fountain solutions and makeup solvents, shall comply with the following requirement:

303.1 Use only fountain solutions and makeup solvents which contain, on an as-applied basis, 116 grams or less of VOC per liter (0.97 pounds per gallon) of material, calculated as defined in Section 231.

304 APPROVED EMISSION CONTROL SYSTEM: A system for reducing emissions of volatile organic compounds, approved by the Air Pollution Control Officer, and which satisfies both of the following conditions:

303.1 It includes a capture system which collects all drying oven exhaust and fugitive emissions from the line and transports them to the control device, **and**

303.2 It includes a control device designed and operated to achieve the efficiencies specified in Section 301.2, at all times during normal operation of the line being controlled.

305 SURFACE PREPARATION AND CLEANUP REQUIREMENTS: Any person using surface preparation and cleanup solvents for graphic arts operations shall comply with the following requirements:

305.1 Use only surface preparation solvents and cleanup solvents which contain, on an as-applied basis, 116 grams or less of VOC per liter (0.97 pounds per gallon) of material, calculated as defined in Section 231

305.2 Place all VOC-contaminated cloth, paper or other materials used for surface preparation and cleanup only in closed containers for storage or disposal.

305.3 Place and store all fresh or spent VOC-containing materials only in closed containers.

400 ADMINISTRATIVE REQUIREMENTS

401 OPERATION AND MAINTENANCE PLAN: Any person using an existing emission control system pursuant to Section 304, as a means of complying compliance with this rule, as provided in Section 301, must shall submit, an Operation and Maintenance Plan for the emission control system to the Air Pollution Control Officer for approval. A person proposing to install a new emission control

system as a means of compliance with this rule, shall submit in addition to an Operation and Maintenance Plan, an application for Authority to Construct, pursuant to Rule 501, General Permit Requirements. The Plan shall specify operating and maintenance procedures which will demonstrate continuous operation of the emission control system during periods of emissions-producing operations. The Plan shall also specify which records must be kept to document these operating and maintenance procedures. These records shall comply with the requirements of Sections 501.4, and 501.5. The Plan shall be implemented upon approval of the Air Pollution Control Officer.

402 COMPLIANCE STATEMENT REQUIREMENT: The manufacturer or distributor of all inks, coatings, adhesives, fountain solutions, makeup solvents, and surface preparation and cleanup solvents which are sold for use in graphic arts operations within the District shall include on product data sheets a designation of both the as-supplied VOC content (prior to any recommended dilution) and the as-applied VOC content (based on any recommended dilution) of each material. The VOC content of inks, coatings, and adhesives shall be given pursuant to Section 302.1. The VOC content of fountain solutions and makeup solvents, shall be given pursuant to Section 303.1. The VOC content of surface preparation and cleanup solvents shall be given pursuant to Section 305.1.

500 MONITORING AND RECORDS

501 USAGE RECORDS: Any person subject to this rule, including owners or operators of facilities claiming exemption under Sections 102.1, and 102.2, shall comply with the following requirements:

501.1 The person shall maintain a current list of inks, coatings, adhesives, fountain solutions, makeup solvents (reducers, thinners), and surface preparation and cleanup solvents which states the VOC content of each, on an as-applied (press-ready) basis. The VOC content of inks, coatings, and adhesives shall be given pursuant to Section 302.1. The VOC content of fountain solutions and makeup solvents, shall be given pursuant to Section 303.1. The VOC content of surface preparation and cleanup solvents shall be given pursuant to Section 305.1.

501.2 For persons using graphic arts materials which comply with the VOC limits specified in Section 302, 303 and 305, records shall be maintained on a monthly basis, showing the type and volume of inks, coatings, adhesives, fountain solutions, and makeup solvents used, and solvents or other materials used for surface preparation, cleanup, or ink, coating, or adhesive removal.

501.3 For persons using graphic arts materials exceeding the VOC limits specified in Sections 302 and 303 and 305, and using a control system pursuant to Section 304, daily records shall be maintained of the type and volume of graphic arts materials used.

501.4 Operation and maintenance records as required by the Operation and Maintenance Plan in Section 401, shall be maintained by the source on a daily basis.

501.5 Records specified in Section 501 shall be retained on-site for two years and made available for review by the Air Pollution Control Officer upon request.

502 TEST METHODS

502.1 Analysis of Samples: Measurement of the volatile content in adhesives, coatings, fountain solutions, makeup solvents, surface preparation and cleanup solvents, and all inks (except as provided for in Section 502.2) shall be made in accordance with EPA Method 24, or EPA Method 24A for publication rotogravure inks.

502.2 Analysis of Samples, Non-Heatset Polymerizing Lithographic Or Letterpress Inks: Measurement of the volatile content shall be made in accordance with EPA Method 24. All components of the sample must be weighed in the proper proportion into the analysis container and mixed together, with the mixture then being allowed to stand for at least one hour, but no more than 24 hours, prior to being oven-dried at 110 degrees C for 1 hour.

502.3 Determination of Exempt Compounds: Exempt compounds, pursuant to Sections 208 and 230, shall be determined in accordance with ASTM Method D 4457-85 or ARB Method 432. If any of the perfluorocarbons are being claimed as exempt compounds, the person making the claim must state in advance which compounds are present, and the EPA-approved test method used to make the determination of these compounds.

502.4 Determination Of Control Device Efficiency: Efficiency of the emission control device shall be based upon test measurements made in accordance with (1) U.S. EPA Method 18, 25 or 25A, for VOC concentration, and (2) U.S. EPA Method 2 or 2C for flow rates, as applicable, and calculated in accordance with Section 204.

502.5 Determination of Capture Efficiency: Efficiency of the capture system shall be determined in accordance with U.S. EPA AGuidelines for Determining Capture Efficiency, January 9, 1995". Individual capture efficiency test runs subject to the U.S. EPA technical guidelines, calculated in accordance with Section 201, shall be determined by:

503.4.1 Applicable U.S. EPA methods 204, 204A, 204B, 204C, 204E, and/or 204F; or

503.4.2 The South Coast Air Quality Management District AProtocol for Determination of Volatile Organic Compound (VOC) Capture Efficiency@;

503.4.3 Any other method approved by the U.S. EPA, the California Air Resources Board, and the Air Pollution Control Officer.

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RULE 240 SURFACE PREPARATION AND CLEANUP

Adopted 06-08-95
(Amended 10-09-97)

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100 GENERAL

101 PURPOSE: The purpose of this rule is to reduce emissions of volatile organic compounds (VOC) from solvents used for surface preparation, maintenance and cleanup operations, and from the storage and disposal of all VOC-containing materials used in these operations.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule apply to all of Placer County.

102.2 Business Category: This rule applies to all persons who engage in the production, repair, maintenance, or servicing of parts, products, tools, machinery, or equipment, and storage and disposal of VOC-containing materials used in solvent cleaning operations.

103 EXEMPTIONS:

103.1 Exemption, Janitorial Cleaning: Janitorial cleaning operations are exempt from all provisions of this rule.

103.2 Exemption, Operations Subject To Other Rules: The following operations are exempt from all provisions of this rule:

103.2.1 Cleaning carried out in batch-loaded cold cleaners, remote reservoirs, open-top vapor degreasers, conveyorized degreasers, or any other operations subject to Rule 216, Organic Solvent Cleaning and Degreasing Operations.

103.2.2 Coating and related operations subject to Rule 223, Metal Can Coating.

103.2.3 Cleaning operations subject to Rule 227, Petroleum Dry Cleaning Operations.

103.2.4 Coating and related operations subject to Rule 234, Automotive Refinishing Operations.

103.2.5 All operations subject to Rule 235, Adhesives, Rule 236, Wood Products Coating Operations and Rule 239, Graphic Arts Operations.

103.3 Partial Exemption, Wipe Cleaning Operations: Wipe cleaning used for any of the following applications is exempt from the provisions of Section 301:

103.3.1 Cleaning of solar cells, laser hardware, and high-precision optics.

103.3.2 Cleaning for conducting performance laboratory tests on coatings, or inks; research and development programs and laboratory tests in quality assurance laboratories.

103.3.3 Cleaning of polycarbonate plastics.

103.4 Partial Exemption, Aerosol Products: Usage of 160 fluid ounces or less per day per facility of aerosol products for cleaning is exempt from Sections 301 and 302.

103.5 Partial Exemption, Low Volume: Usage of 1.0 liter (1.1 quart) or less per day per facility, of solvents for cleaning, and which does not exceed 38 liters (10 gallons) per calendar year, is exempt from the provisions of this rule except for Record-keeping, Section 501.4.

200 DEFINITIONS

201 AEROSOL PRODUCT: Surface cleaner packaged in a hand-held, pressurized, nonrefillable container which expels product in a finely divided spray when a valve on the container is depressed.

202 APPURTENANCE: Any accessory to a stationary structure, whether installed or detached at the proximate site of installation, including, but not limited to: hand railings, cabinets, bathroom and kitchen fixtures, elevators, doors, partitions, stairways, fixed ladders, catwalks, fire escapes, fences, rain-gutters and down spouts, window screens, lamp-posts, heating and air conditioning equipment, pipes and piping systems, other fixed mechanical equipment, large fixed stationary tools, and concrete forms.

203 ARCHITECTURAL COATING: Any coating applied to stationary structures and their appurtenances, to portable buildings, to pavements or to curbs.

204 CAPTURE EFFICIENCY: In Emission Control Systems, capture efficiency is the ratio, in percent, of the weight of the VOC in the effluent stream entering a control device to the weight of the VOC emitted from cleaning operations, both measured simultaneously in accordance with Section 503.6, and calculated by the following equation:

$$\text{Capture Efficiency} = \frac{W_c}{W_e} \times 100$$

Where: W_c = Weight of VOC entering the control device
W_e = Weight of VOC discharged from the cleaning operations.

205 CLOSED: No visible gaps.

206 CONTROL DEVICE EFFICIENCY: In Emission Control Systems, control device efficiency is the ratio, in percent, of the weight of the VOC removed by a control device from the process effluent stream entering the control device compared to the weight of VOC entering the control device, both measured simultaneously in accordance with Section 503.5, and calculated by the following equation:

$$\text{Control Device Efficiency} = \frac{(W_c - W_a)}{W_c} \times 100$$

Where: W_c = Weight of VOC entering the control device
W_a = Weight of VOC discharged from the control device

207 ELECTRONIC ASSEMBLY: All portions of an assembly, including circuit card assemblies, printed wire assemblies, printing wiring boards, soldered joints, ground wires, bus bars, and other electrical fixtures, except the actual cabinet in which the assembly is housed.

208 EMISSION CONTROL SYSTEM: A system for reducing emissions of VOC from cleaning

operations. It consists of (1) equipment which captures exhaust and fugitive emissions from the cleaner and transports them to (2) a VOC control device which destroys the VOC or otherwise limits the emission of VOC to the atmosphere. The capture efficiency and the control device efficiency are calculated in accordance with Sections 204 and 206, respectively.

209 ENCLOSED GUN CLEANER:

209.1 A device used for the cleaning of spray guns, pots and hoses, which has an enclosed solvent container, is not open to the ambient air when in use, and has a mechanism to force the cleanup material through the gun while the cleaner is in operation; or

209.2 A device used for the cleaning of spray guns, pots and hoses, which has an enclosed solvent container, uses non-atomized solvent flow to flush the spray equipment and collects and returns the discharged solvent to the enclosed container.

210 EXEMPT COMPOUNDS: For the purposes of this rule, exempt compounds are determined in accordance with Section 503.2, and are listed in Rule 102, Definitions.

211 FACILITY: A business or businesses engaged in solvent cleaning operations which are owned or operated by the same person or persons and are located on the same or contiguous parcels.

212 JANITORIAL CLEANING: The cleaning of building or facility components, such as the floor, ceiling, walls, windows, doors, stairs, bathrooms, etc.

213 LIQUID LEAK: The visible liquid solvent leak from the container at a rate of more than three (3) drops per minute, or a visible liquid mist.

214 MAINTENANCE CLEANING: A solvent cleaning operation or activity performed to keep parts product, tools, machinery, equipment (excluding application equipment, or general work areas), in clean and good operational condition.

215 MANUFACTURING PROCESS: The process of making goods or articles by hand or by machinery.

216 NON-ABSORBENT CONTAINERS: Containers made of nonporous material which do not allow the migration of the liquid solvent through them.

217 NON-ATOMIZED SOLVENT FLOW: The use of a solvent in the form of a liquid stream without atomization to remove uncured inks, uncured coatings and contaminants from an article.

218 PERSON: Any firm, business establishment, association, partnership, corporation or individual, whether acting as principal, agent, employee, or any other capacity including any governmental entity or charitable organization.

219 PRINTING: Any operation that imparts color, design, alphabet, or numerals on a substrate.

220 REPAIR CLEANING: A solvent-cleaning operation or activity performed during a repair process.

221 REPAIR PROCESS: The process of returning a damaged object or an object not operating properly to good condition.

222 SOLVENT: A VOC-containing liquid used to perform solvent cleaning operations.

223 SOLVENT CLEANING: The removal of loosely held uncured inks, uncured coatings, and contaminants which include, but are not limited to: dirt, soil, and grease from parts, products, tools, machinery, and equipment. Each distinct method of cleaning in a cleaning process which consists of a series of cleaning methods shall constitute a separate solvent cleaning operation.

224 SOLVENT CONTAINER: That part of a cleaning device that holds the solvent.

225 SOLVENT FLUSHING: The use of a solvent to remove uncured inks, uncured coatings, or contaminants from the internal surfaces and passages of the equipment by flushing solvent through the equipment.

226 STATIONARY SOURCE: Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission. This includes all pollutant-emitting activities which:

226.1 Belong to the same industrial grouping, and

226.2 Are located on one property or on two or more contiguous properties, and

226.3 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 they:

226.4 Belong to the same two-digit standard industrial classification code, or

226.5 Are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

227 STRIPPING: The removal of cured coatings, cured inks, and cured adhesives.

228 SUBSTRATE: The material upon which another material is coated or fabricated.

229 SURFACE PREPARATION: The removal of contaminants such as dust, soil, oil, or grease, before coating or ink applications.

230 UNCURED COATINGS AND UNCURED INKS: Coatings and inks that are not dry to the touch.

231 VOLATILE ORGANIC COMPOUND (VOC): Any chemical compound containing at least one atom of carbon, except for the Exempt Compounds listed in Rule 102, Definitions.

232 VOC COMPOSITE PARTIAL PRESSURE: The sum of the partial vapor pressures of the compounds defined as VOCs, as determined in accordance with Section 503.3, and calculated by the following equation:

$$PP_c = \frac{\sum_{i=1}^{n} (W_i)(VP_i)/MW_i}{\frac{W_w}{MW_w} + \sum_{i=1}^{n} \frac{W_e}{MW_e} + \sum_{i=1}^{n} \frac{W_i}{MW_i}}$$

Where:
- PP_c = VOC composite partial pressure at 20°C, in mm mercury.
- W_i = Weight of the "I"th VOC compound, in grams, as determined by ASTM E 260-91.
- W_w = Weight of water, in grams as determined by ASTM D 3792-86.
- W_e = Weight of the AI@th exempt compound, in grams, as determined by ASTM E 260-91.
- Mw_i = Molecular weight of the AI@th VOC compound, in grams per g-mole, as given in chemical reference literature.
- Mw_w = Molecular weight of water, 18 grams per g-mole.
- Mw_e = Molecular weight of the AI@th exempt compound, in grams per g-mole, as given in chemical reference literature.
- Vp_i = Vapor pressure of the AI@th VOC compound at 20°C, in mm Hg, as determined by the method in Section 503.4 of this rule.

233 VOC CONTENT PER LITER OF MATERIAL: The weight of VOC per liter shall be determined using the appropriate test method pursuant to Section 503.1, and calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{W_m - W_w - W_{ec}}{V_m}$$

Where:
- W_m = Weight of all volatile compounds in grams
- W_w = Weight of water in grams
- W_{ec} = Weight of exempt compounds in grams
- V_m = Volume of material in liters

234 WIPE CLEANING: The method of cleaning a surface by physically rubbing it with a material such as a rag, paper, or a cotton swab moistened with a solvent.

300 STANDARDS: The following standards shall apply to any person or stationary source subject to this rule:

301 SOLVENT REQUIREMENTS: A person shall not use a solvent to perform cleaning operations, including the use of cleaning devices or methods, unless it complies with the following applicable requirements :

301.1 Manufacturing Processes and Coating Adhesive, Or Ink Applications: The solvent used to clean substrates during the manufacturing process, or used for surface preparation of substrates before coating, adhesive, or ink applications shall have a VOC content equal

to or less than 70 grams of VOC per liter of material, as calculated in accordance with Section 233.

301.2 Repair and Maintenance: Solvents used for repair or maintenance cleaning shall have a VOC content of 900 grams or less of VOC per liter of material, as calculated in accordance with Section 233, **and** a VOC composite partial pressure of 20 mm Hg or less at 20EC (68EF), as calculated in accordance with Section 232.

301.3 Coatings Application Equipment: Solvents used for cleaning coatings application equipment shall have a VOC content of 950 grams or less of VOC per liter of material, as calculated in accordance with Section 233 **and** a VOC composite partial pressure of 35 mm Hg or less at 20EC (68EF), as calculated in accordance with Section 232.

301.4 Electronic Assemblies: Solvents used for manufacturing or maintenance cleaning of electronic assemblies shall have a VOC content of 900 grams or less of VOC per liter of material, as calculated in accordance with Section 233, **and** a VOC composite partial pressure of 33 mm Hg or less at 20EC (68EF), as calculated in accordance with Section 232.

301.5 Polyester Resin Application: Solvents used for cleaning polyester resin application equipment shall comply with any one of the limits specified below:

301.5.1 The solvent shall have a VOC content of 200 grams or less VOC per liter of material, as calculated in accordance with Section 233.; or

301.5.2 The solvent shall have a VOC content of 1100 grams or less of VOC per liter of material, as calculated in accordance with Section 233, **and** a VOC composite partial pressure of 1.0 mm Hg or less at 20°C (68°F), as calculated in accordance with Section 232; or

301.5.3 In lieu of complying with either of the VOC limitations in Sections 301.5.1 and 301.5.2, above, a person may comply by using a solvent residue reclamation system. Reclamation may be done either on-site or off-site through a reclamation facility. The on-site reclamation system shall operate at least at 80 percent efficiency, by weight, and the solvent residues shall contain not more than 20 percent VOC, by weight.

302 CLEANING DEVICES AND METHODS: A person shall perform solvent cleaning operations using only one of the following cleaning devices or methods: and shall comply with the provision of Section 302.4.

302.1 Wipe cleaning.

302.2 Non-propellant spray bottles or containers.

302.3 An enclosed gun cleaner, as defined in Section 209.

302.4 Regardless of cleaning method, any spray discharge of solvent into the open air is prohibited at all times

303 EMISSION CONTROL SYSTEM: As an alternative to compliance with Sections 301 and 302, a person may use an Emission Control System associated with the solvent cleaning operation, approved by the Air Pollution Control Officer and which satisfies both of the following conditions:

303.1 The capture device shall collect at least 90 percent, by weight, of the VOC emissions generated by the solvent cleaning operation, (a Capture Efficiency of 90 percent, as defined in Section 204), **and**

303.2 The control device shall reduce VOC emissions from the emission capture system by at least 95 percent, by weight, (a Control Device Efficiency of 95 percent, as defined in Section 206).

304 STORAGE AND DISPOSAL: All VOC-containing materials used in solvent cleaning operations, such as solvents, and cloth and paper moistened with solvents, shall be stored in non-absorbent containers with no liquid leaks. Such containers shall be kept closed at all times except when filling or emptying.

400 ADMINISTRATIVE

401 OPERATION AND MAINTENANCE PLAN: A person using an emission control system pursuant to Section 303, as a means of alternate compliance with this rule, must submit an Operation and Maintenance Plan for the emission control system to the Air Pollution Control Officer for approval. A person proposing to install a new emission control system as a means of alternate compliance with this rule shall submit in addition to an Operation and Maintenance Plan, an application for Authority to Construct, pursuant to Rule 501, General Permit Requirements. The Plan shall specify operating and maintenance procedures which will demonstrate continuous operation of the emission control system during periods of emissions-producing operations. The Plan shall also specify which records must be kept to document these operating and maintenance procedures. These records shall comply with the requirements of Sections 501.2.2 and 501.3. The Plan shall be implemented upon approval of the Air Pollution Control Officer.

402 VIOLATIONS: Failure to comply with any provision of this rule shall constitute a violation of the rule.

500 MONITORING AND RECORDS

501 RECORD-KEEPING: Any person subject to this rule, shall comply with all of the following applicable requirements:

501.1 List of Materials: A current list of solvents in use shall be maintained and shall include all of the following items:

501.1.1 The product name and identification code of the solvent, and the specific application pursuant to Section 301.

501.1.2 The VOC content of the solvent, as determined pursuant to Section 502. 1., and the VOC composite partial pressure of the solvent as determined pursuant to Section 503.3.

501.1.3 Method of cleaning and cleaning device used with the solvent.

501.2 Usage Amounts:

501.2.1 For persons using materials which comply with the standards specified in Section 301, or using materials pursuant to Section 103.3, records shall be maintained on a monthly basis, showing the type and volume of solvents used.

501.2.2 For persons using materials exceeding the VOC and VOC composite partial pressure limits specified in Section 301, and using an Emission Control System pursuant to Section 303, or using materials pursuant to Section 103.4, records shall be maintained on a daily basis, showing the type and volume of solvents used.

501.3 Emission Control System: Any person using an Emission Control System pursuant to Section 303 shall maintain such records as required by Section 501.2.2 on a daily basis.

501.4 Low Volume Usage: Any person claiming partial exemption from this rule for low volume of solvent usage, pursuant to Section 103.5, shall maintain such records as required by Section 501.2.1 on a daily basis.

502 RETENTION OF RECORDS: All records required by this rule shall be retained on-site for at least two years, except for sources subject to Rule 507, Federal Operating Permit Program, which shall be retained for at least five years. Such records shall be made available to the Air Pollution Control Officer upon request.

503 TEST METHODS

503.1 Determination of VOC Content: VOC content of solvents shall be determined in accordance with United States Environmental Protection Agency (U.S. EPA) Method 24 and Sections 233 and 503.2 of this rule.

503.2 Determination Of Compounds Exempt From VOC Definition: Compounds exempt from the VOC definition, as listed in Rule 102, Definitions, shall be determined in accordance with ASTM D4457-85 or ARB Method 432. If any of the perfluorocarbons or volatile cyclic and linear methyl siloxanes are being claimed as exempt compounds, the person making the claim must state in advance which compounds are present, and the EPA-approved test method used to make the determination of these compounds.

503.3 Determination Of VOC Composite Partial Pressure: VOC composite partial pressure shall be determined in accordance with ASTM E260-91 for organic compounds, and ASTM D3792-86 for water content as applicable, and Sections 232, 503.1, 503.2 and 503.4 of this rule.

503.4 Determination of Vapor Pressure: Vapor pressure of a VOC shall be determined in accordance with ASTM Method D2879-86, or may be obtained from a published source such as:

503.4.1 "The Vapor Pressure of Pure Substances", Boublik, Fried, and Hala; Elsevier Scientific Publishing Company, New York, 1973.

503.4.2 "Perry's Chemical Engineer's Handbook", McGraw-Hill Book Company, 1984.

503.4.3 "CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company, 1986-87.

503.4.4 "Lange's Handbook of Chemistry", John Dean, ed., McGraw-Hill Book Company, 1985. DETERMINATION OF SOLVENT COMPONENTS: The identity of

components in solvents shall be determined by U.S. EPA Method 18.

503.5 Determination of Control Device Efficiency: Efficiency of the emission control device shall be based upon test measurements made in accordance with (1) U.S. EPA Method 18, 25 or 25A, for VOC concentration, and (2) EPA Method 2 or 2C (whichever is applicable) for flow rates, and calculated in accordance with Section 206.

503.6 Determination of Capture Efficiency: Collection efficiency shall be determined in accordance with U.S. EPA "Guidelines for Determining Capture Efficiency, January 9, 1995", calculated in accordance with Section 204, shall be determined by:

503.6.1 Applicable U.S. EPA methods 204, 204A, 204B, 204C, 204E, and/or 204F; or

503.6.2 The South Coast Air Quality Management District "Protocol for Determination of Volatile Organic Compound (VOC) Capture Efficiency"; or

503.6.3 Any other method approved by the U.S. EPA, the California Air Resources Board, and the Air Pollution Control Officer.

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

503.8 Test Method Updates: Future approved revisions of any test methods referenced in Section 503 shall then become the applicable versions with respect to this rule.

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RULE 241 BOILERS AT PLASTIC LAMINATE MANUFACTURING FACILITIES

Adopted 04-08-99

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100 GENERAL

101 PURPOSE:
To limit the emissions of Nitrogen Oxides (NOx) from boilers and steam generators fueled with a combination of natural gas and waste fuel from paper treating operations at plastic laminate manufacturing facilities.

102 APPLICABILITY

102.1 Geographic: The provisions of this rule apply to facilities in all of Placer County.

102.2 Business Category: This rule applies to boilers and steam generators that have a primary energy source of natural gas and waste fuel from paper treating operations at plastic laminate manufacturing facilities with Standard Industrial Classification (SIC) of 3083.

103 EXEMPTIONS

103.1 Exemption, Boilers, Steam Generators, and Process Heaters: This rule shall not apply to boilers, steam generators, and process heaters subject to Rule 231, Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters. Boilers at plastic laminate manufacturing facilities that use gaseous or liquid fuels exclusively shall be subject to Rule 231.

103.2 Exemption, Boilers and Steam Generators Subject to Rule 241: Rule 231 shall not apply to boilers subject to Rule 241.

103.3 Exemption, Municipal Solid Waste: This rule shall not apply to combustion units whose primary purpose is to burn municipal solid waste, as defined in Section 201.

200 DEFINITIONS

201 MUNICIPAL SOLID WASTE: Municipal waste includes household, commercial/retail, or institutional waste. Household waste includes material discarded by single or multiple residential dwellings, hotels, motels, and other similar permanent or temporary housing establishments or facilities. Commercial/retail waste includes material discarded by stores, offices, restaurants, warehouses, nonmanufacturing activities at industrial facilities, and other similar establishments or facilities. Institutional waste includes material discarded by schools, hospitals, prisons, and government facilities and other similar establishments or facilities.

202 NOX EMISSIONS: The sum of nitric oxides and nitrogen dioxide in the flue gas, collectively expressed as nitrogen dioxide (NO_2).

203 PAPER TREATING OPERATIONS: A paper coating process in which a uniform layer of phenolic or melamine resin is applied either by (a) dipping a continuous, moving paper substrate into the resin and then using rollers to squeeze the excess resin from the paper, or (b) applying the resin directly to the paper substrate with a roll applicator. Paper treating operations also include lamination of resin-impregnated paper and trimming, cutting, and sanding of laminated sheets and related processes.

204 PARTS PER MILLION BY VOLUME (PPMV): The ratio of the number of gas molecules of a given species, or group, to the number of millions of total gas molecules.

205 RESPONSIBLE OFFICIAL: An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:

205.1 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:

205.1.1 The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

205.1.2 The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer.

205.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

205.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

205.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title V and Rule 507, Federal Operating Permits Program.

206 WASTE FUEL: Material from trimming, cutting and sanding of laminated sheets of resin impregnated paper.

207 UNIT: Any boiler or steam generator subject to this rule.

300 STANDARDS

301 LIMITATIONS

301.1 No person shall allow the discharge of NOX emissions into the atmosphere from a unit subject to this rule in excess of the following limitations, whichever is less stringent:

301.1.1 An exhaust concentration of 150 parts per million by volume (ppmv) referenced at dry stack-gas conditions and 3.00 percent by volume stack-gas oxygen on a three-hour average basis.

301.1.2 An exhaust emission rate of 15.5 pounds per hour on a three-hour average basis.

301.2 No person shall allow the discharge of carbon monoxide (CO) emissions from units subject to this rule in excess of 400 parts per million by volume (ppmv referenced at dry stack-gas conditions and 3.00 percent by volume stack-gas oxygen, on a three-hour average basis.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE

401.1 Any person operating a unit subject to this rule shall demonstrate full compliance with the requirements of Section 301 by November 26, 1999.

401.2 Any person operating a unit subject to this rule shall demonstrate compliance with the requirements of Section 301 in accordance with the following schedule:

401.2.1 By August 31, 1999, complete all modifications necessary to allow compliance with the requirements of this rule.

401.2.2 By September 30, 1999, complete compliance source tests in accordance with Section 502.

401.2.3 By November 26, 1999, achieve full compliance with the requirements of Section 301.

402 OPERATION AND MAINTENANCE PLAN: Any person operating a unit subject to this rule shall submit an Operation and Maintenance Plan by September 30, 1999.

402.1 The Operation and Maintenance Plan shall specify:

402.1.1 Operation and maintenance procedures that will demonstrate continuous operation of the emission control system during emission-producing operations; and

402.1.2 Records that must be kept to document the operation and maintenance procedures.

402.2 All records must comply with Section 501.

402.3 A revised Operation and Maintenance Plan shall be submitted or resubmitted in conjunction with any changes in the procedures addressed in the plan, or upon the request of the Air Pollution Control Officer.

403 COMPLIANCE COSTS: A person operating a unit subject to this rule shall bear all expenses associated with compliance with the monitoring and reporting provisions of this rule.

404 CERTIFICATION: All reports and plans submitted in accordance with this rule shall be signed by a responsible official who shall certify the truth, accuracy, and completeness of the report.

500 MONITORING AND RECORDS

501 RECORD-KEEPING: A person operating a unit subject to this rule shall keep the following records for each unit:

501.1 Calendar date of record.

501.2 Number of hours the unit is operated during each day.

501.3 Boiler steam load.

501.4 Fuel types, including gaseous, liquid, or solid fuels, and amounts on a monthly basis.

501.5 Duration of startups and shutdowns.

501.6 Type and duration of maintenance and repairs.

501.7 Results of compliance tests.

502 COMPLIANCE TESTS

502.1 A person operating a unit subject to this rule shall conduct an initial compliance test no later than September 30, 1999. Additional source testing may be required by the Air Pollution Control Officer as necessary to ensure compliance with the standards set forth in Section 301. Compliance source testing is required on an annual basis for sources subject to Rule 507, Federal Operating Permit Program.

502.1.1 All source tests shall be made in the as-found operating condition, except that source tests shall include at least one test conducted at the maximum feasible firing rate allowed by the District permit. No source test shall be conducted within two hours after a continuous period in which fuel flow to the unit is zero, or shut off, for thirty minutes or longer.

502.1.2 The compliance tests shall be conducted for Nitrogen Oxides (NOx), Carbon Monoxide (CO), Carbon Dioxide (CO_2), and Oxygen (O_2) using the test methods specified in Section 503.

502.2 At least thirty (30) days prior to the compliance source tests, a written test plan detailing the test methods and procedures to be used shall be submitted for approval by the Air Pollution Control Officer. The plan shall cite the test methods to be used for the determination of compliance with the emission limitations of this rule. The plan shall provide the proposed procedures for the characterization of the waste materials to be burned during testing.

502.3 A report of the compliance test shall be submitted to the District within sixty (60) days of completion of the source test.

503 TEST METHODS: A person conducting source tests in accordance with Section 502 shall use the following test methods:

503.1 Nitrogen Oxides (NOX): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 7E, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.

503.2 Carbon Monoxide (CO): ARB Test Method 10, Title 17, CCR, Section 94109, Determination of Carbon Monoxide Emissions from Stationary Sources, or ARB Test Method 100, or EPA Test Method 10, 40 CFR 60, Appendix A. A violation determined by any of these test methods shall constitute a violation of this rule.

503.3 Oxygen (O_2): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 3A, 40 CFR 60, Appendix A.

503.4 Carbon Dioxide (CO_2): ARB Test Method 100, Title 17, CCR, Section 94114, Procedures for Continuous Emission Stack Sampling, or EPA Test Method 3A, 40 CFR 60, Appendix A.

504 EMISSION REDUCTION CREDITS: For the purpose of Rule 504, Emission Reduction Credits, emission reductions from such shutdown or modification or from a reduction of waste fuel shall be considered surplus only to the extent that the historical actual emissions do not exceed those which would be achieved by a boiler operating in compliance with Rule 231. Reductions in emissions from retrofitting a boiler to meet the requirements of Rule 241 shall not be available as emission reduction credits.

505 DURATION OF RECORDS: All records maintained pursuant to this rule shall be retained for at least two years from date of entry, with the exception that sources subject to the requirements of Rule 507, Federal Operating Permit Program, shall retain records at least five years. Records shall be made available for inspection by the Air Pollution Control Officer upon request.

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RULE 244 SEMICONDUCTOR MANUFACTURING OPERATIONS

Adopted 02-09-95

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100 GENERAL

101 DESCRIPTION: The purpose of this Rule is to limit the emissions of precursor organic compounds from semiconductor manufacturing operations. For the purpose of this Rule, semiconductor manufacturing operations are limited to the manufacture of semiconductor and other related integrated circuits.

102 EXEMPTION, SMALL SEMICONDUCTOR OPERATION: The provisions of Sections 302, and 501 shall not apply to any facility whose total combined negative photoresist maskant and negative photo resist developer consumption is less than 24 gallons per month on a facility wide basis and provided the requirements of Section 402 and Section 502 are met.

103 EXEMPTION, SOLVENT CLEANERS: The provisions of Sections 301 and 302 shall not apply to any vapor degreaser or cold cleaner utilizing solvent flow or with a capacity greater than 10 gallons. Such vapor degreasers or cold cleaners are subject to REGULATION 2, RULE 216, ORGANIC SOLVENT CLEANING AND DEGREASING OPERATIONS.

104 EXEMPTION, COMPOUNDS WITH LOW VOLATILITY: All compounds with an initial boiling point greater than 150EC (302EF) and where the initial boiling point exceeds the actual operating temperature by at least 100EC (180EF) are exempt from the requirements of Section 302.3.

200 DEFINITIONS

201 FREEBOARD HEIGHT: The distance from the top of the solvent or solvent drain to the top of the sink.

202 FREEBOARD RATIO: The freeboard height divided by the smaller of the length or width of the sink or reservoir.

203 MASKING: Application of a maskant material to a wafer to increase or decrease the masked area's resistance to chemical milling.

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

205 EXEMPT ORGANIC COMPOUNDS: For the purposes of this rule, exempt compounds are the following:

205.1 Methane
205.2 Carbon dioxide
205.3 Carbon monoxide
205.4 Carbonic acid
205.5 Metallic carbides or carbonates
205.6 Ammonium carbonate
205.7 1,1,1-trichloroethane
205.8 Methylene chloride
205.9 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
205.10 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
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205.13 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
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205.15 Chloropentafluoroethane (CFC-115)
205.16 Pentafluoroethane (HFC-125)
205.17 1,1,2,2-tetrafluoroethane (HFC-134)

205.18 Tetrafluoroethane (HFC-134a)
205.19 1,1-dichloro-1-fluoroethane (HCFC-141b)
205.20 1-chloro-1,1-difluoroethane (HCFC-142b)
205.21 1,1,1-trifluoroethane (HFC-143a)
205.22 Chlorodifluoromethane (HCFC-22)
205.23 Trifluoromethane (HFC-23)
205.24 Difluoroethane (HFC-152a)
205.25 The following four classes of perfluorocarbon compounds:

a. Cyclic, branched, or linear, completely fluorinated alkanes.
b. Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations.
c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

206 PHOTORESIST LINE: Equipment used to apply and develop photoresist masking solution on a wafer. Process includes preparation (except primary cleaning), soft bake, develop and hard bake.

207 PHOTORESIST, NEGATIVE: Maskant hardens when exposed to light. Unhardened maskant is stripped, exposing wafer surface to etching. Typically uses xylene formulated resin and developer solutions.

208 PHOTORESIST, POSITIVE: Maskant softens when exposed to light. Softened maskant is stripped, exposing wafer surface for etching. Typically uses cellosolves for primer and resin carrier with caustic type developer.

209 SEMICONDUCTOR MANUFACTURE: Any operation performed in order to manufacture semiconductor or related solid state devices, such as semiconductor diodes and stacks, and including rectifiers, integrated microcircuits, transistors, solar cells, and light sensing and emitting devices. Semiconductor manufacture includes all processing from crystal growth through circuit separation and encapsulation. Examples of semiconductor operations are: crystal growth, diffusion operations, photoresist operations, wafer processing, etching, etc.

210 SOLVENT CLEANING STATION: Any operation whose primary purpose is to remove surface contaminants or to remove photoresist using a liquid or vapor containing organic compounds.

211 LIQUID SOLVENT LEAKS: A liquid leak of four drops or more per minute from secondary containment.

212 CONTAINERS: For the purposes of Section 301 and Section 302, a container is defined as having a total volume of 1 liter (0.264 gal) or less. Any container with a volume greater than 1 liter is considered a reservoir.

300 STANDARDS

301 NEGATIVE PHOTORESIST OPERATIONS: All exhaust gases containing precursor organic vapors from negative photoresist operations shall be vented to control devices which reduce the total emission of precursor organic compounds to the atmosphere by at least 90 percent by weight.

302 SOLVENT CLEANING STATION LIMITS: A person shall not operate a solvent cleaning station at a semiconductor manufacturing facility unless exhaust organic vapors are vented to control devices that reduce the total emissions of precursor organic compounds to the atmosphere by at least 90% by weight or the following requirements are met:

302.1 All unheated containers, reservoirs and sinks containing precursor organic compounds shall be provided with a cover. These covers must remain closed unless production, sampling, maintenance, loading or unloading procedures require operator access.

302.2 All unheated reservoirs and sinks containing acetone, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, or trichloroethylene shall have a freeboard ratio greater than or equal to 0.75.

302.3 All heated reservoirs, sinks, or containers containing precursor organic compounds shall be provided with a cover as described in Section 302.1. In addition, heated reservoirs and sinks must also have a freeboard ratio greater than or equal to 0.75.

302.4 The capacity of all vapor degreasers and cold cleaners shall be clearly marked by suitable physical or mechanical means.

302.5 Precursor organic compounds including waste solvents, shall not be stored or disposed of in a manner that will allow evaporation into the atmosphere. Storage of organic compounds in tanks which comply with Rule 212, STORAGE OF PETROLEUM PRODUCTS, constitutes compliance with Section 302.5.

302.6 All equipment at a solvent cleaning station shall be operated and maintained in proper working order.

302.7 Liquid solvent leaks shall be repaired immediately or the equipment shall be shut down until repaired.

400 ADMINISTRATIVE REQUIREMENTS

401 RESERVOIRS AND SINKS COMPLIANCE SCHEDULE: Any existing facility subject to Section 302 of this Rule shall comply with the following increments of progress:

401.1 Submit plan for compliance by March 1, 1996.

401.2 Submit to the APCO a complete application for an Authority to Construct for necessary equipment modifications on or before March 1, 1997.

401.3 Complete on-site construction of equipment modifications on or before March 1, 1998.

401.4 Demonstrate final compliance on or before March 1, 1999.

402 SMALL SEMICONDUCTOR OPERATION PETITION: Any person seeking to satisfy the conditions of Section 102 shall comply with the following requirements:

402.1 A written petition for exemption shall be submitted to the APCO, showing the total combined net usage of negative photoresist maskant and negative photoresist developer, is less than 24 gallons per month for the facility. The written petition must be submitted

to the APCO by March 1, 1996.

402.2 If the APCO grants written approval, such petition will be repeated every July 1, on an annual basis.

500 MONITORING AND RECORDS

501 ANNUAL REPORTING: Any person subject to Sections 301 or 302 of this Rule shall report the following on an annual basis, prior to renewal of Permits to Operate:

501.1 Quantity of each of the following liquid organic compounds purchased during the previous 12 months for use in semiconductor manufacturing.

Xylene
n-Butyl Acetate
Acetone
Isopropyl Alcohol
Methyl Ethyl Ketone
Trichloroethylene
All other precursor organic compounds (total)
Methylene Chloride
1,1,1 Trichloroethane
All other non-precursor organic compounds (total)

501.2 Separate totals of precursor and non-precursor organic compounds disposed of or reclaimed in liquid form from semiconductor manufacturing operations during the previous 12 months.

502 RECORDS: Any person seeking to satisfy the conditions of Section 102 shall comply with the following requirements:

502.1 A weekly record shall be kept showing the facility wide combined net usage of negative photoresist maskant and negative photoresist developer.

502.2 Such records shall be maintained and be available for inspection by the APCO for the previous 24 month period.

503 NEGATIVE PHOTORESIST SOURCE TESTS: Any person subject to Section 301 shall conduct a source test of the abatement device to demonstrate compliance. Results of the tests shall be submitted within 90 days of (Date of adoption by the Board of Directors), or 90 days after start up of affected equipment, whichever is later. The APCO shall be contacted in writing no less than 15 days prior to testing. Equipment that has previously undergone a District approved source test and successfully demonstrated compliance under Rule 244 requirements need not be retested.

504 TEST METHODS

504.1 Determination Of Abatement Efficiency: Abatement Efficiency of precursor organic compounds as specified in Section 302 shall be measured as prescribed by EPA Method 25 or 25A. A source shall be considered in violation if the VOC emissions measured by any of the test methods exceed the standards of this rule.

RULE 246 NATURAL GAS-FIRED WATER HEATERS

Adopted 6-19-97

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100 GENERAL

101 PURPOSE: To limit the emission of nitrogen oxides (NO_x) from natural gas-fired water heaters.

102 APPLICABILITY:

102.1 Geographic: The provisions of this rule apply to all of Placer County.

102.2 General: This rule shall apply to any person who manufactures, distributes, offers for sale, sells, or installs any natural gas-fired water heater with a rated heat input capacity less than 75,000 British Thermal Units per hour (BTU/hr), for use in this District.

103 EXEMPTIONS:

103.1 Exemption, Large Natural Gas-Fired Water Heaters: Water heaters with a rated heat input of 75,000 BTU/hr or greater are exempt from all provisions of this rule.

103.2 Exemption, Recreational Vehicles: Natural gas-fired water heaters used in recreational vehicles are exempt from all provisions of this rule.

103.3 Exemption, Swimming Pools and Hot Tubs: Natural gas-fired water heaters used exclusively to heat swimming pools and hot tubs are exempt from all provisions of this rule.

103.4 Exemption, Other Fuels: Water heaters using any fuel other than natural gas are exempt from all provisions of this rule.

200 DEFINITIONS

201 BRITISH THERMAL UNIT: The amount of heat energy required to raise the temperature of one pound of water from 59^0F to 60^0 F at one atmosphere pressure

202 HEAT INPUT: The amount of heat energy released by natural gas burned in a natural gas-fired water heater. It is calculated during certification testing in accordance with the test method referenced in Section 502.

203 HEAT OUTPUT: The amount of heat energy, H_o, in British Thermal Units (BTU), absorbed by the water being heated during the process of natural gas-fired water heater testing in accordance with the protocol referenced in Section 502. It is calculated using the following equation:

$$H_o = MC_{pi} (T_{del} - T_{in}) + V_{st} D_n C_{p2} (T_{max} - T_o)$$

Where:
- H_o = Heat output, in BTU
- M = Mass of the water withdrawn, in pounds
- C_{pi} = Specific heat of water at the average temperature $[(T_{del} + T_{in}) / 2]$, BTU per pound per ^oF
- T_{del} = Average delivery temperature, ^oF.
- T_{in} = Average inlet temperature, ^oF.
- V_{st} = Storage tank capacity, in gallons, as determined in Section 212
- D_n = Density of water at the average temperature $[(T_{max} + T_o)/2]$, pounds per gallon
- C_{p2} = Specific heat of water at the average temperature, $[(T_{max} + T_o)/ 2]$, BTU per pound per ^oF.
- T_{max} = Maximum mean tank temperature recorded after cutout following the test draw, ^oF.
- T_o = The maximum mean tank temperature recorded prior to the test draw, ^oF.

204 JOULE: A unit of heat energy output equal to 9.4799×10^{-4} BTU.

205 MOBILE HOME: A residential dwelling, designed and manufactured to be movable from site to site as desired by the owner/occupant, and that is not a Recreational Vehicle as defined in Section 211.

206 MOBILE HOME WATER HEATER: A natural gas-fired water heater manufactured exclusively for mobile home use.

207 NANOGRAM: A unit of mass equal to one billionth of a gram, or 10^{-9} gram.

208 NATURAL GAS: A mixture of gaseous hydrocarbons containing at least 80 percent methane by volume as determined according to American Standard Test Method (ASTM) D1945-64.

209 NATURAL GAS-FIRED WATER HEATER: A closed vessel in which water is heated by the combustion of natural gas and is withdrawn for use external to the vessel at pressures not exceeding 160 psig, including the apparatus by which heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210^0 F (99^0 C).

210 RATED HEAT INPUT CAPACITY: The heat input capacity specified on the nameplate of the combustion unit. If the combustion unit has been altered or modified such that its maximum heat input is different from the heat input capacity specified on the nameplate, the actual heat input capacity, as certified by the Manufacturer or Certified technician, shall be considered as the rated heat input capacity.

211 RECREATIONAL VEHICLE: A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, and which meets all of the following criteria: (1) contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms; (2) contains 400 square feet or less of gross area measured at maximum horizontal projections; (3) is built on a single chassis

and (4) is either self propelled, truck mounted, or permanently towable on the highways without a permit.

212 STORAGE TANK CAPACITY: The capacity of the natural gas-fired water heater in gallons. It is calculated using the following equation:

$$V_{st} = (W_f - W_t) / D_s$$

Where: V_{st} = Storage capacity of the water heater, in gallons
W_f = Weight of the water heater completely filled with water, in pounds
W_t = Weight of the empty water heater, in pounds
D_s = Density of water at the test temperature, in pounds per gallon

213 SWIMMING POOLS AND HOT TUBS: (For the purposes of Section 103.4 of this rule) Residential only, single-dwelling, recreational and personal therapeutic equipment, including in-ground swimming pools, above-ground swimming pools, spas and hot tubs.

300 STANDARDS

301 NITROGEN OXIDES EMISSION LIMIT: A person shall not distribute, offer for sale, sell or install, any natural gas-fired water heater within the District, unless it meets either of the following standards:

301.1 A natural gas-fired water heater that emits less than or equal to 40 nanograms of nitrogen oxides [calculated as NO_2] per joule (93 pounds per billion BTU) of heat output; and is certified in accordance with Section 402.

301.2 A mobile home natural gas-fired water heater that emits less than or equal to 50 nanograms of nitrogen oxides [calculated as NO_2] per joule (116 pounds per billion BTU) of heat output; and is certified in accordance with Section 402.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: Effective January 1, 1998, no person shall distribute, offer for sale, sell or install any natural gas-fired water heater which does not comply with the requirements of Section 300.

402 CERTIFICATION REQUIREMENT:

402.1 A manufacturer of any natural gas-fired water heater subject to Section 300 shall submit to the Air Pollution Control Officer (APCO) at least 30 days prior to sale, a statement obtained from an independent testing laboratory, certifying that the laboratory tested the unit in accordance with the method in Section 502 of this rule, and that it is in compliance with the provisions of Section 300. The statement shall be signed and dated, and shall attest to the accuracy of all information. The statement shall include the brand name, model number, the heat input capacity rating as it appears on the water heater rating plate, and test results in accordance with Section 502;

OR

402.2 A manufacturer shall submit to this District an approved South Coast Air Quality Management District (SCAQMD) certification obtained from an independent testing laboratory. Any model of natural gas-fired water heater certified as complying with the SCAQMD Rule 1121 prior to July 1, 1995, need not be recertified to the test protocol specified in Section 502 until such time as required by the SCAQMD.

402.3 A manufacture shall submit a new certification or certification statement meeting the

requirements of Section 402.1 or Section 402.2 for any natural gas-fired water heater, the design of which is changed in any manner which may alter the emissions from the water heater. New certifications or certification statements, for either altered or new models, shall be submitted to the APCO at least 30 days before the water heater is offered for sale in the District.

403 MANUFACTURERS= LABELING REQUIREMENT: A manufacturer shall display the model number of the water heater complying with Section 300 on the shipping carton and on the rating plate of each water heater unit. The manufacturer shall also display the certification status on the shipping carton and on the water heater. A label stating "Certified per South Coast Air Quality Management District, Rule 1121" or equivalent language, will meet the shipping carton label requirement of this section.

500 MONITORING AND RECORDS

501 RETENTION OF RECORDS: A manufacturer shall keep test data, calculations, reports and other certification records for as long as the water heater model is offered for sale or sold in the District, or for three calendar years after manufacture, whichever is longer. These records shall be made available to the Air Pollution Control Officer upon request.

502 TEST METHOD: Any natural gas-fired water heater distributed, offered for sale, sold, or installed within the District Shall be tested in accordance with the South Coast Air Quality Management District Protocol: ANitrogen Oxides Emission Compliance Testing for Natural Gas-Fired Water Heaters and Small Boilers, January 1995".

RULE 250 STATIONARY GAS TURBINES

Adopted 10-17-94

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100 GENERAL

101 PURPOSE: The purpose of this rule is to limit NOx emissions from stationary gas turbines in conformance with BARCT determinations approved by the California Air Resources Board to meet the requirements of the California Clean Air Act.

102 APPLICABILITY: Except as provided in Sections 110 and 111, this rule shall apply to all stationary gas turbines, 0.3 megawatt (MW) and larger.

110 EXEMPTION - LABORATORY, FIREFIGHTING/FLOOD CONTROL, AND PIPELINE UNITS: The provisions of this rule with the exception of Section 402.3 shall not apply to the operation of stationary gas turbines used under the following conditions:

110.1 Laboratory units used in research and testing for the advancement of gas turbine technology.

110.2 Units operated exclusively for firefighting and/or flood control.

110.3 Pipeline gas turbines provided that the owner/operator demonstrates to the satisfaction of the Air Pollution Control Officer that water or steam injection, selective catalytic reduction, or any other emission control technology is not technologically feasible, cost effective or creates adverse environmental impacts such as those associated with the use, transport, or disposal of supplies such as water and ammonia.

110.4 Chemical processing gas turbine units.

111 EXEMPTION - EMERGENCY STANDBY AND SMALL UNITS: The provisions of this rule with the exception of Sections 402.3, 403, and 502.5 shall not apply to the operation of stationary gas turbines used under the following conditions:

111.1 Emergency standby units demonstrated to operate less than 200 hours per calendar year.

111.2 Units of less than 4 MW operating less than 877 hours per calendar year.

200 DEFINITIONS

201 BARCT: "Best Available Retrofit Control Technology" as defined in Section 40406 of the California Health and Safety Code as an "emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source".

202 CHEMICAL PROCESSING GAS TURBINE UNIT: A stationary gas turbine that vents its exhaust gases into the operating stream of a chemical process.

203 COMPLIANCE LIMIT: Allowable NOx emissions expressed in parts per million by volume (ppmv).

204 CONTROL SYSTEM OPERATING PARAMETERS: Operating parameters that the Air Pollution Control Officer deems necessary to analyze when determining compliance, such as ammonia and exhaust flow rates and exhaust gas temperature for SCR; of humidity, water injection rate, exhaust gas flow rate, and temperature for water injection.

205 EMERGENCY STANDBY UNIT: A stationary gas turbine that operates only as a mechanical or electrical power source for a facility when the primary power source has been rendered inoperable due to a failure beyond the reasonable control of the operator, except due to power interruption pursuant to a voluntary interruptible power supply agreement. Electricity generated by such a unit cannot be sold.

206 HHV: The higher heating value of a fuel.

207 LHV: The lower heating value of the fuel.

208 MEASURED NOx EMISSIONS CONCENTRATION: The concentration of NOx emissions corrected to International Standards Organization (ISO) standard conditions:

$$NOx = (NOx_{obs})(P_{ref}/P_{obs})^{0.5}(288^{o}/T_{amb})^{1.53}[e^{19(Hobs-0.00633)}]$$

Where:

Nox = Emissions of NOx at 15 percent oxygen and ISO standard conditions on a dry basis, ppm.
Nox_{obs} = Measured NOx emissions corrected to 15 percent oxygen on a dry basis, ppm.
P_{ref} = Standard reference pressure, 14.696 psia.
P_{obs} = Measured site ambient absolute pressure, psia.
H_{obs} = Measured humidity of ambient air, pounds water per pound dry air.
e = Transcendental constant (2.718).
T_{amb} = Measured temperature of ambient air, degrees K.

or an alternate correlation that corrects to ISO standard conditions and is approved by the Air Pollution Control Officer.

209 NOx EMISSIONS (Nox): The sum of nitric oxides and nitrogen dioxide in the exhaust gas stream.

210 PIPELINE GAS TURBINES: A stationary gas turbine used to transport gases or liquids in a pipeline.

211 POWER AUGMENTATION: An increase in the gas turbine shaft output and/or the decrease in gas turbine fuel consumption by the addition of energy recovered from exhaust heat.

212 PUBLIC SERVICE UNIT: A gas turbine used to generate electricity for sale or for use in serving the public.

213 RATING: The continuous megawatt (MW) rating or mechanical equivalent by a manufacturer for gas turbine(s) without power augmentation.

214 SELECTIVE CATALYTIC REDUCTION (SCR): A post combustion control technology that utilizes ammonia injected into the exhaust gas stream where it reduces NOx to molecular nitrogen in the presence of a catalyst.

215 STATIONARY GAS TURBINE: Any gas turbine system that is gas and/or liquid fueled with or without power augmentation. This unit is either attached to a foundation at a facility or is portable equipment operated at a specific facility for more than 90 days in any 12-month period. Two or more gas turbines powering one shaft shall be treated as one unit.

216 THERMAL STABILIZATION PERIOD: The two hour start-up time necessary to bring the heat recovery steam generator to the proper temperature, not to exceed two (2) hours.

300 STANDARDS

301 LIMITATIONS: The owner or operator of any stationary gas turbine unit shall not operate such unit

under load conditions, excluding the thermal stabilization period which results in the measured NOx emissions concentration exceeding the compliance limit listed below, averaged over 15 minutes:

Unit Size **Megawatt Rating (MW)**	**Compliance limit** **NO_x, ppm @ 15% O_2** **Gas[A]**	**Oil[B]**
0.3 to Less Than 2.9 MW and Units Greater Than or Equal to 4 MW That Operate Less Than 877 Hour/Year	42	65
2.9 to Less Than 10 MW	25 x **EFF**/25	65
10.0 MW and Over with SCR	9 x **EFF**/25	25 x **EFF**/25
10.0 MW and Over Without SCR	15 x **EFF**/25	42 x **EFF**/25

A. GAS INCLUDES NATURAL, DIGESTER, AND LANDFILL GASES.
B. OIL INCLUDES KEROSINE, JET, AND DISTILLATE. THE SULFUR CONTENT OF THE OIL SHALL BE LESS THAN 0.05%.

Where: **EFF**(efficiency) is the higher of the following:

301.1 **EFF** = $\frac{3412 \times 100\%}{AHR}$

[where: AHR = Actual Heat Rate at HHV of Fuel (BTU/KW-HR)], which is the demonstrated percent efficiency of the gas turbine only as calculated without consideration of any downstream energy recovery from the actual heat rate, (BTU/KW-HR) or 1.34 (BTU/HP-HR); corrected to the HHV (higher heating value) of the fuel and ISO conditions, as measured at peak load for that facility, or

301.2 **EFF** = $\frac{MRE \times LHV}{HHV}$

[where: MRE = Manufacturer's Rated Efficiency with Air Pollution Equipment at LHV.], which is the manufacturer's continuous rated percent efficiency of the gas turbine with air pollution equipment after correction from LHV to HHV of the fuel at peak load for that facility.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: Owners or operators of all gas turbines existing on the date of adoption and subject to the provisions of this rule shall comply with the applicable provisions of Section 301 in accordance with the following schedule:

401.1 No later than May 31, 1995, demonstrate final compliance.

402 EMISSION CONTROL PLAN: The owner or operator of any existing stationary gas turbine shall submit to the Air Pollution Control Officer for approval an Emissions Control Plan of all actions, including a schedule of increments of progress, which will be taken to meet or exceed requirements of the applicable emissions limitations in Section 301 and compliance schedule in Section 401.

402.1 The Emission Control Plan shall contain, as a minimum, a list that provides the following for each gas turbine subject to the provisions of this rule:

a. Permit or identification number;

b. Name of gas turbine manufacturer;

c. Model designation;

d. Rated shaft power output (MW);

e. Type of liquid fuel and/or type of gaseous fuel;

f. Fuel consumption (cubic feet of gas or gallons of liquid) for the previous one-year period;

g. Hours of operation in the previous one-year period;

h. Heat rate (BTU/KW-HR), corrected to the HHV for each type of fuel (liquid/gas), and

I. HHV for each fuel.

402.2 A listing of all gas turbines required to be controlled, identifying the type of emission control to be applied to each gas turbine along with documentation showing existing emissions of oxides of nitrogen.

402.3 Support documentation for any units exempt under the provisions of Sections 110 and 111.

403 EXEMPT UNITS AND EMERGENCY STANDBY UNITS: Exempt units and emergency standby units shall comply with the following:

403.1 The owner or operator of any unit listed below shall notify the Air Pollution Control Officer in writing within seven days if the hour-per-year limit is exceeded. A public service unit operating during a state of emergency, when such emergency is declared by proclamation of the Governor of the State of California and when the unit is located in the specific geographical location identified in the proclamation, shall be excluded from the hour-per-year limit. If the hour-per-year limit is exceeded, the exemption shall be permanently withdrawn. Within 30 days after the exceedance, the owner or operator shall submit a application for Authority to Construct that details a plan to meet the applicable limits specified in Section 301 of this rule within two years. Included in this application, the owner or operator shall submit an emission control plan that includes a schedule of increments of progress for the installation of the required control equipment. This schedule shall be subject to the review and approval of the Air Pollution Control Officer.

a. Any unit smaller than 4 MW or emergency standby unit exempt under Sections 110 and 111.

b. Any unit equal to or greater than 4 MW.

500 MONITORING AND RECORD-KEEPING

501 MONITORING: The owner or operator of any stationary gas turbine subject to the provisions of this rule shall perform the following actions:

501.1 Install, operate and maintain in calibration equipment, as approved by the Air Pollution Control Officer, that continuously measures and records the following:

a. Control system operating parameters;

b. Elapsed time of operation; and

c. For units of 10 MW or greater that operated more than 4000 hours per year over the last three years prior to July 13, 1994, the exhaust gas NOx concentrations corrected to ISO conditions at 15 percent oxygen on a dry basis. The NOx monitoring system shall meet EPA requirements as specified in 40 CFR Part 60, App. B, Spec.2 or other systems that are acceptable to the EPA.

502 RECORD-KEEPING:

502.1 All records shall be available for inspection at anytime for a period of two years.

502.2 Submit to the Air Pollution Control Officer information demonstrating that the system has data gathering and retrieval capability.

502.3 Submit to the Air Pollution Control Officer, prior to issuance of a Permit to Operate, information correlating the control system operating parameters to the associated NOx output. This information may be used by the Air Pollution Control Officer to determine compliance when there is no continuous emission monitoring system for NOx available or when the continuous emission monitoring system is not operating properly.

502.4 Provide source test information annually regarding the exhaust gas NOx concentration at ISO conditions corrected to 15 percent oxygen on a dry basis, and the demonstrated percent efficiency (EFF) of the turbine unit.

502.5 Maintain a gas turbine operating log that includes, on a daily basis, the actual Pacific Standard Time start-up and stop time, total hours of operation, type and quantity of fuel used (liquid/gas). This information shall be available for inspection at any time from the date of entry.

502.6 Maintain a gas turbine operating log for units exempt under Section 111 that includes, on a daily basis, the actual Pacific Standard Time start-up and stop time, total hours of operation, and cumulative hours of operation to date for the calendar year. This information shall be available for inspection at any time for two years from the date of entry and submitted to the Air Pollution Control Officer at the end of each calendar year in a manner and form approved by the Air Pollution Control Officer.

503 TEST METHODS:

503.1 **Oxides of Nitrogen (NO_x):** Oxides of Nitrogen (NO_x) emissions shall be determined in accordance with EPA Method 20.

503.2 **Oxygen (O_2):** Oxygen (O_2) concentrations shall be determined in accordance with EPA Method 3A.

503.3 **HHV and LHV:** HHV and LHV shall be determined in accordance with ASTM D-240-87, Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, or D-2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High-precision Method), for distillate fuels, and ASTM D-3588-91, Standard Practice for Calculating Heat Value, Compressibility Factor, and Relative Density (Specific Gravity) of Gaseous Fuels, ASTM D-1826-88, Standard Test Method for

Calorific (Heating) Value of Gases in Natural Gas Range by Continuous Recording Calorimeter, or ASTM D-1945-81, Standard Method for Analysis of Natural Gas by Gas Chromatography, for gaseous fuels.

REGULATION 3

OPEN BURNING

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RULE 301 PROHIBITIONS ON OPEN BURNING

Adopted 11-12-74
(Amended 05-24-77, 06-19-79, 04-21-81, 10-12-00)

Except as provided in these Rules, no person shall use open fires (including the use of a burn barrel) for the purpose of disposal or burning of any material, including but not limited to garbage, petroleum waste, construction-demolition debris, tires, tar, woodwaste or other combustible or flammable solid or liquid waste, or for metal salvage or burning of motor vehicles.

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RULE 302 BURNING PERMITS

Adopted 10-13-77
(Amended 06-19-79, 04-21-81)

A. No person shall knowingly set or permit open outdoor fires for:

1. Agricultural burning or hazard reduction burning unless that person has been issued a valid permit from a designated agency.

2. Levee, ditch, right-of-way or reservoir maintenance burning or the burning of woodwaste on property where grown pursuant to RULE 318 unless the person has been issued a valid permit from the Air Pollution Control Officer.

B. A permit shall not be issued to an applicant unless information is provided as required by the District including, but not limited to:

1. Name and address of the permittee.

2. Location of the proposed burn.

3. Acreage or estimated tonnage of material to be burned.

4. The type of material to be burned.

5. Under what category burning will take place, i.e., agricultural, forest management, range improvement, woodwaste on property where grown, or hazard reduction.

6. Distance to nearest residential area (in miles).

7. Reason for burning.

8. The permittee shall read the permit and sign name.

C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE."

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

E. Such person, or his representative, shall have the permit available for inspection at the burn site during the burn.

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RULE 303 EXCEPTIONS TO RULE 302

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

A. Open burning of agricultural waste necessary for the growing of crops or raising of fowl or animals at altitudes above 3,000 feet mean sea level (msl).

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RULE 304 PERMIT VALIDITY

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-19-93)

No permit shall be construed to authorize open outdoor fires for any day during which:

A. Agricultural burning is prohibited by the Air Resources Board or the Air Pollution Control Officer.

B. Open burning is prohibited by public fire control agencies for fire control or prevention.

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RULE 305 NO BURN DAYS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-27-86)

No person shall knowingly permit residential burning or agricultural burning or burning of woodwaste on property where grown or hazard reduction burning, or right-of-way clearing and levee-ditch and reservoir maintenance burning on days when agricultural burning is prohibited by the Air Pollution Control Officer or the Air Resources Board in the Sacramento Valley Air Basin, the Mountain Counties Air Basin, or the Lake Tahoe Air Basin.

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RULE 306 EXCEPTIONS TO RULE 305

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 03-06-90)

A. The Air Pollution Control Officer may, by special permit, authorize:

1. Agricultural burning on days designated by the Air Resources Board or Air Pollution Control Officer as "no-burn days" if the denial of such permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other District or fire control regulations. Such authorization shall be limited to the amount of acreage which can be burned in any one day and when downwind metropolitan areas are forecasted by the Air Resources Board to achieve the Ambient Air Quality Standards. Within five days of granting such a permit the applicant shall submit in writing the conditions and reason for the exception.

2. The burning of empty sacks or containers which contained pesticides or other toxic substances on the premises where used, providing the sacks or containers are within the definition of "agricultural wastes" as specified in RULE 102.

B. Range improvement burning during the period between January 1 and May 31, providing that more than 50 percent of the land has been brush treated.

C. Open burning in agricultural operations in the growing of crops or raising of fowl or animals or disease or pest prevention, at altitudes above 3,000 feet mean sea level (msl).

D. Open burning conducted for forest management, range improvement, wildland vegetative management or the improvement of land for wildlife and game habitat above 6,000 feet mean sea level (msl).

E. 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 below 6,000 feet mean sea level (msl) a permissive-burn or no-burn notice will be issued by the Air Resources Board up to 48 hours prior to the date scheduled for the burn. The Air Resources Board may cancel any notice issued more than twenty-four hours in advance if necessary to maintain suitable air quality.

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RULE 307 AGRICULTURAL BURNING REPORTS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85)

A. Except for the period between September 15 and November 30, the designated agency shall be notified of the name, location, type and amount of material to be burned prior to the actual burn. For the period between September 15 and November 30, notification requirements shall be as specified by the Air Pollution Control Officer.

B. The designated agency shall forward above information to the Air Pollution Control Officer quarterly.

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RULE 308 DETERMINATION OF AMOUNT BURNED DAILY

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85, 03-06-90)

A. The daily acreage allotment on permissive burn days, of open burning in agricultural operations in the growing of crops and the raising of fowl or animals, shall be no more than that amount determined by the State Air Resources Board from the daily basin wide acreage allotment equation contained in the approved annual Sacramento Valley Air Basin Agricultural Burning Plan.

B. Except for Forest Management and Agricultural burns, only that amount of material that can be reasonably expected to burn completely within the following 24 hours shall be ignited in any one day.

C. No person shall commence an agricultural burn without receiving permission from the Air Pollution Control Officer or his designee. The Air Pollution Control Officer or designee shall distribute the daily allocated acreage throughout the district for the purposes of minimizing the density of emissions and protecting downwind urban areas.

D. A Wildland Vegetative Management Burn, located in the Sacramento Valley Air Basin, shall be considered a part of the daily agricultural burning acreage allocation that was burned on a given day.

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RULE 309 APPROVED IGNITION DEVICES

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-12-00)

All open fires as authorized by this regulation shall be ignited only with approved ignition devices (as defined in RULE 102, Section 207) and the material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

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RULE 310 RESTRICTED BURN DAYS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-19-93)

The Air Pollution Control Officer shall notify the designated agencies that a condition of restricted burning exists, if in his opinion the amount being burned each day is creating significant degradation of the air quality. On days of restricted burning the designated agencies shall restrict the acreage or tonnage of material to be burned under permit to the acreage or tonnage allocated to the designated agencies by the Air Pollution Control Officer. The Air Pollution Control Officer shall prorate the amounts to be burned to each agency based on the estimated number of acres or tonnage in the geographic area covered by the agency.

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RULE 311 WIND DIRECTION

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance or hazard.

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RULE 312 MINIMUM DRYING TIMES

Adopted 11-12-74
(Amended 06-19-79, 04-21-81, 05-20-85)

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

A. Sufficient time for other agricultural waste such as orchard prunings, small branches, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.

B. A minimum of six (6) weeks for trees, stumps and large branches greater than six (6) inches in diameter.

C. For rice straw, drying times shall be specified in RULE 315.C.

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RULE 313 EXCEPTIONS TO RULE 312

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

The Air Pollution Control Officer may grant an exemption to the drying times specified in RULE 312 if the denial of such burning would threaten imminent and substantial economic loss.

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RULE 314 PREPARATION OF MATERIAL TO BE BURNED

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85, 10-12-00)

A. No material shall be burned unless it is reasonably free of dirt, soil and surface moisture and shall be burned in a manner to prevent excessive smoke. Excessive smoke is that which causes a nuisance.

B. Material stacked for burning shall not be burned unless it is stacked in such a manner so to promote drying and insure combustion with a minimum amount of smoke.

C. Unwanted trees shall be felled and dried prior to the burn.

D. In the burning of agricultural waste, the material to be burned shall be free of material that is not produced in an agricultural operation.

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RULE 315 BURNING OF AGRICULTURAL WASTE

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85)

A. RULE 301 through RULE 314, inclusive, shall apply to open burning of all agricultural waste.

B. For the portion of the County below 1500 feet MSL, the following shall also apply:

1. All rice harvesting shall employ a mechanical straw spreader to ensure even distribution of the straw with the following exception:

a. Rice straw may be left in rows provided it meets the drying time criteria prior to a burn as described in Subdivision C below.

C. After harvest, no spread rice straw shall be burned prior to a three (3) day drying period. No rowed rice straw shall be burned prior to a ten (10) day drying period.

D. When checking a field for moisture, a composite sample of straw from under the mat, in the center of the mat and from different areas of the field shall be taken to ensure a representative sample. The provisions of Section C above notwithstanding, rice straw shall be deemed dry enough to burn if a handful of straw selected as described above crackles when it is bent sharply.

E. After a rain exceeding 0.15 inch, (fifteen hundredths of an inch), notwithstanding Subdivision C, rice straw shall not be burned unless the straw makes an audible crackle when tested just prior to burning. The method of testing shall be as described in Subdivision D above.

F. No field crop burning shall commence before 10:00 AM or after 5:00 PM of any day. The District may further restrict burning hours if it is deemed necessary to prevent adverse impacts to downwind receptors.

G. No crop acreage which was harvested prior to September 10 shall be burned during the period October 1 through November 15 of each year unless written authority is given by the District. In granting such written authority, the District shall:

1. Ensure that the amount of acreage which is to be burned shall be included in the District's allotment specified in RULE 308.A.

2. Require a specific explanation of the cultural practices which require that burning be done immediately.

3. Require the person responsible to specify why the burning was not done prior to October 1.

4. Require the exception to be valid only on permissive burn days.

H. Rice, barley, oat and wheat straw shall be ignited only by stripfiring into-the-wind or by backfiring except under a special permit of the District issued when and where an extreme fire hazard is declared by a public fire protection district or where crops are determined not to lend themselves to these techniques.

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RULE 316 RANGE IMPROVEMENT/FOREST MANAGEMENT BURNING

Adopted 03-06-90

A. With the exception of RULES 312 and 313, RULES 301 through 314 and RULE 317 shall apply to range improvement and forest management burns.

B. RULE 315 shall not apply to range improvement or forest management burns.

C. Drying times for vegetation to be included in a range improvement burn shall be at least 6 months, if economically and technically feasible. In the case of a forest management burn, the drying time shall be specified by the designated agency.

D. Material should be windrowed or piled if technically feasible.

E. If the burn is to be accomplished for improvement of land for wildlife and game habitat, the permit applicant shall obtain a written statement from the State Department of Fish and Game, certifying that the burn is desirable and proper.

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RULE 317 WILDLAND VEGETATION MANAGEMENT BURNING

Adopted 03-06-90

A. APPLICABILITY

This Rule applies to all burning which meets the criteria of a wildland vegetation management burn as defined in Section C of this Rule.

B. EXEMPTIONS

1. Section D.2 of this Rule shall not apply to wildland vegetation management burns which will occur at an altitude above 6,000 feet mean sea level.

2. Section D.2 of this Rule shall not apply to any wildland vegetation management burn that is less than 10 acres and below an altitude of 6,000 feet mean sea level.

C. DEFINITIONS

1. Prescribed Burning: Prescribed burning is defined in this Rule as the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Section 39011, of the California Health and Safety Code.

2. Wildland Vegetation Management Burning: Wildland vegetation management burning is defined in this Rule as the use of prescribed burning conducted by a public agency or through a cooperative agreement or contract involving a public agency to burn land predominantly covered with chaparral (California Code of Regulations, Section 1561.1), trees, grass or standing brush.

D. STANDARDS

1. Except as provided in Section B of this Rule, wildlife vegetation management burning shall comply with the requirements of District Rules 301, 302, 304 through 306, 309 through 311, and 314.

2. The designated agency conducting a wildland vegetation management burn occurring below 6,000 feet mean sea level and not subject to Section B of this Rule shall submit a burn plan to the District and the State Air Resources Board (ARB) at least 7 days prior to the burn, containing the following information:

    a. acreage covered by the burn plan
    b. location of the burn site
    c. type of fuel and objectives of the burn
    d. direction and distances to populated or sensitive receptor areas
    e. project burn schedule (ignition to burndown)
    f. meteorological prescription for the burn
    g. specifications for monitoring and verifying project parameters
    h. procedures for notifying the public and other agencies of the burn.

3. Approval of the burn plan will be contingent upon review by the Air Pollution Control Officer. Upon receipt of the burn plan, within the time frame prescribed, the ARB will provide a 48 hour decision. The ARB may cancel the forecast no later than 24 hours before the commencement of the burn if necessary to maintain air quality.

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RULE 318 LAND DEVELOPMENT OPEN BURNING

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-12-00)

Pursuant to Section 41802 this Rule authorizes the use of open outdoor fires for the disposal of vegetative material (woodwaste) grown on property being developed for commercial or residential purposes under the following conditions:

A. RULE 301 through RULE 314 except RULE 307 and the following sections of this Rule shall apply.

B. Woodwaste should be windrowed if economically and technically feasible.

C. The Air Pollution Control Officer or staff shall review all permits prior to the burning.

D. The Air Pollution Control Board of the District finds it more desirable to burn than dispose of by other available means.

E. A minimum drying time of six (6) weeks shall be required for trees, stumps, and large branches greater than six (6) inches in diameter.

F. Woodwaste greater than 12 inches in diameter, with the exception of stumps, shall not be included in the burn.

G. Stumps greater than 12 inches in diameter at the cut shall not be included in the burn unless split at least in half and free of dirt.

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RULE 319 RIGHT-OF-WAY CLEARING AND LEVEE, DITCH, AND RESERVOIR MAINTENANCE BURNING

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 10-12-00)

RULE 301 through RULE 314 except RULE 307 shall apply to the use of fires for the disposal of vegetative material and woodwaste debris for right-of-way clearing by a public entity or for levee, ditch or reservoir maintenance.

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RULE 320 OPEN BURNING CONDUCTED BY PUBLIC OFFICERS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81, 05-20-85)

Except as otherwise provided in RULE 321, nothing in this Regulation shall be construed as limiting the authority granted under other provisions of law to any public fire, agricultural or health officer to set or permit a fire when such a fire is, in the opinion of said officer, necessary for any of the following purposes:

A. The prevention of a fire hazard which cannot be abated by any other means.

B. The instruction of public employees and/or volunteer firemen in the methods of fighting fires.

C. To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

D. The instruction of employees in methods of fighting fires on property used for industrial purposes.

E. Disease or pest prevention, where there is an immediate need for and no reasonable alternative exists.

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RULE 321 HAZARD REDUCTION BURNING

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

A. RULE 301 through RULE 314 except RULE 307 shall apply to hazard reduction burning.

B. If the Public Officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life and property, he may waive the requirements of Paragraph A of this Rule, provided that a written report of such burning shall be forwarded to the Air Pollution Control Officer stating why life and property was being threatened requiring such burning and such other information as the Air Pollution Control Officer may reasonably require.

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RULE 322 MECHANIZED BURNERS

Adopted 05-24-77
(Amended 06-19-79, 04-21-81)

Notwithstanding any other provisions of Regulation III, the Air Pollution Control Officer may authorize by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or woodwaste 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 (8) hour period which is:

A. As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection (A) of this Rule.

In authorizing the operation of a mechanized burner the Air Pollution Control Officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this Rule.

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RULE 323 OPEN BURNING OF NONINDUSTRIAL WOODWASTE AT DESIGNATED DISPOSAL SITES

Adopted 06-19-79
(Amended 04-21-81)

Pursuant to Section 41803 and 41804.5, this section authorizes the use of open outdoor fires for the disposal of nonindustrial woodwaste at disposal sites under the following conditions:

A. RULE 301 through RULE 314, except RULE 305, and the following sections of this Rule apply to open burning of nonindustrial woodwaste.

B. Only city or county officials, in official capacity, may apply for permits to dispose of nonindustrial woodwaste at disposal sites located above 1500 feet elevation sea level (msl).

C. The owner or person lawfully in possession of the land on which the disposal site is located shall file his written approval of such burning with the District.

D. The Air Pollution Control Officer or staff shall review and sign all permits prior to burning and the fire protection agency having jurisdiction over the area on which the disposal site is located shall approve the permits.

E. This burning shall be conducted only on permissive burn days.

F. The Air Pollution Control Officer or staff may inspect the woodwaste to be burned to verify that it is exclusively nonindustrial woodwaste.

G. Open burning of nonindustrial woodwaste shall not be permitted at a disposal site until the Air Resources Board has approved the use of open outdoor fires for disposing nonindustrial woodwaste at the site.

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RULE 324 RESIDENTIAL ALLOWABLE BURNING

Adopted 04-21-81
(Amended 05-20-85, 10-12-00)

RULES 301, 305, 308b, 309, 311, and 314 shall apply to the burning of residential allowable burn materials as defined in RULE 102, Section 247.

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RULE 325 RECREATIONAL OPEN FIRES

Adopted 04-21-81

Nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for recreational purposes or for the cooking of food for human consumption.

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REGULATION 4

MISCELLANEOUS PROVISIONS

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All permits issued pursuant to these Rules and Regulations are subject to the following Rules:

RULE 401 RESPONSIBILITY

Adopted 11-12-74
(Amended 05-24-77)

The fact that an authorization to construct or modify, or a permit to operate an article, machine, equipment or other contrivance described herein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance; neither shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards would not be exceeded by such article, machine, equipment, or other contrivance. In every instance the person, firm or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment, or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

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RULE 402 AUTHORITY TO INSPECT

Adopted 11-12-74
(Amended 05-24-77)

A. For the purpose of enforcing or administering any State or local law, order, regulation or rule relating to air pollution, the Air Pollution Control Officer and his duly authorized agents shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained therewith by the District.

B. The Air Pollution Control Officer or his duly authorized agent shall have the right to inspect sampling and monitoring apparatus as he deems necessary.

C. The Air Pollution Control Officer may issue identification cards, with the photograph of holder and signature of the Air Pollution Control Officer, to such employees of the District who need such credentials for entry.

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RULE 403 RESPONSIBILITY OF PERMITTEE

Adopted 11-12-74
(Amended 05-24-77)

Issuance of a permit pursuant to these Rules and Regulations does not release permittee of the responsibility of any and all other applicable permits and authorizations issued by other governmental agencies.

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RULE 404 UPSET CONDITIONS, BREAKDOWN OR SCHEDULED MAINTENANCE

Adopted 11-12-74
(Amended 05-24-77, 06-19-79)

A. DEFINITION

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

1. is not the result of neglect or disregard of any air pollution control law or rule or regulation;

2. is not intentional or the result of negligence;

3. is not the result of improper maintenance;

4. does not constitute a nuisance;

5. is not a recurrent breakdown of the same equipment.

B. BREAKDOWN PROCEDURES

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

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

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

C. DISPOSITION OF SHORT-TERM BREAKDOWN CONDITIONS

1. An occurrence which constitutes a breakdown condition, and which persists longer than 48 hours, except for continuous monitoring equipment, for which the period

shall be ninety-six (96) hours, shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the Air Pollution Control Officer may elect to take no enforcement action if the owner demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:

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

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

2. An occurrence which constitutes a breakdown condition shall persist no longer than 48-hours, (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), unless the owner or operator has obtained an emergency variance.

D. EMERGENCY VARIANCE PROCEDURES

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

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

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

a. The occurrence constitutes a breakdown condition;

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

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

d. The continued operation in a breakdown condition will not interfere with the attainment or maintenance of the National Ambient Air Quality Standards.

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

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

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

   c. A breakdown condition no longer exists; or

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

The procedures set forth in subparagraph (D)(2) shall govern any further proceedings conducted under this sub-paragraph.

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

E. REPORTING REQUIREMENTS

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

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

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

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

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

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

F. BURDEN OF PROOF

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

G. FAILURE TO COMPLY WITH REPORTING REQUIREMENTS

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

H. FALSE CLAIMING OF BREAKDOWN OCCURRENCE

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

I. HEARING BOARD STANDARDS AND GUIDELINES

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

RULE 405 SEPARATION OF EMISSIONS

Adopted 11-12-74
(Amended 05-24-77)

If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point.

The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume through all emission points, unless the person responsible for the source operation, establishes to the Air Pollution Control Officer's satisfaction, the correct total emitted quantity.

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RULE 406 COMBINATION OF EMISSIONS

Adopted 11-12-74
(Amended 05-24-77)

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

B. If air contaminants from two or more source operations are combined prior to emission and the combined emissions cannot be separated according to the requirements of RULE 406 A., the Rules and Regulations shall be applied to the combined emissions as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations of any of the source operations whose air contaminants are so combined.

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RULE 407 CIRCUMVENTION

Adopted 11-12-74
(Amended 05-24-77)

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

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RULE 408 SOURCE RECORD KEEPING AND REPORTING

Adopted 11-12-74
(Amended 05-24-77)

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

The information recorded shall be summarized and reported to the District, on forms or formats as furnished by the District, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, except that the initial report period shall commence on the date the District issues notification of the record-keeping requirements.

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

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RULE 409 PUBLIC RECORDS

Adopted 11-12-74
(Amended 05-24-77)

A. All information, analysis, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce which 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 contrivances, are public records.

B. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

C. Except as otherwise provided in (D), trade secrets are not public records under this Regulation. Trade secrets as used in this Regulation may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compounds, procedure, production rate 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. The owner or operator shall state in writing the justification for claiming material as trade secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims. Requests from the public for records shall be specific and in sufficient detail to enable the District to readily identify the information requested.

D. Notwithstanding any other provision of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in (C), are public records. Production data used to calculate emission data are not emission data for purposes of this subdivision and data which constitutes trade secrets and which are used to calculate emission data are not public records.

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RULE 410 RECORDKEEPING FOR VOLATILE ORGANIC COMPOUND EMISSIONS

Adopted 09-25-90
(Amended 11-03-94)

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100 GENERAL

101 APPLICABILITY: The provisions of this rule shall apply to an owner or operator of a stationary source within the District conducting operations, which include the use of fuels, adhesives, coatings, solvents, and/or graphic arts materials, when records are required to determine a District rule's applicability or source's exemption from a rule, rule compliance, or specifically as a Permit to Operate or an Authority to Construct condition.

102 RULES REQUIRING RECORDKEEPING: District rules requiring record-keeping as outlined by Rule 410 include, but are not limited to, the following:
Rule 212 - Storage of Petroleum Products
Rule 213 - Gasoline Transfer into Stationary Storage Containers
Rule 215 - Transfer of Gasoline into Tank Trucks, Trailers and Railroad Tank Cars at Loading Facilities
Rule 216 - Organic Solvent Cleaning and Degreasing Operations
Rule 217 - Cutback and Emulsified Asphalt Paving Materials
Rule 223 - Metal Container Coating

200 DEFINITIONS

201 EXEMPT COMPOUNDS: For the purposes of this rule, exempt compounds are the following:

201.1 Methane
201.2 Carbon dioxide
201.3 Carbon monoxide
201.4 Carbonic acid
201.5 Metallic carbides or carbonates
201.6 Ammonium carbonate
201.7 1,1,1-trichloroethane
201.8 Methylene chloride
201.9 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
201.10 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
201.11 Trichlorofluoromethane (CFC-11)
201.12 Dichlorodifluoromethane (CFC-12)
201.13 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
201.14 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114)
201.15 Chloropentafluoroethane (CFC-115)
201.16 Pentafluoroethane (HFC-125)
201.17 1,1,2,2-tetrafluoroethane (HFC-134)
201.18 Tetrafluoroethane (HFC-134a)
201.19 1,1-dichloro-1-fluoroethane (HCFC-141b)
201.20 1-chloro-1,1-difluoroethane (HCFC-142b)
201.21 1,1,1-trifluoroethane (HFC-143a)
201.22 Chlorodifluoromethane (HCFC-22)
201.23 Trifluoromethane (HFC-23)
201.24 Difluoroethane (HFC-152a)
201.25 The following four classes of perfluorocarbon compounds:
a. Cyclic, branched, or linear, completely fluorinated alkanes.
b. Cyclic, branched, or linear, completely fluorinated ethers with

no unsaturations.

c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.

d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

202 GRAPHIC ARTS MATERIALS: Any inks, coatings, adhesives, fountain solutions, thinners, retarders, or cleaning solutions used in printing or related coating or laminating processes.

203 LOW SOLIDS ADHESIVE, ADHESIVE PRIMER, OR STAIN: One which has less than one pound of solids per gallon of material.

204 PERMIT UNIT: Any article, machine, equipment, or other contrivance, or combination thereof, which may cause the issuance or control the issuance of air contaminants, and which requires a written permit pursuant to the provisions of Rule 501.

205 STATIONARY SOURCE: Any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. "Building, structure, facility, or installation" includes all pollutant emitting activities including emissions units which:

205.1 Are located on one or more contiguous or adjacent properties; and

205.2 Are under the same or common ownership or operation, or which are owned or operated by entities which are under common control; and

205.3 Belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code, or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

206 VOLATILE ORGANIC COMPOUND (VOC): Any compound which contains at least one atom of carbon, except exempt compounds.

300 STANDARDS

301 REQUIREMENTS:

301.1 An owner or operator of a stationary source using fuels, adhesives, coatings, solvents, and/or graphic arts materials and subject to this rule shall maintain daily records of operations for the most recent two (2) year period, and not less than the most recent five (5) years for sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM. In addition, the operating parameters of basic process equipment, any control equipment and capture

system(s) shall be recorded and those records maintained as specified above.

301.2 The records shall be retained on the premises of the affected operation for a period of not less than two (2) years, and not less than five (5) years for sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM. Said records shall be made available to the District upon request. The records shall include, but are not limited to, the following:

a. Each applicable District rule number pertinent to the operation for which records are being maintained;

b. A list of the permit units involved in the operation(s) using fuels, adhesives, coatings, solvents, and/or graphic arts materials;

c. The method of application and substrate type;

d. The amount and type of fuel(s), adhesive(s), coating(s) (including catalyst and reducer), solvent(s) (including diluent, surface preparation, clean-up, and wash-up solvents), and/or graphic arts material(s) used in each permit unit or dispensing station;

e. For each adhesive, coating (including catalyst and reducer), solvent, and/or graphic arts material; the material density; VOC content in percent by weight of material, less water and exempt compounds; exempt compounds in percent by weight of material; solids content in percent by volume, gallons per gallon of material, or liter per liter of material; constituent composition in percent by weight of material; and pounds of VOC emitted per volume of solids. Data shall be recorded for the material(s) as applied;

f. For fuels, a record of the fuel specification which may include, but is not limited to: constituent analyses, ultimate analyses, and physical properties;

g. The composition and amount of diluent, surface preparation, clean-up, or wash-up solvent used per day and the VOC content of each including the amount used of exempt compounds. In addition, the method of application (wipe, dipping in a vat, spray, etc.), the substrate the solvent is applied to (metal, plastic, etc.), and the purpose of use (cleanup of equipment or parts, surface preparation, etc.) should also be recorded;

h. Where applicable, the initial boiling point of solvents used as surface cleaners;

i. Oven temperatures (for coating operations); and

j. Operating parameters of basic process equipment, control devices, and the capture system, which effect or have the potential to effect

the quantity, extent, or characteristics of emitted pollutants.

302 CALCULATING VOC CONTENT:

302.1 VOC content (less water and exempt compounds) for paint, varnish, adhesive, lacquer, non-solvent-borne inks, or related surface coatings shall be calculated using EPA Reference Method 24 (Determination of Volatile Matter Content, Water Content, Density Volume Solids, and Weight Solids of Surface Coatings, Code of Federal Regulations Title 40, Part 60, Appendix A).

302.2 The test method shall be documented. The VOC content of any material applicable under this rule may be supplied by a Material Safety Data Sheet (MSDS) or data sheet provided the test method described above is used and specified on the MSDS or data sheet.

302.3 VOC content and density of solvent-borne (solvent reducible) printing inks or related coatings shall be determined by EPA Reference Method 24A (Determination of Volatile Matter Content and Density of Printing Inks and Related Coatings, Code of Federal Regulations Title 40, Part 60, Appendix A).

303 INITIAL BOILING POINT: The Initial Boiling Point for surface preparation and cleanup solvents shall be determined by the current ASTM 1078-78.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: Provisions of this rule shall become effective upon the date of its adoption.

REGULATION 5

PERMITS

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RULE 501 GENERAL PERMIT REQUIREMENTS

Adopted 12-08-70
(Amended 05-09-72, 11-12-74, 05-24-77, 06-19-79, 09-21-93, 11-03-94)

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100 GENERAL

101 PURPOSE: To provide an orderly procedure for the review of new sources of air pollution and the orderly review of the modification and operation of existing sources through the issuance of permits. Procedures for issuing, modifying, or renewing Title V permits to operate for stationary sources which are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall also be consistent with the procedures specified in that rule.

110 EXEMPTION, GENERAL: The exemptions contained in this rule shall not apply to an otherwise exempt piece of equipment which is part of a process that requires a permit. An Authority to Construct and Permit to Operate shall not be required for the equipment listed in Sections 111 to 123, unless an emissions unit, is:

110.1 Subject to New Source Performance Standards; or

110.2 Subject to National Emission Standards for Hazardous Air Pollutants; or

110.3 Subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or

110.4 Emits, in levels deemed appropriate for review by the Air Pollution Control Officer (APCO), substances identified as a toxic air contaminant or which are under review pursuant to Health and Safety Code Section 39650 et. seq.; or

110.5 The Air Pollution Control Officer makes a determination that the emission unit may not operate in compliance with the District Rules and Regulations; or

110.6 An emissions unit or stationary source for which emission reduction credits have been requested or granted in accordance with Rule 504, EMISSION REDUCTION CREDITS.

111 EXEMPTION, VEHICLES:

111.1 Vehicles used to transport passengers or freight, but not including any article, machine, equipment or other contrivance mounted on such a vehicle that would otherwise require a permit under the provisions of these rules and regulations.

111.2 Locomotives, airplanes and watercraft used to transport passengers or freight. This exemption shall not apply to equipment used for dredging of waterways or equipment used in pile driving adjacent to or in waterways.

112 EXEMPTION, COMBUSTION AND HEAT TRANSFER EQUIPMENT:

112.1 Internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower or less or gas turbine engines with a maximum heat input rate of 3,000,000 British Thermal Units (Btu) per hour or less at ISO standard day conditions (288 degrees Kelvin, 60 percent relative humidity, and 101.3 kilopascals pressure). The ratings of all engines or turbines used in

the same process will be accumulated to determine whether this exemption applies.

112.2 Any combustion equipment that has a maximum heat input of less than 1,000,000 Btu per hour (gross) and is equipped to be fired exclusively with purchased quality natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.

113 EXEMPTION, RESIDENTIAL STRUCTURES: Equipment utilized exclusively in connection with any structure, when the structure is designed for and used exclusively as a dwelling for not more than four families.

114 EXEMPTION, AGRICULTURAL OPERATIONS: Equipment used exclusively in the growing of agricultural crops, or in the commercial raising of fowl or other animals.

115 EXEMPTION, COOLING SYSTEMS AND VACUUM CLEANING: Refrigeration, air conditioning, ventilating, water cooling towers or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these rules and regulations.

116 EXEMPTION, COOLING TOWERS: Water cooling towers that have a circulation rate of less than 10,000 gallons per minute and which are not used for the cooling of process water, water from barometric jets, or water from barometric condensers.

117 EXEMPTION, PLASTICS AND CERAMICS PROCESSING: Ovens, kilns, or furnaces fired by electricity used exclusively for the heating, curing, softening, or annealing of plastics or ceramics, and not emitting more than 5 pounds of Volatile Organic Compound (VOC) emissions in any one day. This Section shall not apply to ovens used for heating or curing of fiberglass reinforced plastics.

118 EXEMPTION, STORAGE AND TRANSFER: Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:

118.1 Liquefied or compressed gases.

118.2 Unheated organic materials with an initial boiling point of 150 degrees Celsius (302 degrees Fahrenheit) or greater, as determined by the testing procedure specified in Section 501.2, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3.

118.3 Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3, having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20°C to or from storage.

118.4 Unheated solvent dispensing containers of 380 liters (100 gallons) capacity or

less.

119 EXEMPTION, SURFACE COATING AND PREPARATION:

119.1 Water solution for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.

119.2 Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.

119.3 Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 380 liters (100 gallons) capacity or less.

120 EXEMPTION, FOOD PROCESSING: The following processing equipment for food or other human consumables and exhaust systems or collectors serving exclusively such equipment:

120.1 Used in eating establishments for the purpose of preparing food for human consumption.

120.2 Smokehouses in which the maximum horizontal inside cross sectional area does not exceed 2 square meters (21.5 square feet).

120.3 Mixers and blenders used in bakeries.

120.4 Confection cookers.

120.5 Used exclusively to grind, blend or package tea, cocoa, spices, or roasted coffee.

121 EXEMPTION, LABORATORY EQUIPMENT: Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum-producing equipment.

122 EXEMPTION, REPAIRS AND MAINTENANCE: Repairs or maintenance not involving changes to any equipment for which a permit has been granted under Section 301 of this rule.

123 EXEMPTION, OTHER EQUIPMENT: Unless subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, other equipment authorized for exemption by the Air Pollution Control Officer and which would emit less than 2 pounds in any 24 hour period of any pollutants without the benefit of air pollution control devices.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

201 ADMINISTRATIVE PERMIT AMENDMENT: An amendment to a permit to operate

which:

201.1 Corrects a typographical error; or

201.2 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; or

201.3 Requires more frequent monitoring or reporting by a responsible official of the stationary source; or

201.4 Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the Air Pollution Control Officer receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.

202 AFFECTED POLLUTANTS: Reactive organic compounds (ROC), nitrogen oxides (NOx), sulfur oxides (SOx), PM10, carbon monoxide (CO), lead, vinyl chloride, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, or any other pollutant or precursor for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency or the California Air Resources Board.

203 ANNIVERSARY DATE: The day and month of issuance of a permit to operate and that same day and month of each succeeding year.

204 APPLICABLE REQUIREMENTS: Air quality requirements which a facility must comply /pursuant to the District's regulations, codes of California statutory law, the Federal Clean Air Act as amended in 1990 and implementing regulations, other provisions of the United States Code, and the Code of Federal Regulations.

205 AUTHORITY TO CONSTRUCT: A preconstruction permit authorizing construction prior to the starting of construction and conforming to the requirements of Rule 502, NEW SOURCE REVIEW, and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

206 COMMENCE: As applied to construction, means that the owner or operator has all of the necessary permits or approvals required under Sate and Federal air quality control laws, District Rules and Regulations, and those air quality control laws and regulations which are part of the California State Implementation Plan, and has:

206.1 Begun, or caused to begin, a continuous program of on-site construction of the source, to be completed in a reasonable time; or

206.2 Entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

207 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.

208 EMISSIONS UNIT: An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected air pollutant, regulated air pollutant or Hazardous Air Pollutant (HAP), directly or as fugitive emissions. An emissions unit shall not include the open burning of agricultural biomass.

209 RESPONSIBLE OFFICIAL: An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:

209.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;

209.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

209.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

209.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMITS PROGRAM.

210 STARTUP: means the setting in operation of a stationary source or emission unit for any purpose.

211 STATIONARY SOURCE (SOURCE OR FACILITY): Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as fugitive emissions.

211.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:

a. belong to the same industrial grouping; and

b. are located on one property or on two or more contiguous properties; and

c. are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

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

a. they belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual; or

b. they are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

211.3 The emissions within District boundaries of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from cargo carriers are proposed as offsets.

212 TITLE V PERMITS - A permit issued, denied, renewed, amended, or reopened pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and Part 70 Code of Federal Regulations, "State Operating Permit Programs".

300 STANDARDS

301 AUTHORITY TO CONSTRUCT: Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer (APCO) as specified in Section 403 of this rule. An authority to construct shall remain in effect until a permit to operate the equipment is granted or denied or the application is canceled. With the exception of Authority to Construct permit(s) for stationary sources or equipment units subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990, and pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the emissions unit(s) shall not commence operation until the Air Pollution Control Officer takes final action to approve the permit. A stationary source or emission unit subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, requirements may commence operation subject to the limitations and restrictions of Rule 507 upon such operation.

301.1 An authority to construct, unless extended or application for a Title V operating permit is submitted, shall expire no later than one year following the construction completion date given by the applicant, or no later than two years following the date of permit issuance, whichever occurs first.

301.2 If a written request to extend the authority to construct is received by the Air

Pollution Control Officer prior to the expiration of the authority to construct, an extension may be granted for up to two years if the Air Pollution Control Officer determines that: (1) commencement of construction has occurred, and a good faith effort to complete the project has been made; and (2) the parameters of the project remain the same as in the initial application.

301.3 The Air Pollution Control Officer shall be notified of the anticipated date of initial startup or operation of any permitted article, machine, equipment or other contrivance. Such notice shall be made no less than 30 days prior to the startup date.

301.4 The Air Pollution Control Officer shall be notified of the actual date of initial startup within 5 days after such date.

302 PERMIT TO OPERATE: Any person operating an article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain a written permit from the Air Pollution Control Officer. Stationary sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, must also obtain a Title V permit pursuant to the requirements and procedures of that rule.

303 STANDARDS FOR GRANTING APPLICATIONS:

303.1 The Air Pollution Control Officer shall deny an authority to construct or permit to operate, except as provided in Rule 502, NEW SOURCE REVIEW, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations or of such state or federal statutes as may be enforceable by the Air Pollution Control Officer on the date the application is deemed complete. Permits to operate, and permit amendments, for sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and Rule 507, FEDERAL OPERATING PERMIT PROGRAM, must comply with all applicable federal requirements. In addition, the Air Pollution Control Officer shall require the applicant, as a condition of the authority to construct, to comply with the requirements of California Health and Safety Code Part 6, (Section 44300 et. seq.), Air Toxics "Hot Spots" Information and Assessment Act.

303.2 No permit to operate shall be granted, either by the Air Pollution Control Officer or the Hearing Board, for any article, machine, equipment or contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, which has been constructed or installed without authorization as required by Section 301 of this rule, until:

a. The information necessary to enable the Air Pollution Control Officer to make the determination required by Section 303 of this rule, Rule 502, NEW SOURCE REVIEW, and Rule 507, OPERATING PERMIT PROGRAM, for those sources subject to that rule, is presented to the

Air Pollution Control Officer; and

b. Such article, machine, equipment or contrivance, is altered, if necessary, and made to conform to the standards set forth in Section 303 of this rule, elsewhere in these rules and regulations, and in the California Health and Safety Code.

303.3 In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, has not been constructed in accordance with the authority to construct, he or she shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for a permit to operate the article, machine, equipment, or other contrivance so constructed until he or she finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the authority to construct.

303.4 The Air Pollution Control Officer shall require enforceable emission limitations as permit conditions in authorities to construct and permits to operate to assure the permanence of surplus actual emissions reductions applied for use as internal reductions or emission reduction credits in accordance with Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSION REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

303.5 The Air Pollution Control Officer shall determine that an applicant for a permit to construct or modify a potential source of air contaminants located within 1,000 feet from the outer boundary of a school has complied with the applicable requirements of California Health and Safety Code Section 42301.6, preparation and distribution of a public notice, prior to approving an application for an authority to construct permit.

303.6 Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable requirements, including applicable provisions of the California State Implementation Plan, District Rules and Regulations, or State or Federal law.

303.7 No permit to operate shall be issued, modified, or renewed for stationary sources which are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, unless the permit contains conditions consistent with those specified in that rule.

304 PROVISION OF SAMPLING AND TESTING FACILITIES: In addition to the monitoring and testing required to comply with State or Federal laws or regulations, the Air Pollution Control Officer may, upon reasonable written notice or before an authority to construct or permit to operate is granted, require the applicant or the owner or operator of any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants to:

304.1 Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent,

quantity or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling, testing, and air monitoring equipment. Such platform and access shall be constructed in accordance with the applicable General Industry Safety Orders of the State of California.

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

a. Continuous emission monitoring systems as a minimum shall be installed when required, and to the performance specifications required, by Section 502 of this rule.

b. A violation of emission standards of these rules, as shown by the stack-monitoring system, shall be reported by the owner or operator to the Air Pollution Control Officer within 96 hours, or such earlier time as may be required by Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE.

c. In the event of a breakdown of monitoring equipment, the owner or operator shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner or operator shall inform the Air Pollution Control Officer of the intent to shutdown any monitoring equipment at least 24 hours prior to the event.

d. Compliance with Subsection (b) and (c), above, does not exempt the owner or operator from applicable provisions of Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE, the emergency provisions of Rule 507, OPERATING PERMIT PROGRAM, pursuant to 40 CFR 70.6(g), or the separate reporting requirements of other federal regulations to which the stationary source or emissions unit is subject.

304.3 If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the Air Pollution Control Officer may instead prescribe a design, operational, or equipment standard. In such cases, the Air Pollution Control Officer may require the installation or modification of process monitoring devices such that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control. To the extent applicable, reporting requirements for process monitors shall be the same as for continuous emission monitoring systems.

304.4 A person operating or using a stack monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data

obtained from such systems. This summary of the data shall be in the form and manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District. Records from the monitoring equipment shall be kept by the owner or operator for a period of two years, during which time they shall be available to the Air Pollution Control Officer in such form as he or she directs.

304.5 The responsible official of a source using a stack monitoring system and subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall in addition to the requirements of Section 304.4, above, submit data summaries and retain monitoring records in accordance with the applicable federal requirements of that rule.

305 TRANSFER: An authority to construct or permit to operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another. In the event any person contemplates or desires to make any such transfer as herein above described, said person shall make an application for authorization in accordance with Section 403 of this rule.

306 PERMIT RENEWAL: Except for Title V permits, which shall be renewed in accordance with Rule 507, FEDERAL OPERATING PERMIT PROGRAM, every permit to operate, except as specified below, shall be renewable annually on the permit's anniversary date, commencing one year after the date of issuance.

306.1 Action to suspend or revoke the permit has been initiated and such action has resulted in a final determination to suspend or revoke the permit by the Air Pollution Control Officer or the Hearing Board and all appeals, or time for appeals, has been exhausted.

306.2 Fees applicable to the renewal of the permit(s) to operate have not been paid, as specified in Regulation 6, FEES.

306.3 The Air Pollution Control Officer shall review every permit to operate upon annual renewal, pursuant to Health and Safety Code Section 42301(c), to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations applicable to the article, machine, equipment, or contrivance for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing article, machine, equipment, or contrivance, by the District Board of Directors. During this annual review the Air Pollution Control Officer shall reopen the permit if cause for reopening is discovered for a permit to operate issued pursuant to Rule 507, FEDERAL OPERATING PERMITS PROGRAM. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with all applicable District Rules and Regulations.

306.4 The Air Pollution Control Officer may establish an annual permit renewal date for all permits to operate held by a stationary source. Thereafter, permits to operate shall be renewable that same day and month of each succeeding

year, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, voiding or revocation of permits.

307 PERFORMANCE TESTING: Within 60 days after achieving the maximum production rate or the maximum rate of emissions to which the source is limited by enforceable conditions, but not later than 180 days after initial startup of such source, or as otherwise required by the Air Pollution Control Officer to determine continuous compliance with emission limitations or to confirm emission reductions claimed, the owner or operator of such source shall conduct performance test(s) in accordance with methods and under operating conditions as are approved by the Air Pollution Control Officer and furnish the Air Pollution Control Officer a written report of the results of such performance test(s).

307.1 Such test(s) shall be at the expense of the owner or operator.

307.2 Testing shall be conducted with the source(s) of emissions operating at maximum capacity or other rate conforming to the maximum rate of emissions to which the source(s) are limited by enforceable condition(s).

307.3 The Air Pollution Control Officer may monitor such test and may also conduct performance tests.

307.4 The owner or operator of a source shall provide the Air Pollution Control Officer 15 days prior notice of the performance test to afford the Air Pollution Control Officer the opportunity to have an observer present.

307.5 The Air Pollution Control Officer may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Air Pollution Control Officer's satisfaction that the source is being operated in compliance with all local, State, and Federal regulations which are part of the California State Implementation Plan.

400 ADMINISTRATIVE REQUIREMENTS

401 POSTING: A person who has been granted a permit to operate any article, machine, equipment, or other contrivance described in Section 302 of this rule shall maintain a legible copy of said permit on the premises of the subject equipment. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.

402 ALTERING OF PERMIT: A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance described in Section 302 of this rule. A permit amendment or revision requested by the owner or operator, other than an administrative permit amendment or an amendment pursuant to Subsection 306.3, shall require the filing of an application. For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request. The Air Pollution Control Officer shall take final action no later than 60 days after

receiving the written request for an administrative permit amendment.

402.1 After designating the permit revisions as an administrative permit amendment, the Air Pollution Control Officer may revise the permit without providing notice to the public or any affected state.

402.2 The Air Pollution Control Officer shall provide a copy of the revised permit to the responsible official and for Title V permits to the US Environmental Protection Agency.

402.3 While the Air Pollution Control Officer need not make a completeness determination on a written request, the Air Pollution Control Officer shall notify the responsible official if the Air Pollution Control Officer determines that the permit can not be revised as an administrative permit amendment.

403 APPLICATIONS: An application for an authority to construct, permit to operate, change of ownership, or an application for a permit amendment, permit reopening, or revision shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determinations required by Section 303 of this rule, Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSION REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

403.1 A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of application forms.

403.2 When the information submitted with the application is insufficient for the Air Pollution Control Officer to make the determination required by Section 303 of this rule, Rule 502, NEW SOURCE REVIEW, by Rule 507, FEDERAL OPERATING PERMITS PROGRAM, for subject sources, and any other applicable rule, regulation, or order, upon the written request of the Air Pollution Control Officer a responsible official shall supplement any complete application with additional information within the time frame specified by the Air Pollution Control Officer.

403.3 A responsible official shall promptly provide additional information in writing to the Air Pollution Control Officer 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.

403.4 Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.

403.5 An application for an authority to construct, permit to operate, or permit amendment or revision shall be accompanied by payment of the application filing fee specified in Regulation 6, FEES.

404 ACTION ON APPLICATIONS: The Air Pollution Control Officer shall notify the applicant in writing of his or her approval, conditional approval, suspension, or denial of the application for an authority to construct or permit to operate.

404.1 With the exception of applications of sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, in the event said notification or notification of application completeness pursuant to Rule 502, NEW SOURCE REVIEW, is not received by applicant within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 403, the applicant may, at his or her option, deem the application to construct or permit to operate denied.

404.2 Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service.

404.3 For sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMITS PROGRAM, action on applications for initial operating permits, permit renewal, or permit modification shall be taken in accordance of the provisions of that rule.

405 CONDITIONAL APPROVAL: The Air Pollution Control Officer may issue an authority to construct or a permit to operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, within the standards of Section 303 of this rule. The conditions shall be specified in writing. Commencing work under such an authority to construct, or operation under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, can operate under the revised conditions within the standards of Section 303 of this rule.

406 DENIAL OF APPLICATION: In the event of a denial of an authority to construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his or her reasons for denial of the authority to construct or the permit to operate.

407 DISCLOSURE: The Air Pollution Control Officer, at any time, may require from an applicant, or holder of, any permit provided for in these rules and regulations, such information, analyses, plans, or specifications which will disclose the nature, extent, quality, or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied. The Air Pollution Control Officer may require that such disclosures be certified by a professional engineer registered in the State of California. A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of disclosures. Studies necessary to provide such information, shall be at the expense of the owner or operator of the source for which a permit was issued or applied.

408 EMISSION STATEMENT: Upon the request of the Air Pollution Control Officer and as directed by the Air Pollution Control Officer, the owner or operator of any stationary source operation which emits or may emit oxides of nitrogen or reactive organic gas shall provide the Air Pollution Control Officer with a written statement, in accordance with Rule 503, EMISSION STATEMENT, showing actual emissions of oxides of nitrogen and reactive organic gas from that source.

409 SUSPENSION: The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to California Health and Safety Code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefor. Service of said 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 permit shall be reinstated when the Air Pollution Control Officer is furnished with all requested information, analyses, plans, and specifications.

410 CANCELLATION OF APPLICATION: An authority to construct or permit to operate application may be canceled by the Air Pollution Control Officer:

410.1 At the request of the applicant; or

410.2 If additional information has been requested of the applicant in accordance with Section 403 without the subsequent submittal of information within a reasonable time.

411 CANCELLATION OF PERMIT TO OPERATE: If, prior to the surrender of the operating permit, the Air Pollution Control Officer determines that the source or the emissions unit has been removed or fallen into an inoperable or un-maintained condition, the Air Pollution Control Officer may notify the owner of the intent to cancel the permit, providing the owner or operator with 30 days to respond. If the owner cannot demonstrate to the satisfaction of the Air Pollution Control Officer that the owner intended to operate again, or the owner does not respond within 30 days from the date a second noticing of the District's intent to cancel the permit is mailed by the District to the owner or operator, then the Air Pollution Control Officer may cancel the permit and deem the source or emissions unit shutdown as of the last known date the source or emissions unit discharged emissions.

411.1 The owner or operator may request an extension of time, in writing prior to the end of the 60 day period following the initial notice, from the Air Pollution Control Officer.

411.2 The Air Pollution Control Officer may grant an extension of time not to exceed 90 days.

411.3 The owner or operator may claim emissions reductions resulting from the shutdown in accordance with the provisions of Rule 504, EMISSION REDUCTION CREDITS, prior to the end of the 60 day period following the initial

notice, or prior to the expiration of an extension.

411.4 The Air Pollution Control Officer shall advise, in writing, the owner or operator of the stationary source or emissions unit for which a permit is canceled of the cancellation decision.

411.5 The owner or operator may appeal the decision to cancel the permit pursuant to Section 413 of this rule.

412 TEMPORARY PERMIT: The Air Pollution Control Officer may issue a temporary permit to operate. The temporary permit to operate shall specify a reasonable period of time during which the article, machine, equipment, or contrivance may be operated in order for the District to determine whether it will operate in accordance with the conditions specified in the permit.

413 APPEALS: Within ten days after notice, by the Air Pollution Control Officer, of cancellation, suspension, denial, or conditional approval of an authority to construct, permit to operate, or emissions reduction credit application, the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after public notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

414 COMPLIANCE DATES: Not withstanding earlier compliance dates for sources subject to the requirements of Rule 507, OPERATING PERMIT PROGRAM, an application for a permit to operate shall be submitted to the Air Pollution Control Officer by March 21, 1994, for existing equipment constructed prior to September 21, 1993, except:

414.1 Existing internal combustion engines constructed prior to September 21, 1993, with a manufacturer's continuous rating of less than 150 brake horsepower and not subject to Section 112.1 shall submit an application for Permit to Operate by September 21, 1994.

414.2 Existing boilers constructed prior to September 21, 1993, with a maximum heat input greater than 10,000,000 Btu per hour (gross) shall submit an application for Permit to Operate by September 21, 1994.

414.3 Existing boilers constructed prior to September 21, 1993, with a maximum heat input less than 10,000,000 Btu per hour (gross) and not subject to Section 112.2 shall submit an application for Permit to Operate by March 21, 1995.

500 MONITORING AND RECORDS

501 TESTING PROCEDURES:

501.1 General Requirements: Except as otherwise specified in the District Rules and Regulations, the State Implementation Plan, and the applicable federal requirements of Rule 507, FEDERAL OPERATING PERMITS PROGRAM, testing methods for determining compliance with emission limits shall be:

a. The appropriate methods adopted by the California Air Resources Board and cited in Title 17, California Code of Regulations, Division 3, Subchapter 8, Compliance with Non-vehicular Emission Standards; or

b. The appropriate methods of 40 CFR part 50, Appendix M, Recommended Test Methods for State Implementation Plans; or

c. Any appropriate method of 40 CFR part 60, Appendix A, Test Methods; or

d. An alternative method following review and approval of that method by the California Air Resources Board and US Environmental Protection Agency.

501.2 Initial Boiling Point: ASTM D-1078-86, "Test Method for Distillation Range of Volatile Organic Liquids".

501.3 Vapor Pressure: ASTM D-2879-86, "Vapor Pressure-Temperature Relation and Initial Decomposition Temperature of Liquids by Isoteniscope".

502 MONITORING: As applicable, each emission source subject to the requirements of Section 301 and 302 shall comply with the following monitoring requirements:

502.1 The requirements of Title 40, Code of Federal Regulations, Part 51, Appendix P, Minimum Emission Monitoring Requirements.

502.2 The applicable federal requirements for monitoring of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

503 RECORDKEEPING:

503.1 The following records shall be maintained and provided to the Air Pollution Control Officer upon request.

a. Emissions monitoring and process data records necessary for the determination and reporting of emissions, in accordance with applicable provisions of the District Rules and Regulations, shall be maintained. Records shall be kept for at least two years and shall be kept 5 years for sources subject to the applicable requirements of Title V and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

b. Other records of the nature and amounts of emissions or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether the stationary source or emissions unit is in compliance with applicable emission limitations, credited emission reductions, exemptions from rule provisions, or other requirements. The information must include emission measurements, continuous emission monitoring system performance testing measurements, performance evaluations, calibration checks and adjustments, maintenance performed on such monitoring systems,

and other records and reports required by Title 40, Code of Federal Regulations, Part 51, Appendix P, Minimum Emission Monitoring Requirements.

c. Operation and maintenance plans shall be submitted to the District for all add-on capture and control equipment for review and approval by the Air Pollution Control Officer. Such plans shall demonstrate, though the use of specific record-keeping requirements, continuous operation of the add-on control equipment when emission producing operations are occurring. The plan shall also specify records to be kept to document the performance of required periodic maintenance. Records shall be consistent with compliance time frames and employ the most recent US Environmental Protection Agency record-keeping guidance.

503.2 The Air Pollution Control Officer may require record-keeping to verify or maintain any exemption.

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RULE 502 NEW SOURCE REVIEW

Adopted 11-12-74
(Amended 05-24-77, 06-19-79, 09-21-93, 11-03-94, 08-09-01)

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100 GENERAL

101 PURPOSE: The purpose of this rule is to provide for the review of new and modified stationary air pollution sources and to provide mechanisms, including emission offsets, by which authorities to construct for such sources may be granted without interfering with the attainment or maintenance of ambient air quality standards.

102 APPLICABILITY: This rule shall apply to all new stationary sources and emissions units and all modifications to existing stationary sources and emissions units which, after construction, emit or may emit any affected pollutants or regulated pollutants to which Rule 507, FEDERAL OPERATING PERMIT PROGRAM, applies. This rule shall not apply to prescribed burning of forest, agriculture or range land; open burning in accordance with District Regulation 3, OPEN BURNING; road construction or any non-point source common to timber harvesting or agricultural practices. Exemptions allowed in this Section shall not be used to exempt any stationary source or modification, which would be subject to review under U.S. Environmental Protection Agency (EPA) regulations or review pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, from permit requirements. The regulations in effect at the time any application for an Authority to Construct is deemed complete shall apply.

110 EXEMPTION, EMERGENCY ELECTRICAL GENERATING EQUIPMENT: Except as otherwise required for sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the Air Pollution Control Officer shall exempt an application from the requirements of Sections 302, and 303, if the emissions unit would provide emergency electrical power or if the emissions unit would provide emergency water pumping for flood control or emergency fire fighting and is not a major source or major modification, provided the requirements of Sections 110.1 and 110.2 are met. This exemption shall not apply to emissions units supplying power to a serving utility for distribution on the electric transmission grid nor the operation of standby power sources due to a voluntary reduction in power by the serving utility.

110.1 Operation for maintenance purposes of internal combustion engines used solely as a source of emergency electrical power, not otherwise exempt, shall be limited to 100 hours per year, and such maintenance shall be scheduled in cooperation with the District so as to have no adverse air quality impact or shall mitigate by emission offsets or onsite reductions so that there is no net increase in emissions; and

110.2 Operation for other than maintenance purposes shall be limited to actual interruptions of electrical power by the serving utility. Operation shall not exceed 24 hours without prior authorization by the Air Pollution Control Officer.

111 EXEMPTION, NOTIFICATION REQUIREMENTS: Except as otherwise required for sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the requirements of Sections 403, 404, 405, and 406.2 relating to notification, publication, and public inspection of Preliminary Decisions; and notification, publication, and public inspection of final action shall not apply if the application is for a new or modified stationary source or emissions unit which does not trigger a requirement for offsets, calculated pursuant to Sections 413, 414 or 415, as applicable.

112 EXEMPTION, RELOCATED EQUIPMENT: The requirements of Sections 302 and 303 shall not apply to relocation of emission units solely within the District and within only on air basin of which the District is part, and the relocation does not result in an increase in emissions. This exemption is subject to the performance of an air quality analysis pursuant to Section 306.

113 EXEMPTION, REPLACEMENT EQUIPMENT: The requirements of Sections 302 and 303 shall not apply to replacement equipment, providing the replacement does not result in any emissions increase.

114 EXEMPTION, TEMPORARY SOURCES: The requirements of Sections 302 and 303 shall not apply to temporary stationary emission sources, emission units, and portable equipment which will be operated on a temporary basis. This exemption is subject to the performance of an air quality analysis pursuant to Section 306.

115 EXEMPTION, RULE COMPLIANCE: The requirements of Sections 302 and 303 shall not apply to modifications necessary to comply with standards contained in Regulation 2, PROHIBITIONS. This Section shall not apply to modifications in production rate, hours of operation, or other changes or additions to existing equipment not necessary for compliance with standards contained in Regulation 2, PROHIBITIONS.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

201 ACTUAL EMISSIONS: Measured or estimated emissions which most accurately represent the emissions from an emissions unit. Fugitive emissions associated with the emissions unit shall be included in the actual emissions of the emissions unit.

202 ACTUAL EMISSIONS REDUCTIONS: Reductions of actual emissions from an emissions unit selected for on-site (internal) or off-site (external) emissions offsets. Actual emission reductions shall be calculated, adjusted and certified pursuant to Rule 504, EMISSION REDUCTION CREDITS, or to applicable federal requirements.

203 ACTUAL INTERRUPTIONS OF ELECTRICAL POWER: When electrical service is interrupted by an unforeseeable event.

204 ACTUAL OPERATING DAYS: Any day of operation which results in the emission of an affected pollutant from the emissions unit.

205 AFFECTED POLLUTANTS: Reactive organic compounds (ROC), nitrogen oxides (NOx), sulfur oxides (SOx), PM10, carbon monoxide (CO), lead, vinyl chloride, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, or any other pollutant or precursor for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency or the California Air Resources Board.

206 AMBIENT AIR QUALITY STANDARDS: State and federal ambient air quality standards for the purpose of submittal to the US Environmental Protection Agency for inclusion in the California State Implementation Plan. All references in this rule to Ambient Air Quality Standards shall be interpreted as National Ambient Air Quality Standards.

207 BEST AVAILABLE CONTROL TECHNOLOGY (BACT):

207.1 For any emissions unit the most stringent of:

a. The most effective emission control device, emission limit, or technique, singly or in combination, which has been required or used for the type of equipment comprising such an emissions unit unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such limitations required on other sources have not been demonstrated to be achievable.

b. Any alternative basic equipment, fuel, process, emission control device or technique, singly or in combination, determined to be technologically feasible and cost-effective by the Air Pollution Control Officer.

c. For replacement equipment only, the emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source.

207.2 In making a BACT determination for nonattainment pollutant the Air Pollution Control Officer may consider the overall effect on other nonattainment pollutants. In some cases the lowest emission rates may be required for one or more nonattainment pollutants at the cost of not achieving the lowest emission rate for other nonattainment pollutants. The Air Pollution Control Officer shall discuss these considerations in the Preliminary Decision prepared pursuant to Section 403.

207.3 Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of district, state or federal laws or regulations unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such limitations are not achievable.

208 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): The California Environmental Quality Act, Public Resources Code, Section 21000, et seq.

209 CARGO CARRIERS: Cargo carriers are trains dedicated to a specific source.

210 COMMENCE: As applied to construction, means that the owner or operator has all necessary permits or approvals required under State and Federal air quality control laws, District Rules and Regulations, and those air quality control laws and regulations which are part of the California State Implementation Plan, and has:

210.1 Begun, or caused to begin, a continuous program of on-site construction of the source, to be completed in a reasonable time, or;

210.2 Entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

211 COMPLETE APPLICATION: Completeness of an application for an authority to construct a new or modified emission unit shall be evaluated on the basis of a list of required information which has been adopted by the District pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the California Government Code as they exist on the date on which the application is received and on payment of the appropriate fee pursuant to Rule 601, PERMIT FEES.

212 CONSTRUCTION: Means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

213 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.

214 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 Best Available Control Technology, calculated in current year dollars, in accordance with methodology and criteria specified in guidelines developed by the District.

215 ELECTRICAL POWER PLANT: An electrical generation facility that regularly generates electricity so the local electric utility can provide its daily energy requirements. Emergency electrical generating equipment are not considered electrical power plants.

216 EMISSION DECREASE: Any modification which would result in an emission decrease of actual emissions. The emission decrease shall be calculated by subtracting the proposed emissions from the historic actual emissions.

217 EMISSIONS LIMITATION: One or a combination of permit conditions specific to an emissions unit which restricts its maximum emissions, at or below the emissions associated with the maximum design capacity. An emissions limitation shall be:

217.1 Contained in the latest authority to construct and contained in or enforceable by the latest permit to operate for the emission unit, and;

217.2 Enforceable on a daily basis or quarterly basis pursuant to Section 407.2, and;

217.3 Established pursuant to a permitting action occurring after December 31, 1976. Emission limitations should be stated in a manner consistent with testing procedures. Emission limitations may be expressed as enforceable design, operational, or equipment standard pursuant to Section 407.3.

218 EMISSIONS UNIT: An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected air pollutant, regulated air pollutant or Hazardous Air Pollutant (HAP), directly or as fugitive emissions. An emissions unit shall not include the open burning of agricultural biomass.

219 FUGITIVE EMISSIONS: Those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Fugitive hazardous air pollutant emissions shall be considered when determining whether a source is a major stationary source pursuant to Title V of the Federal Clean Air Act as amended in 1990 and Rule 507, FEDERAL OPERATING PERMIT PROGRAM. The fugitive emissions of a source shall not be considered in determining whether it is a major stationary source pursuant to Title V, unless the source belongs to one of the following categories of stationary sources listed in 40 CFR 70.2, "Definitions", "Major Source" (2).

220 HALOGENATED HYDROCARBONS: For the purposes of this rule, halogenated hydrocarbons are the following:

220.1 1,1,1-trichloroethane
220.2 methylene chloride
220.3 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)

220.4 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
220.5 trichlorofluoromethane (CFC-11)
220.6 dichlorodifluoromethane (CFC-12)
220.7 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
220.8 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114)
220.9 chloropentafluoroethane (CFC-115)
220.10 pentafluoroethane (HFC-125)
220.11 1,1,2,2-tetrafluoroethane (HFC-134)
220.12 tetrafluoroethane (HFC-134a)
220.13 1,1-dichloro-1-fluoroethane (HCFC-141b)
220.14 1-chloro-1,1-difluoroethane (HCFC-142b)
220.15 1,1,1-trifluoroethane (HFC-143a)
220.16 chlorodifluoromethane (HCFC-22)
220.17 trifluoromethane (HFC-23)
220.18 1,1-difluoroethane (HFC-152a)
220.19 The following four classes of perfluorocarbon compounds:

a. Cyclic, branched, or linear, completely fluorinated alkanes.
b. Cyclic, branched, or linear, completely fluorinated ethers, with no unsaturations.
c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

221 HAZARDOUS AIR POLLUTANT (HAP): Any air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

222 HISTORIC ACTUAL EMISSIONS:

222.1 For applications for emissions reductions deemed complete after September 21, 1993, "historic actual emissions" are the actual emissions for the existing emissions unit averaged over the consecutive two year period immediately preceding the date of application for emission reduction credits. If the last two years are unrepresentative of normal source operations as determined by the Air Pollution Control Officer, then any two consecutive years of the last five years that represent normal source operation may be used.

222.2 For applications for emissions reductions deemed complete prior to September 21, 1993, "historic actual emissions" are either as calculated in Subsection 222.1, above, or, at the option of the applicant and with the approval of the Air Pollution Control Officer, are the actual emissions for the existing emissions unit averaged over the three year period immediately preceding the date of application for emission reduction credits.

222.3 If, at any time during the two or three year period, actual emissions exceeded allowed or permitted emission levels, then actual emissions shall be reduced to reflect emission levels that would have occurred if the unit were in compliance with all applicable limitations and rules.

222.4 Where an emissions unit has been in operation for less than two years, a shorter

averaging period of at least one year may be used, provided that the averaging period is representative of the full operational history of the emissions unit. If less than one year has passed since the date of issuance of the permit to operate then the historic actual emissions shall be zero.

223 HISTORIC POTENTIAL EMISSIONS: Emissions based on the potential to emit of the emissions unit prior to modification. In determining the potential to emit, daily emissions limitations shall be treated as part of an emissions unit's design only if the limitations are representative of normal operations, or if the facility has provided offsets from previous permitting actions. If there are no enforceable limiting conditions, an emissions unit's potential to emit shall be limited to the unit's historical actual emissions. For a new emissions unit historic potential emissions are equal to zero. For the purposes of the above determination, "normal operations" is defined as the usual or typical daily operating of an emissions unit resulting in actual emissions which are at least 80% of the specific limits contained in the emission unit's authority to construct or permit to operate.

224 LAKE TAHOE AIR BASIN: Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60113 (b), the basin includes that portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, Mount Diablo Base and Meridian (M.D.B. & M.), and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, (M.D.B. & M.), thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, M.D.B. & M., to the intersection with the drainage crestline, thence following the said drainage area boundary in a southwesterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning. This Air Basin is delineated on an official map on file at the California Air Resources Board Headquarters Office.

225 MAJOR STATIONARY SOURCE: A stationary source which emits or has the potential to emit: 50 tons per year (tpy) or more of nitrogen oxides, 50 tons per year or more of reactive organic compounds, 100 tons per year or more of carbon monoxide, 100 tons per year or more of PM10, 100 tons per year of sulfur oxides, 100 tons per year of any regulated pollutant or levels specified by the U.S. Environmental Protection Agency pursuant to the Federal Clean Air Act of 1990, Section 112(a)(1). In addition, any physical change occurring at a stationary source not otherwise qualifying as a major stationary source, which would constitute a major stationary source by itself makes the source a major stationary source. For the purposes of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, a major stationary source also includes any source which emits or has a potential to emit 10 tpy of one HAP or 25 tpy of two or more Hazardous Air Pollutants (HAPs), as listed pursuant to Section 112(b) of the Federal Clean Air Act, or any lesser quantity threshold promulgated by the US Environmental Protection Agency.

226 MAJOR MODIFICATION: Modification to a major stationary source which results in an increase in the potential to emit greater than: 25 tons per year of nitrogen oxides, 25 tons per year of reactive organic compounds, 100 tons per year of carbon monoxide, 40 tons per year of sulfur oxides, or 15 tons per year of PM10 aggregated with all other increases in potential to emit over the period of five consecutive years before the application for modification, and including the calendar year of the most recent application.

227 MODIFICATION - Any physical change, change in method of operation (including change in fuel characteristics), addition to, or any change in hours of operation, or change in production

rate of, which:

227.1 For an emissions unit:

a. would necessitate a change in permit conditions, or;

b. is not specifically limited by a permit condition, or;

c. results in an increase, a decrease, or no change in emissions which are not subject to an emissions limitation.

227.2 For a stationary source: is a modification of its emissions unit, or addition of any new emissions unit.

227.3 The following shall not be considered a modification:

a. A change in ownership.
b. Routine maintenance and repair.

c. A reconstructed stationary source or emissions unit which shall be treated as a new stationary source or emissions unit, not as a modification.

d. The addition of a continuous emission monitoring system.

228 MOUNTAIN COUNTIES AIR BASIN: Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60111 (I), the Mountain Counties Air Basin includes all of Placer County except that portion included in the Lake Tahoe Air Basin, defined by 17 CCR 60113(b), and that portion included in the Sacramento Valley Air Basin, defined by 17 CCR 60106(k).

229 NONATTAINMENT POLLUTANT: Any pollutant as well as any precursors of such pollutants which has been designated "nonattainment" by the US Environmental Protection Agency in the Federal Register, or which has been designated nonattainment by the California Air Resources Board pursuant to Section 39607 of the Health and Safety Code.

230 PM10: Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).

231 PORTABLE EQUIPMENT: Equipment which is periodically relocated and is not operated more than a total of 180 days at any one location in the District within any continuous 12 month period.

232 POTENTIAL TO EMIT: The maximum daily physical and operational design capacity to emit an air pollutant during each calendar quarter. Any limitation on the physical or operational design capacity, including emission control devices and restrictions on hours of operation, or on the type, or amount of material combusted, stored, or processed, may be considered as part of the design only if the limitation, or the effect it would have on emissions, is incorporated into the Authority to Construct as an enforceable permit condition as daily emissions limitations. Fugitive emissions associated with the emissions unit or stationary source shall be included in the potential to emit of the emissions unit or stationary source.

233 **PRECURSOR**: A pollutant that, when emitted into the atmosphere, may undergo either a chemical or physical change which then produces another 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. The following precursor-secondary air contaminant relationships shall be used for the purposes of this rule:

Precursor		Secondary Air Contaminant
Reactive Organic Compound		a. Photochemical oxidants (Ozone) b. Organic fraction of PM10
Nitrogen Oxides	a.	Nitrogen dioxide b. Nitrate fraction of PM10 c. Photochemical oxidants (Ozone)
Sulfur Oxides		a. Sulfur dioxide b. Sulfates c. The sulfate fraction of PM10

234 PRIORITY RESERVE BANK: A depository for preserving emission reduction credits pursuant to Rule 505, PRIORITY RESERVE.

235 PROPOSED EMISSIONS: Emissions based on the potential to emit for the new or modified emissions unit.

236 QUARTERLY: Calendar quarters beginning in January, April, July, and October.

237 QUARTERLY EMISSIONS LIMITATION: One or a combination of permit conditions specific to an emissions unit which restricts its maximum emissions, in pounds per quarter, at or below the emissions associated with the maximum design capacity. A quarterly emissions limitation must be:

237.1 Contained in the latest authority to construct and contained in or enforceable by the latest permit to operate for the emission unit, and

237.2 Enforceable on a quarterly basis, and

237.3 Established pursuant to a permitting action occurring after December 31, 1976.

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

239 RECONSTRUCTED SOURCE: Any stationary source or emissions unit undergoing physical modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source or emissions unit. Fixed capital cost means that capital needed to provide all the depreciable components. A reconstructed source shall be treated as a new stationary source or emissions unit.

240 REDUCED SULFUR COMPOUNDS - The sulfur compounds hydrogen sulfide, carbon disulfide and carbonyl sulfide.

241 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 State or the US Environmental Protection Agency has adopted an emission limit, standard, or other

requirement. Regulated air pollutants include:

241.1 Oxides of nitrogen and volatile organic compounds;

241.2 Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the Federal Clean Air Act;

241.3 Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the Federal Clean Air Act;

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

241.5 Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the Federal Clean Air Act, including:

a. Any pollutant listed pursuant to Section 112(r) of the Federal Clean Air Act (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 US Environmental Protection Agency pursuant to Section 112(d) or adopted by the District pursuant to 112(g) and (j) of the Federal Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the Federal Clean Air Act.

c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the US Environmental Protection Agency 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 Federal Clean Air Act. 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.

242 REPLACEMENT EQUIPMENT:

242.1 Functionally Identical Replacement: The replacement of or modification of emission units(s) where the replacement unit serves the identical function as the unit(s) being replaced, and the maximum rating and the potential to emit any pollutant will not be greater from the new or modified emissions unit(s) than the replaced unit(s), when the emissions unit(s) are operated at the same permitted conditions.

242.2 Identical Replacement: The total or partial replacement of an emissions unit where the replacement is the same as the original unit in all respects except for serial number.

243 SACRAMENTO VALLEY AIR BASIN: Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60106(k), the basin includes that portion of Placer County which lies west of Range 9 east, Mount Diablo Base and Meridian (M.D.B. & M.).

244 STATIONARY SOURCE (SOURCE OR FACILITY): Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as fugitive emissions.

244.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:

a. belong to the same industrial grouping, and;

b. are located on one property or on two or more contiguous properties, and;

c. are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

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

a. they belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual, or;

b. they are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

244.3 The emissions within District boundaries of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from cargo carriers are proposed as offsets.

245 TEMPORARY SOURCE: Temporary emission sources such as pilot plants, and portable facilities which will be terminated or located outside the District after less than a cumulative total of 90 days of operation in any 12 continuous months, and the emissions resulting from the construction phase of a new source.

246 TOTAL REDUCED SULFUR COMPOUNDS: The sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide and dimethyl disulfide.

300 STANDARDS

301 BEST AVAILABLE CONTROL TECHNOLOGY: An applicant shall apply Best Available Control Technology to a new emissions unit or modification of an existing emissions unit, except cargo carriers, for each emissions change of an affected pollutant, which would have an increase in emissions, according to procedures specified in Section 410, and the potential to emit of the new or modified emissions unit which equals or exceeds the levels specified in Section 301.1. A condition which reflects BACT in a manner consistent with testing procedures, such as ppmv NOx, g/liter VOC, or lbs/hr shall be contained in the latest authority to construct and permit to operate.

301.1

Pollutant	lb/day
Reactive organic compounds	10
Nitrogen oxides	10
Sulfur oxides	80
PM10	80
Carbon monoxide	550

Lead		3.3
Vinyl chloride		5.5
Sulfuric acid mist		38
Hydrogen sulfide		55
Total reduced sulfur compounds	55	
Reduced sulfur compounds		55

302 OFFSET REQUIREMENTS, GENERAL:

302.1 An applicant shall provide offsets for the affected pollutant, except as provided in Section 304, obtained pursuant to Rule 504, EMISSION REDUCTION CREDITS, or Rule 505, PRIORITY RESERVE, for new and modified sources where the cumulative emission changes of reactive organic compounds, nitrogen oxides, sulfur oxides, PM10 or carbon monoxide calculated pursuant to Section 411 or 412 exceed the level specified in Section 302.1.a, below. Sufficient offsets shall be provided, from the same calendar quarter as the emissions, to offset positive emissions changes of reactive organic compounds, nitrogen oxides and carbon monoxide (except as provided in Section 302.2 and Sections 302.7 and 302.8, respectively) calculated according to procedures specified in Section 414. Sufficient offsets shall be provided, from the same calendar quarter as the emissions, to offset positive emissions changes of sulfur oxides and PM10 (except as provided in Section 302.9 and 302.10, respectively) calculated according to procedures specified in Section 415. Facilities shall be required to curtail operations if sufficient offsets are not obtained as required by permit conditions. Except as provided for in Section 304, emission offsets used to mitigate emission increases must be of the same pollutant type. The facility is ultimately responsible for ensuring offsets.

a.

Pollutant	pounds per quarter
Reactive organic compounds	7,500
Nitrogen oxides	7,500
Sulfur oxides	12,500
PM10	7,500
Carbon monoxide	7,500

302.2 Offsets for increases in carbon monoxide shall not be required if the applicant, using an air quality modeling analysis prepared pursuant to Section 402, demonstrates to the satisfaction of the Air Pollution Control Officer that the increase in ambient concentration does not exceed 500 micrograms per cubic meter, 8 hour average, at or beyond the property line of the stationary source.

302.3 In no case shall halogenated hydrocarbons be used as offsets for reactive organic compounds, nor shall exempt compounds or other compounds excluded from the definition of reactive organic compounds be used as offsets for reactive organic compounds.

302.4 Portable equipment shall be evaluated for offsets at the initial location only. In the event such portable equipment is shutdown, emission reduction credits shall be granted based on the emissions calculated at the initially permitted location. If operated a cumulative total of less than 90 days within a continuous 12 month period, at all locations within the District and in any air basin of which the District is a part, the portable equipment is considered a temporary source.

302.5 Except as allowed by Section 412.1 for sources which have provided full offsets of total suspended particulate (TSP), the PM10 emissions from an existing stationary

source shall be recalculated from the TSP emission increases and decreases which have occurred since December 31, 1976, using PM10 emission factors. When PM10 emission factors do not exist assume 50% of the TSP is PM10.

302.6 Offsets can only come from regions with the same air quality designations or worse designations than that of the emissions unit or stationary source requiring the offsets.

302.7 Emission reductions of reactive organic compounds or nitrogen oxides during the quarters starting April 1 or July 1 may be used to offset positive emission changes of the same pollutants during any calendar quarter.

302.8 Emission reductions of carbon monoxide during the quarters starting January 1 or October 1 may be used to offset positive emission changes of carbon monoxide during any calendar quarter.

302.9 Emission reductions of PM10 during the quarters starting January 1 or October 1 may be used to offset positive emission changes of PM10 during any calendar quarter.

302.10 Emission reductions of sulfur oxides during any quarter may be used to offset positive emission changes of sulfur oxides during any calendar quarter.

303 LOCATION OF OFFSETS AND OFFSET RATIOS:

303.1 Except as provided in Subsections 303.2 and 303.3, and Section 304, an applicant shall provide offsets for emissions from a proposed stationary source subject to the requirements of Section 302 according to the following ratios and requirements as a minimum:

	Offset Ratio	
	Non-Attainment	Other Affected
Location of Offset	Pollutants	Pollutants
Same Source	1.0 to 1.0	1.0 to 1.0
Within 15-Mile Radius and within the District	1.2 to 1.0	1.1 to 1.0
Within 15-Mile Radius outside the District, but within the same air basin	1.3 to 1.0	1.2 to 1.0
Greater than 15-Mile but within 50-Mile Radius and within District	2.0 to 1.0	1.2 to 1.0
Greater than 15-Mile but within 50-Mile Radius and outside the District, but within the same air basin	2.1 to 1.0	1.3 to 1.0
More than 50-Mile Radius and within the same air basin	Greater than 2.1 to 1.0	Greater than 1.3 to 1.0

303.2 Offsets obtained from locations not satisfying the location criteria of Subsection 303.1, other than offsets obtained pursuant to Rule 505, PRIORITY RESERVE, shall be subject to an offset ratio of at least 1.2 to 1.0. An air quality analysis pursuant to Section 306 shall be performed. The Air Pollution Control Officer may impose, based on the air quality analysis, a higher offset ratio such that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard.

303.3 Applicants providing offsets obtained pursuant to Rule 505, PRIORITY RESERVE, shall be subject to an offset ratio of 1.0 to 1.0 for all pollutants at all distances except for major stationary sources. Major stationary sources providing offsets obtained pursuant to Rule 505, PRIORITY RESERVE, shall be subject to an offset ratio of 1.2 to 1.0 for all pollutants at all distances.

303.4 Offsets which are obtained pursuant to Sections 302 and 303 and pursuant to permitting actions in a district other than that in which the proposed source is located may be used only if the Air Pollution Control Officer has reviewed the permit conditions issued by the other district in which the proposed offsets are obtained and certifies that the impact of using such offsets meet the requirements of the District Rules and Regulations. Emission reduction credits used to offset project emissions in another district shall be implemented through an interdistrict agreement to ensure their enforceability and permanence pursuant to California Health and Safety Code Section 40709.6.

304 INTERPOLLUTANT OFFSETS: The Air Pollution Control Officer may approve interpollutant offsets for precursor pollutants on a case by case basis, provided that the applicant demonstrates through the use of an air quality model that the emission increases from the new or modified source will not cause or contribute to a violation of an ambient air quality standard. In such cases, the Air Pollution Control Officer shall impose, based on an air quality analysis, offset ratios greater than the requirements of Section 303. Interpollutant offsets between PM10 and PM10 precursors may be allowed only if PM10 precursors contribute significantly to the PM10 levels that exceed the PM10 ambient standards. PM10 emissions shall not be allowed to offset nitrogen oxides or reactive organic compound emissions in ozone nonattainment areas, nor be allowed to offset sulfur oxide emissions in sulfate nonattainment areas.

305 EMISSION REDUCTIONS, SHUTDOWNS AND CURTAILMENTS: Actual emission reductions from a shutdown or curtailment of permitted emission units may be credited for the purposes of banking and offsets pursuant to Rule 504, EMISSION REDUCTION CREDITS, provided:

305.1 Application is made for emission reduction credits.

305.2 The crediting and disbursement of emission reductions from source shutdowns and curtailments shall be in accordance with the most current US Environmental Protection Agency emissions trading policy and applicable federal regulations.

305.3 Emissions decreases are ensured and documented by enforceable emission limitations contained in the permit to operate, or emissions decreases are ensured by the permanent surrender or cancellation of the permit to operate.

306 AMBIENT AIR QUALITY STANDARDS: In no case shall emissions from the new or modified stationary source, prevent or interfere with the attainment or maintenance of any applicable ambient air quality standard, except as provided in Section 302.2. The Air Pollution Control Officer may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of a new or modified stationary

source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination the Air Pollution Control Officer shall take into account the mitigation of emissions through offsets pursuant to this rule and the impacts of transported pollutants on downwind pollutant concentrations. The Air Pollution Control Officer may impose, based on an air quality analysis, offset ratios greater than the requirements of Section 303.

307 DENIAL, FAILURE TO MEET STANDARDS: The Air Pollution Control Officer shall deny any authority to construct or permit to operate if the Air Pollution Control Officer finds that the subject of the application would not comply with the standards set forth in District, state, or federal rules or regulations. Stationary sources and emission units are required to curtail operations corresponding to the extent that required offsets are not obtained, or are not permanently maintainable. The owner or operator of the stationary source or emissions unit requiring offsets has the ultimate responsibility for ensuring offsets are real, surplus, permanent, and quantifiable.

308 CEQA APPLICABILITY: All proposed new and modified sources for which an authority to construct must be obtained from the District shall be reviewed in accordance with the requirements of CEQA, including, but not limited to, alternative siting and benefits analysis.

309 DENIAL, FAILURE TO MEET CEQA: The Air Pollution Control Officer shall deny any authority to construct or permit to operate if the Air Pollution Control Officer finds that the subject of the application would not comply with the standards set forth in CEQA.

400 ADMINISTRATIVE REQUIREMENTS

The following administrative requirements in Sections 401-415 shall apply to any activities regulated by this rule, except for the review of power plants over 50 megawatts. Power plants over 50 megawatts shall be subject to the review requirements of Section 416, and applicable requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM. Stationary sources which are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall be permitted in accordance with the procedures specified in that rule, in addition to the requirements of this Section which are consistent with Rule 507.

401 COMPLETE APPLICATION: With the exception of applications for initial permit to operate, permit renewal, or a significant modification for stationary sources subject to the requirements of Title V of the Federal Clean Air as amended in 1990 and Rule 507, FEDERAL OPERATING PERMITS, the Air Pollution Control Officer shall determine whether the application is complete no later than 30 days after receipt of the application, or after such longer time period that the applicant and the Air Pollution Control Officer have agreed in writing. If the Air Pollution 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 re-submittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or a re-submitted application shall be evaluated on the basis of the information requirements set forth in District regulations (adopted pursuant to Article 3, 65940 through 65944 of Chapter 4.5 of Division l of Title 7 of the California Government Code) as they exist on the date on which the application or re-submitted application was received, on the CEQA-related information which satisfies the requirements of the District's CEQA Guidelines, and the applicable requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM. The Air Pollution Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

402 AIR QUALITY MODELS: All air quality models used for the purposes of this rule shall be consistent with the requirements provided in the most recent edition of US Environmental Protection Agency "Guidelines on Air Quality Models, OAQPS 1.2-080" unless the Air

Pollution Control Officer finds that such model is inappropriate for use. After making such finding the Air Pollution Control Officer may designate an alternate model only after allowing for public comment, and only with concurrence of the US Environmental Protection Agency. Credit shall not be given for stacks higher than that dictated by good engineering practice. All modeling costs associated with the siting of a stationary source shall be borne by the applicant.

403 PRELIMINARY DECISION: Except as provided in Section 111, following acceptance of an application as complete, the Air Pollution Control Officer shall perform the evaluations required to determine compliance with all applicable district rules and regulations and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or denied. When the District is the CEQA Lead Agency for a project, the Air Pollution Control Officer shall not issue a preliminary decision until the draft Environmental Impact Report or Negative Declaration is available for public review. The decision shall be supported by a succinct written analysis.

403.1 The Air Pollution Control Officer shall transmit to the California Air Resources Board and the US Environmental Protection Agency its preliminary written decision and analysis for sources subject to Sections 301, 302, 303, and 306 no later than the date of publication as required in Section 404. For initial permits to operate, renewal of permits, significant and minor permit modifications, and reopenings for cause of sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the proposed decision, analysis, public notice, and draft permit if applicable, shall be sent to the US Environmental Protection Agency for a 45 day review period.

404 PUBLICATION AND PUBLIC COMMENT: Except as provided in Section 111, within ten calendar days following a preliminary decision pursuant to Section 300, Standards, of this rule, the Air Pollution Control Officer shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the Air Pollution Control Officer, noting how the pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. For initial permits to operate, renewal of permits, significant permit modifications, and reopenings for cause of sources subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, public notice shall be given pursuant to the requirements of that rule.

405 PUBLIC INSPECTION: Except as provided in Section 111, the Air Pollution Control Officer shall make available for public inspection at the District's office the information submitted by the applicant and the Air Pollution Control Officer's analysis no later than the date the notice of the preliminary decision is published, pursuant to Section 404. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code. Further, all such information shall be transmitted no later than the date of publication to the California Air Resources Board and the US Environmental Protection Agency regional office, and to any party which requests such information. For initial permits to operate, renewal of permits, significant permit modifications, and reopenings for cause of sources subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, written notice, the proposed permit, and upon request, the District's analysis, shall be provided to interested parties or agencies pursuant to the requirements of that rule.

406 AUTHORITY TO CONSTRUCT, FINAL ACTION:

406.1 Within 180 days after acceptance of an application as complete, the Air Pollution Control Officer shall take final action on the application after considering all written comments.

406.2 Notwithstanding this 180-day limit, the Air Pollution Control Officer shall not take final action for any project for which an Environmental Impact Report (EIR) or a Negative Declaration is being prepared until a final EIR for that project has been certified or a Negative Declaration for that project has been approved, and the Air Pollution Control Officer has considered the information in that final EIR or Negative Declaration. The Air Pollution Control Officer shall take final action on the application within whichever of the following periods of time is longer:

a. Within 180 days after the certification of the final EIR or approval of the Negative Declaration, or

b. Within 180 days of the date on which the application was determined complete by the Air Pollution Control Officer.

406.3 Except as provided in Section 111, the Air Pollution Control Officer shall provide written notice of the final action to the applicant, the US Environmental Protection Agency, and the California Air Resources Board, and shall publish such notice in a newspaper of general circulation and shall make the notice and all supporting documents available for public inspection at the District's office.

407 REQUIREMENTS, AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE:

407.1 General Conditions: As a condition for the issuance of an authority to construct and a permit to operate, the Air Pollution Control Officer shall require that the emissions unit and stationary source, and any emissions units which provide offsets, be operated in the manner stated in the application in making the analysis required to determine compliance with this rule, and as conditioned in the authority to construct.

407.2 Emissions Limitations: All of the following emissions limitations shall be included on the authority to construct and permit to operate, if applicable.

a. The authority to construct and permit to operate shall include emission limitations which reflect Best Available Control Technology. Such condition(s) shall be expressed in a manner consistent with testing procedures, such as ppmv NOx, g/liter VOC, or lbs/hr.

b. A quarterly emissions limitation for each affected pollutant for which offsets are being provided pursuant to Section 302.1 shall be contained in the authority to construct and permit to operate.

c. A daily emission limitation shall be contained in the authority to construct and permit to operate for all affected pollutants for which offsets are not being provided pursuant to Section 302.1, or when required to be consistent with ambient air quality standards.

d. Electrical power plants shall also contain a quarterly emissions limitation for operation of increased power plant operation needed to compensate for reduced operation at other power plant(s) within the District due to emergency breakdown, pursuant to Rule 404, UPSET CONDITIONS, BREAKDOWN, OR SCHEDULED MAINTENANCE, and regularly scheduled maintenance.

e. Permits to operate for sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall contain all applicable federal requirements in addition to the applicable limitations of (a), (b), (c),

and (d), above.

407.3 Design, Operational, or Equipment Standards: If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the Air Pollution Control Officer may instead prescribe a design, operational, or equipment standard. In such cases, the District shall make its best estimate as to the emission rate that will be achieved and shall specify that rate in required submissions to the US Environmental Protection Agency. Any permits issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control.

407.4 Offsets:

a. Except as provided in Section 407.4.b, below, the operation of any emissions unit or stationary source which provides offsets shall be subject to enforceable permit conditions, containing specific emissions and operational limitations, to ensure that the emission reductions shall be provided in accordance with the provisions of this rule and shall continue for the reasonably expected life of the proposed emissions unit or stationary source.

b. Where the source of offsets is not required to obtain an authority to construct or a permit to operate pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS, and Rule 504, EMISSION REDUCTION CREDITS, a written contract or a functional equivalent as determined by the Air Pollution Control Officer shall be required between the applicant and the owner or operator of such source, which contract, by its terms, shall be enforceable by the Air Pollution Control Officer. For sources subject to federal NSR requirements, in the absence of federally enforceable conditions, the execution of a source specific SIP revision is required.

c. An internal emission offset will be considered enforceable if it is made a State Implementation Plan (SIP) requirement by inclusion as a condition of the new source permit and the permit is forwarded to the US Environmental Protection Agency.

d. Except as provided in Section 407.4.b, external offsets must be made enforceable either by revision of an offsetting source's authority to construct and permit to operate or by submittal of a SIP revision to US Environmental Protection Agency prior to the operation of the emissions unit . The revised permit shall be forwarded to the US Environmental Protection Agency. The SIP revision submittal shall be submitted to the California Air Resources Board to be forwarded to the US Environmental Protection Agency as part of the State Implementation Plan.

e. A violation of the emission limitation provisions of any contract pursuant to 407.4.b, above, shall be a violation of this rule by the applicant.

f. The operation of any emissions unit or stationary source which uses offsets provided by another emissions unit or stationary source shall be subject to enforceable permit conditions, containing specific emissions and operational limits, to ensure that the emission reductions are used in accordance with the

provisions of District rules and shall continue for the reasonably expected life of the proposed emissions unit or stationary source.

g. For sources subject to federal requirements, the permanence of emissions reductions may be demonstrated by federally enforceable changes in source permits or applicable District regulations to reflect a reduced level of allowable emissions.

408 ISSUANCE, PERMIT TO OPERATE: The Air Pollution Control Officer shall issue a permit to operate an emissions unit subject to the requirements of this rule if it is determined that any offsets required as a condition of an authority to construct or amendment to a permit to operate will commence not later than the initial operation of the new or modified source, and that the offsets shall be maintained throughout the operation of the new or modified source which is the beneficiary of the offsets. Further, the Air Pollution Control Officer shall determine that all conditions specified in the authority to construct have been complied with or will be complied with by the dates specified on the authority to construct. Such applicable conditions shall be contained in the permit to operate. Where a new or modified stationary source is, in whole or in part, a replacement for an existing stationary source on the same property, the Air Pollution Control Officer may allow a maximum of 90 days as a startup period for simultaneous operation of the existing stationary source and the new source or replacement. For initial permits to operate, renewal of permits, significant permit modifications, and reopenings for cause of sources subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, permit issuance shall comply with the requirements and procedures of that rule.

409 REGULATIONS IN FORCE GOVERN: An authority to construct shall be granted or denied based on Best Available Control Technology and offset requirements of Sections 301 and 302 in force on the date the application is deemed complete as defined in Section 211. In addition, the Air Pollution Control Officer shall deny an authority to construct for any new stationary source or modification, or any portion thereof, unless:

409.1 Compliance with District Rules: The new source or modification, or applicable portion thereof, complies with the provisions of this rule and all other applicable district rules and regulations; and

409.2 Certification of Compliance: The owner or operator of the proposed new or modified source has certified that all existing major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in California which are subject to emission limitations are in compliance, or on an expeditious schedule for compliance, with all applicable emission limitations and standards.

410 CALCULATION OF EMISSIONS - BACT: The emissions change for a new or modified emissions unit shall be calculated by subtracting historic actual emissions from proposed emissions. Calculations shall be performed separately for each emissions unit for each calendar quarter.

411 CALCULATION OF EMISSIONS - OFFSETS TRIGGER FOR ROC, NOX AND CO: The potential to emit for each calendar quarter for a stationary source shall be the sum of the potential to emit, including fugitive emissions, for all emissions units based on current permits to operate and authorities to construct where permits to operate have not been issued, the pending application and banked emission reduction credits obtained after September 21, 1993, from emissions units installed before September 21, 1993, and after December 31, 1976.

412 CALCULATION OF EMISSIONS - OFFSET TRIGGER FOR SOX AND PM10: Except as provided in Sections 412.1 and 412.2, the cumulative emissions increases for each calendar

quarter for a stationary source shall be the sum of emissions from Sections 412.3, 412.4, and 412.5 for each calendar quarter, expressed in terms of pounds per day.

412.1 An application for a modification, deemed complete after September 21, 1993, to an emissions unit or stationary source, constructed or whose application is deemed complete prior to September 21, 1993, and which had provided full offsets for total suspended particulate matter emissions occurring after December 31, 1976 but before September 21, 1993, those total suspended particulate matter emissions shall not be recalculated as PM10. However, all subsequent increases in PM10 emissions must be offset.

412.2 Except as provided in Section 412.5, any emissions increase represented by an authority to construct or permit to operate which has been canceled or has expired and any emission reduction credits surrendered to the District shall not be included in the cumulative emissions increase calculation pursuant to Section 413.

412.3 The potential to emit for all emissions units installed after December 31, 1976 based on current permits to operate or authorities to construct where permits to operate have not been issued, including the pending application being reviewed.

412.4 All emission increases from the modification to emissions units installed prior to December 31, 1976 and modified after December 31, 1976 as determined by procedures specified in Section 411 or procedures specified in Rule 502 at the time of modification.

412.5 Emission reduction credits obtained pursuant to Rule 504, EMISSION REDUCTION CREDITS, after December 31, 1976, from emissions units installed after December 31, 1976.

413 CALCULATION OF EMISSIONS - OFFSETS GENERAL: The emissions change for a new or modified emissions unit shall be calculated by subtracting historic potential emissions from proposed emissions. Calculations shall be performed separately for each pollutant and each emissions unit for each calendar quarter. Negative emissions changes shall be processed under the procedures specified in Rule 504, EMISSION REDUCTION CREDITS, and Rule 507, FEDERAL OPERATING PERMIT PROGRAM, for early Hazardous Air Pollutant reductions satisfying the requirements of Section 112(I)(5) of the Federal Clean Air Act as amended in 1990.

414 CALCULATION OF EMISSIONS - OFFSETS REQUIRED FOR ROC, NOX AND CO: The cumulative net emissions increase pursuant to Section 413 for a stationary source shall be the sum of emissions from each of the following for each calendar quarter expressed in terms of pounds per quarter.

414.1 The potential to emit including associated fugitive emissions, not previously offset, for all emissions units installed after September 21, 1993, based on current permits to operate and authorities to construct, where permits to operate have not been issued, and the pending application.

414.2 All emission increases, including associated fugitive emissions, not previously offset, from the modification to emissions units installed before September 21, 1993, but modified after September 21, 1993, as determined by procedures specified in 413 or pursuant to calculation procedures specified in Rule 502, NEW SOURCE REVIEW, at the time of the modification.

Any emissions increase represented by an authority to construct or permit to operate which

has been canceled or has expired shall not be included in the cumulative emissions increase calculation.

415 CALCULATION OF EMISSIONS - OFFSETS REQUIRED FOR SOX AND PM10: The cumulative net emissions increase pursuant to Section 413 for a stationary source shall be the sum of emissions from each of the following for each calendar quarter expressed in terms of pounds per quarter.

415.1 The potential to emit including associated fugitive emissions, not previously offset, for all emissions units installed after September 21, 1993, based on current permits to operate or authorities to construct where permits to operate have not been issued, including the pending application being reviewed.

415.2 All emission increases including associated fugitive emissions, not previously offset, from the modification to emissions units installed before September 21, 1993, but modified after September 21, 1993, as determined by procedures specified in Section 413 or pursuant to calculation procedures specified in Rule 502, NEW SOURCE REVIEW, at the time of the modification.

Any emissions increase represented by an authority to construct or permit to operate which has been canceled or has expired shall not be included in the cumulative emissions increase calculation.

416 POWER PLANTS: This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission.

416.1 Within 14 days of receipt of a Notice of Intention, the Air Pollution Control Officer shall notify the Air Resources Board and the California Energy Commission of the District's intent to participate in the Notice of Intention proceeding. If the District chooses to participate in the Notice of Intention proceeding, the Air Pollution Control Officer shall prepare and submit a report to the California Air Resources Board and the California Energy Commission prior to the conclusion of the non-adjudicatory hearing specified in Section 25509.5 of the California Public Resources Code. That report shall include, at a minimum:

a. a preliminary specific definition of Best Available Control Technology for the proposed facility;

b. a preliminary discussion of whether there is substantial likelihood that the requirements of this rule and all other District regulations can be satisfied by the proposed facility;

c. a preliminary list of conditions which the proposed facility must meet in order to comply with this rule or any other applicable district regulation.

The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the Notice of Intention.

416.2 Upon receipt of an Application for Certification for a power plant, the Air Pollution Control Officer shall conduct a determination of compliance review. This determination shall consist of a review identical to that which would be performed if an application for a permit to construct had been received for the power plant. If the information contained in the Application for Certification does not meet the requirements of this rule, the Air Pollution Control Officer shall, within 20 calendar days of receipt of the Application for Certification, so inform the California Energy Commission, and the Application for Certification shall be considered incomplete and returned to the applicant for re-submittal.

416.3 The Air Pollution Control Officer shall consider the Application for Certification to be equivalent to an application for a permit to construct during the determination of compliance review, and shall apply all provisions of this rule which apply to applications for a permit to construct.

416.4 The Air Pollution Control Officer may request from the applicant any information necessary for the completion of the determination of compliance review. If the Air Pollution Control Officer is unable to obtain the information, the Air Pollution Control Officer may petition the presiding Commissioner of the California Energy Commission for an order directing the applicant to supply such information.

416.5 Within 180 days of accepting an Application for Certification as complete, the Air Pollution Control Officer shall make a preliminary decision on:

a. whether the proposed power plant meets the requirements of this rule and all other applicable district regulations, and;

b. in the event of compliance, what permit conditions will be required including the specific Best Available Control Technology requirements and a description of required mitigation measures.

The preliminary written decision under Section 414.5 shall be treated as a preliminary decision under Section 403 of this rule, and shall be finalized by the Air Pollution Control Officer only after being subject to the public notice and comment requirements of Sections 403 and 404. The Air Pollution Control Officer shall not issue a determination of compliance for the power plant unless all requirements of this rule are met.

416.6 Within 240 days of the filing date, the Air Pollution Control Officer shall issue and submit to the California Energy Commission a determination of compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A determination of compliance shall confer the same rights and privileges as an authority to construct only when and if the California Energy Commission approves the Application for Certification, and the California Energy Commission certificate includes all conditions of the determination of compliance.

416.7 Any applicant receiving a certificate from the California Energy Commission pursuant to this section and in compliance with all conditions of the certificate shall be issued a permit to operate by the Air Pollution Control Officer. If subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), the applicant must comply with the applicable requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

500 MONITORING AND RECORDS

501 RECORDKEEPING: The following records shall be maintained for two years and shall be

provided to the Air Pollution Control Officer upon request.

501.1 Emergency Electrical Generating Equipment: Records of operation for maintenance purposes, for actual interruptions of power.

501.2 Portable and Temporary Equipment: Records of operating location and corresponding dates of operation.

502 RECORDKEEPING FOR SOURCES SUBJECT TO RULE 507: The recordkeeping requirements for sources subject to Rule 507, FEDERAL OPERATING PERMITS PROGRAM, shall include all of the requirements of that rule in addition to the separate recordkeeping requirements of applicable federal requirements.

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RULE 503 EMISSION STATEMENT

Adopted 09-21-93

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100 GENERAL

101 PURPOSE: To establish the requirements for the submittal of emission statements from specified stationary sources pursuant to the requirements of the 1990 amendments to the Federal Clean Air Act [Section 182 (a)(3)(B)].

102 APPLICABILITY: The requirements of this rule are applicable to every stationary source permitted by the District which has actual emissions or potential in excess of ten (10) tons or more per year of volatile organic compounds or oxides of nitrogen.

110 EXEMPTION, WAIVER: The Air Pollution Control Officer may waive the requirement to provide an emission statement for any class or category of stationary sources which emit (based on actual emissions for the twelve months prior to the reporting period requested) less than twenty-five (25) tons per year, but more than ten (10) tons per year of volatile organic compounds or oxides of nitrogen, pursuant to the requirements of Section 401.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW.

201 ACTUAL EMISSIONS: Measured or estimated emissions which most accurately represent the emissions from an emissions unit. Fugitive emissions associated with the emissions unit shall be included in the actual emissions of the emissions unit.

202 AFFECTED POLLUTANTS: For the purposes of this rule only, volatile organic compounds (VOC) and oxides of nitrogen (NOx) are the affected pollutants.

203 RESPONSIBLE OFFICIAL: An individual, who is responsible for the completion and certification of the emission statement, and who accepts legal responsibility for the emission statement's accuracy. "Responsible official" means one of the following:

203.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

a. The facilities employ more than 250 persons or have gross annual sales; or expenditures exceeding $25 million (in second quarter 1980 dollars); or

b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer (APCO);

203.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

203.3 For a municipality, state, federal, or other public agency, either a principal

executive officer or a ranking elected official; or

203.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMITS PROGRAM.

204 VOLATILE ORGANIC COMPOUNDS: Compounds which contain at least one atom of carbon, except:

204.1 Methane
204.2 Carbon dioxide
204.3 Carbon monoxide
204.4 Carbonic acid
204.5 Metallic carbides or carbonates
204.6 Ammonium carbonate
204.7 1,1,1-trichloroethane
204.8 Methylene chloride
204.9 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
204.10 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
204.11 Trichlorofluoromethane (CFC-11)
204.12 Dichlorodifluoromethane (CFC-12)
204.13 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
204.14 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114)
204.15 Chloropentafluoroethane (CFC-115)
204.16 Pentafluoroethane (HFC-125)
204.17 1,1,2,2-tetrafluoroethane (HFC-134)
204.18 Tetrafluoroethane (HFC-134a)
204.19 1,1-dichloro-1-fluoroethane (HCFC-141b)
204.20 1-chloro-1,1-difluoroethane (HCFC-142b)
204.21 1,1,1-trifluoroethane (HFC-143a)
204.22 Chlorodifluoromethane (HCFC-22)
204.23 Trifluoromethane (HFC-23)
204.24 Difluoroethane (HFC-152a)
204.25 The following four classes of perfluorocarbon compounds:

a. Cyclic, branched, or linear, completely fluorinated alkanes.
b. Cyclic, branched, or linear, completely fluorinated ethers, with no unsaturations.
c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

300 STANDARDS

301 EMISSION STATEMENT REQUIREMENTS:

301.1 Except as provided in Section 110, the owner or operator of any stationary source which emits oxides of nitrogen or volatile organic compounds shall provide the District with a written emission statement showing actual emissions of volatile organic compounds and oxides of nitrogen from that source.

301.2 The emission statement shall be on a form or in a format specified by the Air Pollution Control Officer and shall contain the following information:

a. Information contained in the California Air Resources Board's Emission Inventory Turn Around Document as described in Instructions for the Emission Data System Review and Update Report; and

b. Actual emissions of volatile organic compounds and oxides of nitrogen, in tons per year, for the calendar year prior to the preparation of the emission statement; and

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

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

301.3 After September 21, 1993, the first emission statement shall cover actual emissions of volatile organic compounds and oxides of nitrogen for calendar year 1992. Thereafter emissions statements and/or emissions inventory data reports shall be submitted to the District annually.

302 REPORTING REQUIREMENTS: The owner or operator of any source subject to this section may comply with the provisions of this Section by satisfying the requirements of Subsections 302.1 or 302.2, as follows:

302.1 Emission Inventory Data Report: Unless otherwise directed by the Air Pollution Control Officer, the owner or operator of a source regulated by this rule shall annually conduct an emissions inventory of the actual emissions discharged to the atmosphere in the prior calendar year. The emission data report shall be submitted to the District no later than March 1.

a. Once the owner or operator of a source that is regulated by this rule submits an annual emission data report, the District will prepare an emission statement for certification by the responsible official. The responsible official must certify the emission statement and return it to the District within 30 days after the date it was mailed by the District (postmarked date).

b. If the owner or operator believes that the information in the emission

statement provided by the District is not correct, the owner or operator may revise the emissions information, using a form and methodology approved by the Air Pollution Control Officer. The revised emission information shall be returned to the Air Pollution Control Officer within 30 days of the date the emission statement was sent to the owner or operator by the District, and the responsible official shall certify that the emissions information is accurate, to the best knowledge of the individual certifying the statement.

c. Within 30 days of receipt of revised emissions information submitted pursuant to Section 302.1(b), the Air Pollution Control Officer shall accept or reject the information. If accepted, the emission statement shall be submitted to the California Air Resources Board. If the emission statement is rejected, it shall be returned to the source owner or operator with the reason(s) for its rejection. The source owner or operator shall correct the emission statement and resubmit it to the Air Pollution Control Officer within 30 days of the date the notice of rejection of the emission statement was made (postmarked date).

302.2 Emission Statement: If so directed by the Air Pollution Control Officer, the owner or operator of a source regulated by this rule shall annually submit an emissions statement satisfying the requirements of Subsection 301.2 reporting the actual emissions discharged to the atmosphere in the prior calendar year. The completed emission statement shall be submitted to the District no later than March 1.

a. The responsible official must provide certification for the emission statement.

b. Within 30 days of receipt of the emission statement the Air Pollution Control Officer shall accept or reject the information. If accepted, the emission statement shall be submitted to the California Air Resources Board. If the emission statement is rejected, it shall be returned to the source owner or operator with the reason(s) for its rejection. The source owner or operator shall correct the emission statement and resubmit it to the Air Pollution Control Officer within 30 days of the date the notice of rejection of the emission statement was made (postmarked date).

400 ADMINISTRATIVE REQUIREMENTS

401 DISTRICT REQUIREMENTS:

401.1 The Air Pollution Control Officer shall request and require the submission of an emission inventory data report pursuant to Subsection 302.1, or shall require a complete emissions statement pursuant to Subsection 302.2, from each source within the District emitting twenty-five (25) tons or more per year, or between ten (10) and twenty-five (25) tons per year if not exempted pursuant to Section 110, of volatile organic compounds or oxides of nitrogen.

401.2 If exempted by Section 110, the Air Pollution Control Officer shall provide the California Air Resources Board with an emission inventory for permitted point sources emitting between ten (10) and twenty-five (25) tons per year either volatile organic compounds or oxides of nitrogen.

402 FAILURE TO SUBMIT: A failure by the responsible official to submit an annual emission inventory by the date required, or to return a certified emission statement or corrected emission statement when due, shall be deemed a willful failure to furnish information required to disclose the nature and quantity of emissions discharged by the stationary source.

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

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

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

500 MONITORING AND RECORDS

501 EMISSION FACTORS: The emission factors used in developing the emissions inventory data or in determining the emissions of the emission statement required in Section 302.1 and 401.2 shall be acceptable to the California Air Resource Board and the Administrator of the Environmental Protection Agency.

RULE 504 EMISSION REDUCTION CREDITS

Adopted 9-21-93
(Amended 11-03-94)

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100 GENERAL

101 PURPOSE: To provide an administrative mechanism for quantifying, adjusting and certifying surplus emission reductions for:

101.1 later use as offsets pursuant to District, state or federal rules or regulations, or

101.2 transfer to other sources as offsets pursuant to Rule 502, NEW SOURCE REVIEW.

102 APPLICABILITY: This rule shall apply to all emissions reduction credits for use within a stationary source or for transfer to other sources.

110 EXEMPTION, NOTIFICATION REQUIREMENTS: The requirements of Sections 404 and 405; relating to notification, publication, and public inspection of Preliminary Decisions; shall not apply if the application is for emission reduction credits less than the following per calendar quarter:

Affected Pollutant	Emission Reduction Credits
Reactive Organic Compounds	9,000 lbs/quarter
Nitrogen Oxides	9,000 lbs/quarter
Sulfur Oxides	9,000 lbs/quarter
PM10	7,200 lbs/quarter
Carbon Monoxide	49,500 lbs/quarter

111 EXEMPTION, CONCURRENT STATIONARY SOURCE MODIFICATION: Pursuant to Section 40709(c) of the California Health and Safety Code, need not be banked prior to use as offsets, if those reductions satisfy all criteria established by this rule, Rule 501, GENERAL PERMIT REQUIREMENTS, and Rule 502, NEW SOURCE REVIEW. For the purposes of this exemption, "concurrent stationary source modification" means the simultaneous modification of emission units and/or the addition of new emissions units to a stationary source with all emission reductions occurring after the issuance of the Authority to Construct authorizing such reductions, but before the start of operation of the new or modified emissions unit(s) with emission increases.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW.

201 ACTUAL EMISSIONS REDUCTIONS: Reductions of emissions from an emissions unit. Actual emission reductions shall be calculated pursuant to Section 407, Calculation of Emissions, and meet all of the following criteria:

201.1 The emissions reductions shall be real, enforceable, quantifiable, and permanent.

201.2 The emissions reductions shall be surplus emissions reductions in excess of any emissions reduction which is:

a. Required or encumbered by any laws, rules, regulations, agreements, or orders, and unless such law by its terms states that the emission reduction shall be considered surplus, or

b. Attributed to a control measure noticed for workshop in the District, or proposed or contained in a State Implementation Plan, or

c. Proposed or contained in the District Air Quality Attainment Plan for attaining the annual reductions required by the California Clean Air Act.

201.3 Except for control measures which are federally mandated or otherwise required or encumbered by law, emissions reductions attributed to a proposed control measure may be re-eligible as surplus actual emissions reductions for:

a. Control measures identified in the District Air Quality Attainment Plan or State Implementation Plan where no rule has been adopted within two years from the scheduled adoption date, provided, however, the Air Pollution Control Officer has not extended the scheduled adoption date, or

b. Control measures not identified in the District Air Quality Attainment Plan or State Implementation Plan where no rule has been adopted and two years have elapsed beyond the date of the latest public workshop notice, or

c. Control measures proposed in the District Air Quality Attainment Plan which are not included into the Plan adopted by the District Board shall become re-eligible upon adoption of the Plan.

201.4 Source shutdowns and curtailments may not be given emission reduction credit in the case of non-attainment pollutants, including precursors, if they occurred prior to the date of application unless:

a. The shutdown or curtailment was claimed by the affected facility as a credit within 180 days of the last date of operation. Shutdown or curtailment credits not claimed within 180 days shall pass to the Priority Reserve Bank as provided in Rule 505, PRIORITY RESERVE.

b. The crediting of shutdown emissions complies with the most recent emission trading policy of the US Environmental Protection Agency; and

c. The District has met the statutory planning mandates and air quality improvement milestones; or

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

e. The proposed new source or modification does not meet the US Environmental Protection Agency definition of a major source or major modification; the shutdown or curtailment occurred after August 7, 1977; the shutdown or curtailment was document by a concurrent application to the District for emissions reduction; and the

emission reduction credit is used at the same stationary source.

202 BANKING: The system of quantifying, adjusting, certifying, recording, and storing ERC's for future use and transfer. This system shall be called the Emission Reduction Credit Bank (ERC Bank).

203 BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY (BARCT): an emission limitation that is based upon the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source. The criteria for BARCT are specified in "California Clean Air Act Guidance for the Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology", California Air Resources Board, April 1990.

204 CERTIFIED: Emission reduction credits which have been evaluated under the requirements of this rule and other applicable District, state and federal rules and regulations and which have been authorized by the Air Pollution Control Officer.

205 ELECTRICAL POWER PLANTS: An electrical generating facility located within the District that regularly generates electricity so the local electric utility can provide its daily energy requirements. Emergency electrical generating equipment are not considered electrical power plants.

206 EMISSION REDUCTION CREDITS (ERC): Reductions of actual emissions from an emission unit that are registered with the District in accordance with the requirements of this rule.

207 EMISSIONS UNIT: An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected air pollutant, regulated air pollutant or Hazardous Air Pollutant (HAP), directly or as fugitive emissions. An emissions unit shall not include the open burning of agricultural biomass. With the exception of early reductions of Hazardous Air Pollutants in accordance with Section 112(i)(5) of Title V of Federal Clean Air Act as amended in 1990, reduction credits may only be obtained for reductions in affected pollutants.

208 ENFORCEABLE: Verifiable and legally binding. Enforceable, for the purposes of federal requirements, means all federally enforceable limitations and conditions enforceable by the administrator, including: NSPS; NESHAP; requirements within any applicable State Implementation Plan; any permit requirement established pursuant to 40 CFR 52.21, 51.160-166; or federal operating permit requirements.

209 ERC CERTIFICATE: A document certifying title to a defined quantity and type of ERC's issued by the District to the owner(s) identified on the Certificate.

210 HISTORIC ACTUAL EMISSIONS:

210.1 For applications for emissions reductions deemed complete after the September 21, 1993, "historic actual emissions" are the actual emissions for the existing emissions unit averaged over the consecutive two year period immediately preceding the date of application for emission reduction

credits. If the last two years are unrepresentative of normal source operations as determined by the Air Pollution Control Officer, then any two consecutive years of the last five years that represent normal source operation may be used.

210.2 For applications for emissions reductions deemed complete prior to the September 21, 1993, "historic actual emissions" are either as calculated in Subsection 210.1, above, or, at the option of the applicant and with the approval of the Air Pollution Control Officer, are the actual emissions for the existing emissions unit averaged over the three year period immediately preceding the date of application for emission reduction credits.

210.3 If, at any time during the two or three year period, actual emissions exceeded allowed or permitted emission levels, then actual emissions shall be reduced to reflect emission levels that would have occurred if the unit were in compliance with all applicable limitations and rules.

210.4 Where an emissions unit has been in operation for less than two years, a shorter averaging period of at least one year may be used, provided that the averaging period is representative of the full operational history of the emissions unit. If less than one year has passed since the date of issuance of the permit to operate then the historic actual emissions shall be zero.

211 NON-PERMITTED EMISSIONS: Those emissions of an affected pollutant which are not required to obtain a permit pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS. Non-permitted emissions may include emissions from mobile sources, indirect sources, and exempt equipment.

212 OFFSET: The use of an emission reduction credit to compensate for an emission increase of an affected pollutant from a new or modified source subject to the requirements of Rule 502, NEW SOURCE REVIEW.

213 PARCEL(S): A legally identifiable piece of land as registered with the County Assessor's office for property tax purposes.

214 PERMANENT: Only permanent reductions in emissions can qualify for emission reduction credit. Permanence may generally be assured for sources subject to federal requirements by requiring federally enforceable changes in source permits, or applicable state regulations to reflect a reduced level of allowable emissions.

215 PROPOSED EMISSIONS: Emissions based on the potential to emit for the new or modified emissions unit.

216 PORTABLE EQUIPMENT: Equipment which is periodically relocated and is not operated more than a total of 180 days at any one location in the District within any continuous 12 month period.

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

218 QUARTERLY: Calendar quarter beginning in January, April, July, and October.

219 REAL: Actually occurring, implemented, and not artificially devised.

220 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT): The lowest emission limitation that a particular source is capable of meeting by the application of emission control technology that is reasonably available considering technical and economic feasibility. The criteria for RACT are specified in "California Clean Air Act Guidance for the Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology", California Air Resources Board, April 1990.

221 REGISTER: The document that records all ERC deposits, withdrawals, transfers, and transactions.

222 REPLACEMENT EQUIPMENT:

222.1 Functionally Identical Replacement: The replacement of or modification of emission units(s) where the replacement unit serves the identical function as the unit(s) being replaced, and the maximum rating and the potential to emit any pollutant will not be greater from the new or modified emissions unit(s) than the replaced unit(s), when the emissions unit(s) are operated at the same permitted conditions.

222.2 Identical Replacement: The total or partial replacement of an emissions unit where the replacement is the same as the original unit in all respects except for serial number.

223 SHUTDOWN: The earlier of either the permanent cessation of emissions from a source or an emission unit or the surrender of that unit's or source's operating permit.

224 TEMPORARY SOURCE: Temporary emission sources such as pilot plants, and portable facilities which will be terminated or located outside the District after less than a cumulative total of 90 days of operation in any 12 continuous months , and the emissions resulting from the construction phase of a new source.

225 TRANSFER: The change in ownership of an ERC from one person or legal entity to another.

300 STANDARDS

301 CERTIFICATION: Only actual emission reductions shall be certified as ERC's. Such actual emission reductions shall meet the following requirements to be certified as ERC's.

301.1 Apply for emission reduction credits pursuant to Section 401, and

301.2 Receive written approval of the Air Pollution Control Officer, and

301.3 If the emission reduction is created from an emission unit where the demand for the services or product could shift to other similar sources in the District, submittal of data to document that such reductions will result in District-wide emission reductions may be required by the Air Pollution Control Officer. Such documentation must be approved by the Air Pollution Control Officer.

301.4 Emissions decreases shall be prescribed by enforceable emission limitations contained in authorities to construct and permits to operate, or result from the permanent surrender or the voiding of permits to operate.

302 REEVALUATION: Actual emission reductions calculated prior to September 21, 1993, shall be reevaluated under the requirements and procedures specified in this rule.

303 NON-PERMITTED SOURCES:

303.1 Except as provided in Section 303.2, non-permitted emissions units or stationary sources requesting emission reduction credits from such emissions units shall void the exemption from Rule 501, GENERAL PERMIT REQUIREMENTS. Such sources shall not operate such emissions unit or stationary source without first obtaining a permit pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS.

303.2 If state or federal law prohibits the District from requiring an authority to construct or a permit to operate pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS, the applicant for emission reduction credits shall execute a legally binding contract with one or more owner(s) or operator(s) of the non-

permittable emissions unit that ensures the sum of all emission reductions will be provided in accordance with the requirements of this rule, and will continue for the life of the stationary source using the credits or life of the credits as provided in the application. Such a contract shall be filed with the District and, by its terms, be enforceable by the Air Pollution Control Officer. For sources subject to federal NSR requirements, in the absence of federally enforceable conditions, the execution of a source specific SIP revision is required.

304 SHUTDOWNS: Shutdowns or curtailments occurring after the September 21, 1993, claimed for emission reduction credit shall comply with the following:

304.1 Applicants for emission reductions due to the shutdown of permitted or non-permitted emissions units shall demonstrate to the satisfaction of the Air Pollution Control Officer that such equipment will no longer be operated within the District.

304.2 Emission reductions from the shutdown of retail dry cleaners and retail gasoline stations shall be prohibited.

304.3 An application for emission reduction credits from the shutdown of emissions units or stationary sources shall be submitted within 180 days after the surrender of the permit to operate or for non-permitted sources the last date of operation of such emissions unit or stationary source.

305 USE OF ERC'S, BANKING: ERC's may be banked for later use as offsets. The name of the user shall be entered into the Register for the applicable ERC's. Except as provided in Section 308, 309, 310, and 311 such ERC's may not be returned to the bank following the start of operation of the stationary source or emissions unit using the ERC as offsets.

306 USE OF ERC'S, OFFSETS: ERC's may be used immediately as offsets. The ERC shall be entered into the Register along with the name of the user. Except as provided in Sections 308, 309, 310, and 311 such ERC's may not be returned to the bank following the start of operation of the stationary source or emissions unit using the ERC as offsets. ERC's may not be used to offset increases in toxic air contaminants.

307 RETURNS, USE OF ERC'S FOR TEMPORARY STATIONARY SOURCES AND PORTABLE EQUIPMENT: ERC's used as offsets for temporary stationary sources or emissions units or used as offsets for portable equipment shall be returned in full to the owner upon verification of shutdown of the temporary stationary source, emissions unit, or portable equipment by the Air Pollution Control Officer. ERC's must then be re-deposited in the Bank and re-entered into the Register by the owner, within 60 days.

308 RETURNS, ISSUANCE OF PERMIT TO OPERATE: If the applicant for a Permit to Operate requests a lowering of the quarterly emission limitation as a result of emissions testing conducted pursuant to an Authority to Construct and the requested new emissions limitation has been demonstrated as achievable by such emissions testing and will be continuously achieved, the difference in emission reductions credits necessary to offset the emissions unit pursuant to Rule 502, NEW SOURCE REVIEW, shall be re-deposited in the Bank and re-entered into the Register.

309 RETURNS, USE OF ERC'S FOR ELECTRICAL POWER PLANTS: ERC's may be used at electrical power plants to offset emission increases resulting from increased power plant operation needed to compensate for reduced operation at other electrical power plant(s) within the District, due to emergency breakdown, pursuant to Rule 404, UPSET CONDITIONS, BREAKDOWNS OR SCHEDULED MAINTENANCE, or regularly scheduled maintenance. ERC's shall be returned in full to the owner upon verification of return to normal operation of the using electrical power plant. ERC's shall be re-deposited in the Bank and re-entered into the Register. The application of the provisions of this Section shall be approved in writing by the Air Pollution Control Officer prior to use.

310 RETURNS, ERC'S FROM THE PRIORITY RESERVE: Emission Reduction Credits are returned after a being loaned in accordance with Rule 505, PRIORITY RESERVE, shall be returned to the originating Priority Reserve. Legal title to ERC's transferred to the ERC Bank from the Priority Reserve remains with the District and not the borrower.

400 ADMINISTRATIVE REQUIREMENTS

401 APPLICATION PROCEDURES:

401.1 Any person or entity, or an authorized agent, which owns or operates a source at which an eligible emission reduction has occurred or will occur may apply for an ERC certificate in accordance with the requirements of this rule.

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

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

401.4 Applicants may claim confidentiality for submitted information to the extent allowed and provided for by provisions of the Federal Clean Air Act and the Administrative Procedures of the California Government Code.

401.5 To verify emission reductions claimed in conjunction with an application for an ERC certificate, the District may require source tests by California Air Resources Board and/or US Environmental Protection Agency approved methods, continuous monitoring, production records, fuel use records, or any other appropriate means.

402 COMPLETE APPLICATION:

402.1 The Air Pollution Control Officer shall determine whether the application for ERC is complete not later than 30 days after receipt of the application for ERC, or after such longer time as both the applicant and the Air Pollution Control Officer have agreed in writing. If the Air Pollution Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. If

specified information is not submitted by the applicant within 60 days from the notification from the District that the application is incomplete, the application shall be automatically canceled unless the applicant has requested an extension of time, in writing and prior to the end of the 60 day period, from the Air Pollution Control Officer. The Air Pollution Control Officer may grant an extension of time not to exceed 90 days. If the application is for a shutdown or curtailment emission reduction credit, failure to provide the additional information or failure to request an extension of time shall result in those credits passing to the Priority Reserve Bank pursuant to Rule 505, PRIORITY RESERVE.

402.2 Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin.

402.3 Completeness of an application or re-submitted application shall be evaluated on the basis of the information requirements set forth in District regulations (adopted pursuant to Article 3, 65940 through 65944 of Chapter 4.5 of Division I of Title 7 of the California Government Code) as they exist on the date on which the application or re-submitted application was received. The Air Pollution Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

402.4 A fee shall be required pursuant to Rule 601, PERMIT FEES - STATIONARY SOURCE.

402.5 For offsets provided in accordance with Health and Safety Code Sections 41605.5, 42314.5, and 41865 concerning emission reductions from open field burning, an ERC application covering the total emission reductions necessary to offset stationary source emissions may be submitted at the time of application for an Authority to Construct. Applications for ERC's from agricultural burning shall not be required if such emissions are covered by an ERC obtained by the stationary source utilizing such emission reductions.

402.6 The applicant shall submit to the Air Pollution Control Officer records required pursuant to Section 501.

403 PRELIMINARY DECISION: Except as provided in Section 110, following acceptance of an application as complete, the Air Pollution Control Officer shall perform the evaluations required to determine compliance with all applicable District rules and regulations and make a preliminary written decision as to whether the emission reductions should be certified as an ERC. The decision shall be supported by a succinct written analysis.

404 PUBLICATION AND PUBLIC COMMENT: Except as provided in Section 110, within ten calendar days following a preliminary decision, the Air Pollution Control Officer shall publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the Air Pollution Control Officer, noting how the pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication.

405 PUBLIC INSPECTION: Except as provided in Section 110, the Air Pollution Control

Officer shall make available for public inspection at the Air Pollution Control District's office the information submitted by the applicant and the Air Pollution Control Officer's analysis no later than the date the notice of the preliminary decision is published, pursuant to Section 404. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code. Further, all such information shall be transmitted no later than the date of publication to the California Air Resources Board and the US Environmental Protection Agency regional office, and to any party which requests such information.

406 CERTIFICATION, FINAL ACTION:

406.1 Within 180 days after acceptance of an application as complete, the Air Pollution Control Officer shall take final action on the application after considering all written comments.

406.2 Except as provided in Section 110, the Air Pollution Control Officer shall provide written notice of the final action to the applicant, the US Environmental Protection Agency, and the California Air Resources Board, and shall publish such notice in a newspaper of general circulation and shall make the notice and all supporting documents available for public inspection at the District's office.

407 WITHDRAWAL OF APPLICATION: Withdrawal of an application for certification of an ERC by the applicant shall result in cancellation.

408 CALCULATION OF EMISSIONS, GENERAL: Calculations performed pursuant to procedures specified in this Section shall not conflict with the requirements of state law. The following procedures apply to the calculation of ERC's for all sources, with the exception of ERC's from the open burning of biomass:

408.1 Actual emission reductions from modifications to, or shutdowns of, existing emissions units shall be calculated for each calendar quarter by subtracting the proposed emissions from historical actual emissions. Any positive value shall qualify for conversion to an emission reduction credit.

408.2 Credits for particulate matter emission reductions shall be expressed in terms of PM10.

408.3 Credits for nitrogen oxides, reactive organic compounds, carbon monoxide, sulfur oxides and PM10 shall be quantified in terms of pounds of pollutants per quarter for each calendar quarter.

408.4 Actual emission reductions shall be adjusted to at least reflect emission rates achievable with reasonably available control technology (RACT) or best available retrofit control technology (BARCT), whichever results in the greatest adjustment.

409 PRIORITY RESERVE ADJUSTMENT OF CALCULATED CREDITS: Before the Air Pollution

Control Officer may issue a certificate of ownership for any ERC's, the emission reductions calculated in Section 408 shall be adjusted 1.05 emission reductions to 1.0 ERC. Emission reductions captured by the ERC adjustment shall pass to the Priority Reserve Bank pursuant to Rule 505, PRIORITY RESERVE.

410 REGISTRATION:

410.1 Following certification of emission reduction credits and verification that the proposed emission reductions have been implemented, the Air Pollution Control Officer shall issue an original ERC Certificate to the owner(s) by certified mail or in person.

The issuance of an ERC certificate shall not constitute evidence of compliance with the rules and regulations of the District, or a representation or assurance to the recipient upon which reliance is authorized or intended that the ERC represented by the ERC certificate are available from the District ERC bank.

410.2 The ERC Certificate shall contain:

a. Certificate number, and

b. Date of issuance, and

c. Street address and APN of site creating the surplus emissions reductions for which the ERC Certificate is issued, and

d. Signature of the responsible District official, and

e. The name of the owner shall be typed on the certificate and the owner shall sign the certificate. If the owner is a public or private business entity, a person authorized to sign on behalf of the owner shall sign the certificate, and

f. Conditions of operation or use, including the life of the credit.

410.3 A copy of each ERC Certificate issued shall be maintained in the Bank Register.

410.4 Multiple owners of emission reduction credits shall be separated according to agreements, filed with the District, between the owners with one ERC Certificate issued to each owner for their respective portion.

410.5 Upon transfer of ERC's between parties, the transferor's ERC certificate, and a copy of an agreement, signed by the transferor, authorizing and memorializing the transfer of the ERC to the transferee must be surrendered to the Air Pollution Control Officer by the transferee, within 30 days of the date of the writing authorizing the transfer of the ERC's.

Upon receipt and review of said documents the Air Pollution Control Officer

shall issue a new ERC certificate in the name of the transferee. If fewer than all the transferor's ERC's are transferred, a new certificate shall be issued to the transferor showing the remaining ERC's. The District may refuse to recognize any transfer of ERC's that does not comply with the requirements of this section.

410.6 The original ERC Certificate surrendered by the registered owner shall be filed in the register and marked with the date of issuance of the new ERC Certificate(s), the number of credits transferred, and the new ERC Certificate number(s). If fewer than all ERC's are transferred, the new balance in the name of the original owner shall be entered in the register.

410.7 Prior to the issuance of a permit allowing the use of ERC's, the registered owner shall surrender the ERC Certificate to the Air Pollution Control Officer. The certificate surrendered by the owner shall be filed in the register and marked with the permit number, street address and APN of site of use, and the name of the owner using the ERC's. If a balance of ERC's remain, a new ERC Certificate shall be issued to the original owner and the original ERC Certificate shall be filed in accordance with the provisions of this rule.

410.8 Unless such records and information were previously submitted to the Air Pollution Control Officer, each ERC transaction must be accompanied submittal of the information of Section 501.

411 ERC REGISTER:

411.1 The register shall contain the following information for each ERC Certificate issued by the Air Pollution Control Officer:

a. Certificate number, and

b. Date of issuance, and

c. Name and address of the registered owner, and

d. Street address and APN of site creating the surplus emissions reductions for which the ERC Certificate is issued, and

e. Number of ERC's registered.

411.2 Upon notice of a transfer of an ERC Certificate the Air Pollution Control Officer shall enter the following information in the register:

a. Original ERC Certificate number, and

b. New ERC Certificate number, or street address, APN, and permit numbers at which the ERC's are being used, and

c. Name and address of new owner(s), if any, and

d. Number of ERC's being transferred.

411.3 Upon use of the ERC's for offsets, the following information shall be entered in the register:

a. All information required in Section 411.2, and

b. Date ERC Certificate was surrendered to the Air Pollution Control Officer, and

c. Permit numbers to which ERC's are being applied, and

d. Name and address of ERC user, and

e. Name, if any, address, and APN of site where ERC's are being used as offsets, and

f. Number of ERC's being used for offsets.

412 MORATORIUM: If the District Board of Directors determines, after review of periodic reports prepared by the Air Pollution Control Officer, that additional emission reductions are necessary, a moratorium on withdrawals may be imposed. Prior to imposing a moratorium, the Air Pollution Control Officer shall provide a notice of the date of the meeting of the District Board of Directors to consider issuance of a moratorium to owners of ERC and other interested parties. The moratorium shall be lifted upon determination that additional emission reductions are not necessary by the District Board of Directors. Except as provided in Section 201.2, after the issuance of an ERC Certificate, subsequent changes in regulations, except Regulation 5, shall not reduce or eliminate the deposit.

500 MONITORING AND RECORDS

501 RECORDKEEPING:

501.1 Cost of Offsets: Each applicant to seeking to deposit, withdrawal, or transfer Emission Reduction Credits shall, as applicable, report to the District each emissions trading transaction; the amount of emissions for offsets purchased, by pollutant; the year the offset transaction occurred; and the total cost, by pollutant, of the offsets purchased, and other such information as may be required to perform the cost analysis required by Section 40709.5(e) of the California Health and Safety Code. This information shall be part of the public record.

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RULE 505 PRIORITY RESERVE

Adopted 9-21-93

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100 GENERAL

101 PURPOSE: The Priority Reserve Bank is established within the Emission Reduction Bank for the following purposes:

101.1 Use in achieving the emissions reduction rate of progress requirements of the District Air Quality Attainment Plan or State Implementation Plan; and

101.2 Use in mitigating emission increases by stationary sources, represented by permit applications for new or modified permits, in the period of July 1, 1991, through January 1, 1993, and the period of January 1, 1993, through September 21, 1993, to the extent mitigation was required by law and was not obtained under the adopted District Rules and Regulations; and

101.3 Use in providing loans of emission reductions for use as offsets for new or modified stationary sources that are essential public services.

102 APPLICABILITY: Emission reduction loans from the Priority Reserve shall be made to the extent that banked emission reductions are available and the transfer is allowed pursuant to Section 304, to publicly owned or non-profit essential public services. The applicant must have secured all potential offsets available by modifying emission units at the same stationary source. Disbursement of emission reduction loans shall not be provided for on-site power generation. Disbursement of emission reduction loans shall not be provided for emissions units not necessary to provide or maintain public health and safety. Disbursement of emission reduction loans must be made with banked emission reductions that are surplus to mandated reductions - the emission reductions required to meet rate of progress plan commitments and to mitigate emission increases occurring prior to September 21, 1993.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW, and Rule 504, EMISSIONS REDUCTION CREDITS.

201 CLEANUP OPERATION: Operation to remove environmental contaminants from soil or water.

202 ESSENTIAL PUBLIC SERVICES: Except as provided in Section 102, the following sources shall be considered essential public services.

a. Sewage treatment operations which are publicly owned and operated consistent with the approved General Plan; or

b. Prison, jail, correctional facility; or

c. Police or fire fighting facility; or

d. School or hospital; or

e. Landfill gas control or processing systems; or

f. Water delivery operations which are publicly owned and operated consistent

with the approved General Plan; or

g. Cleanup or remediation operations mandated by Regional Water Quality Control Board, California Department of Health Services, Environmental Protection Agency or any other state or federal law, rule or regulation.

203 PRIORITY RESERVE BANK: A depository of emission reductions used by the District toward achieving mandated emission reductions or for loans to applicable essential public services for use as offsets pursuant to Rule 502, NEW SOURCE REVIEW.

204 QUARTERLY: Calendar quarter beginning in January, April, July, and October.

300 STANDARDS

301 CRITERIA: The Priority Reserve Bank shall be supported by actual emission reductions which are certified as emission reduction credits (ERC) pursuant to Rule 504, EMISSION REDUCTION CREDITS.

302 PRIORITY RESERVE BANK: Support for the Priority Reserve Bank shall include, but not be limited to:

302.1 The adjustment on all emission reductions in accordance with Rule 504, EMISSION REDUCTION CREDITS.

302.2 Shutdowns or modifications of stationary sources or emission units not claimed for emission credits by the facility as provided in Rule 504, EMISSION REDUCTION CREDITS.

303 ALLOCATION FOR ESSENTIAL PUBLIC SERVICES: On or before December 31st of each year, the Air Pollution Control Officer shall determine the amount of emission reductions from the Priority Reserve Bank to be made available for withdrawal and application to essential public services for the upcoming year. Additional emission reductions not included in the yearly determination may be added, if the Air Pollution Control Officer determines there is a need, to the previously established quarterly allocations. Allocated emissions reductions shall be made available on the first Wednesday of each calendar quarter. The amount available shall never exceed the emission reductions in the Priority Reserve Bank. The Air Pollution Control Officer may reserve a portion or all of the available emission reductions in the Priority Reserve Bank to meet mandated emission reduction requirements. In the event the Priority Reserve Bank lacks sufficient emission reduction credits to offset emission increases for eligible stationary sources or emission units, or such emissions have not been allocated, the owner or operator of the new or modified stationary source or emission unit shall be responsible for obtaining the offsets required.

304 DISBURSEMENT: A loan of emission reductions from the Priority Reserve Bank shall be based upon issuance of a final action on an Authority to Construct, pursuant to Rule 502, NEW SOURCE REVIEW, and no later than 15 days following the end of the calendar quarter or other schedule deemed applicable by the Air Pollution Control Officer.

304.1 Legal Title to the emission reductions borrowed from the Priority Reserve Bank remains with the District. An ERC certificate of ownership will not be issued for emission reductions loaned from the Priority Reserve Bank.

304.2 A borrower of emission reductions from the Priority Reserve Bank will be issued an ERC Bank account number and the borrowed emission reductions will be credited to that account.

304.3 Upon application by the borrower for an authority to construct and permit to operate the emission reductions in the borrower's account will be credited to the permit.

304.4 The District will enter the permit number and the amount of emission reductions credited from the borrower's account on the permit and in the borrower's account history.

304.5 Disbursement of emission reductions from source shutdowns and curtailments shall be in accordance with the most current US Environmental Protection Agency emissions trading policy and applicable federal regulations.

305 PRIORITY RESERVE PRIORITIZATION: Priority shall be given to mandated emission reductions, the emission reductions required to meet rate of progress plan commitments and to mitigate emission increases occurring prior to September 21, 1993. To the extent surplus emission reductions are available, priority for essential public services shall be given to applications to the Priority Reserve Bank with the earliest date an application is deemed complete. The Board of Directors of the District may determine that a specific project shall be given priority for access to the Priority Reserve based on public health or safety, regardless of the application submittal date.

306 RESERVING PRIORITY RESERVE CREDITS: Sources may, if the Air Pollution Control Officer determines a need, reserve Priority Reserve credits for up to three years to allow multi-year projects to be planned. The sum of such credits shall amount to no more than 25 percent of each calendar quarter allocation for the Priority Reserve for those three years.

307 UNUSED CREDITS: During any calendar quarter for which there are fewer requests for emission credits in the Priority Reserve Bank than are available for the calendar quarter allocation, the credits not allocated shall be made available for use the following calendar quarter.

308 TRANSFERS: Priority Reserve Bank credits shall not be transferable from one person to another.

309 RETURNS: Emission reductions shall be returned in full from the borrower's account to the Priority Reserve Bank under any of the following conditions:

309.1 Construction is not complete within two years of date of issuance of the loan.

309.2 Voluntary surrender or revocation of an Authority to Construct or Permit to Operate.

309.3 Emission reduction credits are issued to the stationary source pursuant to Rule 504, EMISSION REDUCTION CREDITS.

310 MORATORIUM: Except as provided in Section 309, a loan of emission reduction credits shall exist for the life of the emissions unit using such credits. If the District Board of Directors determines that additional emission reductions are necessary, a moratorium on loans may be imposed. Prior to issuing a moratorium, the Air Pollution Control Officer shall provide a notice of the date of the meeting of the District Board of Directors to consider such actions. The moratorium shall be lifted upon determination that additional emission reductions are not necessary by the District Board of Directors.

400 ADMINISTRATIVE REQUIREMENTS

401 CALCULATION PROCEDURES: Emission reductions deposited in the Priority Reserve Bank shall be quantified pursuant to calculation procedures specified in Rule 504, EMISSION REDUCTION CREDITS.

402 EMISSION REDUCTION CREDITS: Any stationary source which holds Emission Reduction Credits for the affected pollutant requested in this application or requested in prior applications, must first use these to replenish credits previously obtained or for the pending application, prior to being allowed access to the Priority Reserve Bank.

500 MONITORING AND RECORDS

501 RECORDKEEPING

501.1 Each stationary source shall maintain a cumulative total of emission credits obtained from the Priority Reserve Bank.

501.2 The District shall maintain records of the source and amount of emission reductions obtained for deposit in the Priority Reserve Bank, and transfers of these credits to applicants and to satisfy mandated emission reduction measures.

RULE 506 BIOMASS EMISSION REDUCTION CREDITS AND BANKING

Adopted: 08-08-96

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100 GENERAL

101 PURPOSE:

101.1 To provide a mechanism for open biomass burning sources to quantify, certify and deposit biomass emission reduction credits, including reductions in burning as part of the required phasedown of rice straw burning.

101.2 To ensure that open biomass burning is prohibited for a parcel for which an Emission Reduction Credit exists.

102 APPLICABILITY OF THIS RULE:

This rule applies only to the quantification, certification, and deposit of Emission Reduction Credits (ERCs) from open biomass burning. Emission reductions which are not derived from the open burning of biomass are subject to Rule 504, EMISSION REDUCTION CREDITS. The use of emission reduction credits for offsets is subject to the requirements of Rule 502, NEW SOURCE REVIEW.

110 EXEMPTIONS, PUBLIC NOTICE REQUIREMENTS:

Biomass burning credits for applied for less than 7,500 pounds per quarter per pollutant (less than 49,500 pounds for Carbon Monoxide), or for parcels smaller than 500 acres are exempt from the public notice requirements of Section 402.6.

200 DEFINITIONS

201 ACTUAL EMISSIONS: The measured or estimated emissions that most accurately represent the emissions from a parcel.

202 ACTUAL EMISSION REDUCTIONS: A reduction in actual emissions from a parcel selected for banking. Actual emission reductions shall be calculated on a quarterly basis, pursuant to Section 405.7 of this rule and shall be expressed as pounds per calendar quarter.

203 AFFECTED POLLUTANT: Reactive organic compounds (ROC), nitrogen oxides (NOx), sulfur oxides (SOx), particulate matter (PM10), carbon monoxide (CO), lead, vinyl chloride, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, or any other pollutant or precursor for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (ARB).

204 APPLICANT: A person, entity, landowner or their designee applying for an ERC Certificate.

205 BANKING: The system of quantifying, adjusting, certifying, recording, and storing ERCs for future use or transfer. This system shall be called the Emission Reduction Credit Bank (ERC Bank).

206 BIOMASS: Material derived from the harvesting of crops or removal of vegetation,

including timber, except for material from processed dimensional timber.

207 **ENFORCEABLE:** Verifiable and legally binding.

208 **EMISSION REDUCTION CREDITS (ERCs):** Actual Emission Reductions that are registered with the District in accordance with this rule. Reductions will be specified by pollutant, by location, and in units of pounds per calendar quarter.

209 **ERC CERTIFICATE:** A document certifying title to defined quantity and type of emission reduction credits issued by the District to the owner(s) identified on the Certificate.

210 **HISTORICAL ACTUAL EMISSIONS:** For the purposes of this rule, historical actual emissions are those emissions which occurred during the baseline years (1988 through 1992).

211 **MANUAL OF PROCEDURES:** A document which sets forth procedures relating to the application, calculation, review, registration, tracking and use of emission reduction credits arising from the reduction in open burning of biomass material as provided in this rule.

212 **NO BURN LIST:** A list of parcels for which ERCs exist and which will not receive burn permits.

213 **OFFSET:** The use of an emission reduction credit to compensate for an emission increase of an affected pollutant from a new or modified source subject to the requirements of Rule 502, NEW SOURCE REVIEW.

214 **PARCEL:** For purposes of this rule, is a legally identifiable piece of land, or a portion of that land, as registered with the County Assessor's office for property tax purposes.

215 **PERMANENT:** The quality associated with ERCs which endure for the life of the project utilizing said ERCs as offsets, or for the length of time such ERCs are certified in the District's Register. Only permanent reductions in emissions can qualify for emission reduction credit.

216 **PRIORITY RESERVE BANK:** A depository for preserving emission reduction credits pursuant to Rule 505, PRIORITY RESERVE.

217 **QUARTERLY:** Pertaining to any calendar quarter beginning in January, April, July, and October.

218 **REAL:** Actually occurring, implemented, and not artificially devised.

219 **REGISTER:** For purposes of this rule, the Register is the document that records all ERC applications, deposits, withdrawals, transfers, and other transactions including the claiming of open biomass burning offset credits by stationary sources existing prior to the adoption of this rule.

220 **REGISTERED OWNER:** The person, entity, landowner or their designee in whose name the ERC Certificate is issued and listed in the Register.

221 SOURCE: For purposes of this rule, open biomass burning on a parcel will be considered a source and such activity requires an annual burning permit issued by the District.

222 TRANSFER: The change in ownership of an emission reduction credit from one person or legal entity to another.

300 STANDARDS

301 ELIGIBILITY OF EMISSIONS REDUCTIONS FOR CREDITS:

Only actual emission reductions as defined in Section 202 of this rule, will be eligible for credits. Such reductions will be deemed to have occurred when such parcel(s) has been put onto the no burn list. The District may claim emission reductions not applied for as ERCs under this rule, from any source, and use such emission reductions toward attainment of air quality standards or deposit the emission reductions into the Priority Reserve Bank. Emission reductions shall be real, enforceable, quantifiable, and permanent.

302 TRANSFER AND USE OF EMISSION REDUCTION CREDITS:

Except as provided below, registration and transfer of emission reduction credits shall be pursuant to Section 410 of Rule 504, EMISSION REDUCTION CREDITS and the Manual of Procedures.

302.1 Nothing in this rule prevents the lease or temporary transfer, in whole or in part, of ERCs certified pursuant to this rule. However, no leases or transfers of ERCs shall be made until application is made to the District and approval given by the APCO.

400 ADMINISTRATIVE REQUIREMENTS

401 APPLICATION PROCEDURES:

401.1 Any person, entity, landowner, or authorized agent, who is eligible for an emission reduction which has occurred, or will occur, may apply for an ERC Certificate in accordance with the requirements of this rule. If the applicant is not the landowner, written authorization from the landowner must be included with the application for an ERC Certificate.

401.2 The person or entity requesting the ERC Certificate shall make an application on forms supplied by the District.

401.3 The application may be for reductions in one or more affected pollutants. The application shall contain sufficient information to allow for adequate evaluation of actual emission reductions. The application for an ERC Certificate may include more than one parcel but must have separate emission calculations for each parcel or portion of a parcel covered in the application.

401.4 In accordance with applicable provisions of the Federal Clean Air Act, California Government Code, and the California Health and Safety Code applicants may claim confidentiality of information contained in the application.

401.5 Initial applications for emission reduction credits from historical actual emissions shall be submitted by December 1, 1996.

401.6 Subsequent applications for reductions in open biomass burning must be submitted by May 1 of each year. The application may be submitted for any burning reductions occurring in the previous or current calendar year ending December 31.

401.7 At the time of application, the applicant for ERCs must provide information to the District on the disposition of the biomass.

401.8 Verification of actual emission reductions, including historic actual emission reductions, shall be in accordance with Section 405 and the Manual of Procedures.

402 ADMINISTRATIVE PROCEDURES AND TIMETABLE:

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

402.2 Upon determination that the application is complete, the APCO shall notify the applicant in writing. Thereafter, only information to clarify, correct, or otherwise supplement the information submitted in the application may be requested by the District. No notification regarding application completeness need be made if the District determines that the ERC may be issued within fifteen (15) calendar days of the receipt of an original or a revised application, and the issuance of ERC Certificate(s) will serve notice of application completeness.

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

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

402.5 Upon determination that an application is complete, the APCO shall have

180 calendar days to take final action. During this time period, the District shall follow the public notification procedures in Subsections 402.6 and 402.7.

402.6 Except as provided in Section 110, upon completion of the preliminary evaluation of the application, the APCO shall provide written notice of such to the applicant and shall also provide written notice to the ARB and the EPA and publish notice in a local newspaper of general circulation. The notice shall specify the applicant, the quantity of emission reduction credits requested and a copy of the preliminary evaluation.

402.7 Publication of the notice required in Subsection 402.6 shall commence a thirty (30) day public comment period during which the APCO shall accept written comments on the merits of the preliminary evaluation. Upon conclusion of this thirty (30) day period, the APCO shall have another thirty (30) days to render a final decision to approve, conditionally approve, or deny the application taking into consideration all written comments. This final decision shall be provided in writing to the applicant.

402.8 The applicant or any other party may appeal the APCO's final decision following provisions specified in Regulation 7, PROCEDURE BEFORE THE HEARING BOARD.

403 REGISTRATION OF EMISSION REDUCTION CREDITS:

403.1 The District shall maintain a Register, which shall consist of the following:

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

b. A record of all emission reduction credits derived from reduced burning within the District which are claimed by stationary sources existing prior to the adoption of this rule (pre-existing source).

403.2 In the event that emission reduction credits are claimed by a pre-existing stationary source and obtained from outside the District, the District shall report the claiming of such credits to the District of origin of the biomass material.

403.3 In the event that emission reduction credits are claimed by a new or modified stationary source as offsets and obtained from outside the District, the District shall report the claiming of such credits to the District of origin of the biomass material.

403.4 The APCO may grant an ERC Certificate only after the parcel which will have the ERCs is placed on the no burn list.

403.5 When all the requirements of this rule have been satisfied and the parcel is on the no burn list, the APCO shall issue the ERC Certificate. After granting an ERC Certificate, title to such Certificate shall be entered into the Register. Such information may be made available for public

inspection.

403.6 All ERC Certificate information concerning titles, interests, liens, restrictions, encumbrances, and other changes of record shall be identified in the District's Register until the Certificate is canceled or nullified by operation of law.

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

403.8 At the option of joint owners of ERCs, such joint owners may receive one ERC Certificate for the entirety or separate ERC Certificates reflecting each proportional share. The District's register shall reflect the consolidation or separation of the ERCs.

403.9 Title to an ERC Certificate shall be deemed registered at the time the required information concerning the ERC is entered into the Register. The title for ERC's will be vested with the landowner or the landowner's designee and shall inure to the benefit of his or her heirs.

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

403.11 The APCO may reissue lost or destroyed ERC Certificates after the owner certifies in writing that the original has been lost or destroyed.

404 ADJUSTMENTS TO EMISSION REDUCTION CREDITS:

404.1 Except as provided in Subsection 404.2, below, the District shall place five percent (5%) of the emissions reductions before ERCs are granted in the Priority Reserve Bank pursuant to Rule 505, PRIORITY RESERVE.

404.2 An applicant may restrict use of the ERCs only for applicant's own future use, at the same parcel or site, in which case the District will not adjust the ERCs pursuant to Subsection 404.1. The applicant may have the restriction removed by the District upon payment of costs incurred by the District to re-issue an unrestricted ERC Certificate.

404.3 Deposits are permanent until used by the depositor or any party to whom the ERC Certificate has been transferred. After issuance of the Certificate, subsequent changes in the District's Rules and Regulations to require the type of emission reduction which has been banked shall not reduce or eliminate the ERC.

404.4 Owners of ERC Certificates may donate their ERCs to the District for purposes of assisting the District towards attainment of the air quality standards.

405 OPEN BIOMASS BURNING ERC CALCULATIONS:

The Manual of Procedures contains emission factors (EF), fuel loading factors (FL), default historical burn fractions (HBF), and default quarterly burn fractions (QBF). Default HBFs and QBFs shall be used to calculate the ERCs. An alternative use of parcel specific HBFs and QBFs may be used after a methodology is developed and receives written ARB concurrence. The alternative method is to address specific geographic areas with specific air quality problems. The following information will be used in the calculation of ERCs, however when using default HBF and QBF factors, paragraphs 405.3 and 405.4 below do not apply:

405.1 Basic information: The applicant shall provide data on the crop type, exact location of the parcel including assessor's parcel number and other information regarding parcel location required in the Manual of Procedures, acreage burned (AB), and date(s) of open biomass burning within the historical actual emissions period. The applicant shall use District burn permit/authorization records or other verifiable records to validate the information as specified in the Manual of Procedures.

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

405.3 Historical Burn Fraction (HBF): The applicant shall provide data on historical biomass burn percentage, set forth in the Manual of Procedures, for the parcel(s) during the five (5) baseline years of 1988 through 1992. The historical burn fraction (0-1) is an adjustment to the amount of ERC available. The applicant may use District burn permit/authorization records or other verifiable records to determine the amounts of prior burning. For rice straw burning a historical burn fraction of one (1) will be used for the parcel(s).

405.4 Quarterly Burn Fraction (QBF): The applicant shall provide available data on quarterly biomass burning, set forth in the Manual of Procedures, for the parcel(s) during the five (5) baseline years of 1988 through 1992. The QBF represents the quarterly distribution of historical burning for the baseline years. The applicant may use District burn permit/authorization records or other verifiable records to determine the date(s) of burning.

405.5 The biomass Fuel Loading (FL) and Emission Factors (EF) set forth in the Manual of Procedures shall be used for the crops indicated. Alternatively, the applicant may propose, and the District shall select, the appropriate biomass fuel loading and emission factors to be used in the calculations

from the Annual Agricultural Burning Plan for the Sacramento Valley Air Basin or the applicant may propose other best available data which is acceptable to the APCO.

405.6 Discount Acreage (DA): The applicant may reduce the total acreage covered by the ERC Certificate to allow for continued burning of a portion of the total acreage of the parcel. This reduction will be reflected in the emission reduction credits applicable to the parcel(s). The portion of the parcel withheld from the ERC calculation (i.e. the acreage eligible for a burn permit) must be clearly identified. This portion will not be allowed to change without prior District notification and approval.

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

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

405.8 Stationary sources which have applied for an Authority to Construct prior to the date of adoption of this rule, and which thereafter apply for ERC(s), may utilize the calculation procedures contained in the Manual of Procedures on the date of first adoption of this rule.

406 REVISION OR CANCELLATION OF ERC CERTIFICATES:

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

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

406.2 The registered owner may surrender the ERC Certificate to the District for cancellation and burn the parcel(s) pursuant to current agricultural burning regulations. Priority Reserve ERCs acreage may not be burned.

407 DISTRICT ENFORCEMENT CONSIDERATIONS:

District enforcement considerations related to ERCs are the following:

407.1 To meet the requirement of enforceability, a contract, permit conditions, no burn list, and/or other means shall be utilized.

a. The primary means of ensuring that biomass ERCs are permanent will be by placing the parcels on a no burn list. No burn permit will be

issued for a parcel if an ERC is currently in effect for that parcel unless the registered owner applies for cancellation, modification or substitution of the ERC under Section 406.

b. To further ensure the enforceability of ERCs and offsets from open biomass burning, an owner of a parcel with ERCs who is preparing to sell that property shall either:

1. Place a restriction on the parcel title, prior to sale, foregoing all open biomass burning on the parcel, or

2. Submit an application for transfer of ownership of the ERCs to the new landowner, within 14 days after the transfer of title to the parcel, consistent with the transfer procedures of this rule. The ERCs shall automatically terminate 15 days after transfer of the land to a new owner unless the registered owner has complied with either of the two options in this Subsection (2).

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

407.2 To further ensure enforceability of this rule refer to the Manual of Procedures which contains ERC and offset tracking, open biomass burn permitting, and other procedures related to the implementation of the rule.

500 RECORDS AND MONITORING

501 RECORDKEEPING:

The owner or operator of any project which claims open burning emission reduction credits pursuant to Health & Safety Code Sections 41605.5 or 42314.5 must keep a daily log of biomass received by type, origin, quantity, and date.

501.1 Biomass cogeneration or resource recovery facilities shall be required to prepare, and submit to the District, a quarterly report on their emissions and corresponding biomass offsets.

501.2 Biomass cogeneration or resource recovery facilities shall provide an annual status report on biomass contracts for the following year prior to the annual renewal of the Permit to Operate.

RULE 507 FEDERAL OPERATING PERMIT PROGRAM

Adopted 10-19-93
(Amended 08-24-95, 04-17-01)

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APPENDIX I: List of Title V Insignificant Activities

100 GENERAL

101 PURPOSE: To establish procedures and requirements for an operating permit system consistent with the requirements of Title V of the Federal Clean Air Act (CAA), as amended in 1990, and pursuant to 40 CFR Part 70. Title V provides for the establishment of operating permit programs for stationary sources which emit regulated air pollutants, including attainment and nonattainment pollutants. The effective date of this Rule is the date the District Board adopts the rule.

102 APPLICABILITY: Stationary sources subject to Rule 507 include major stationary sources, acid rain units subject to Title IV of the Federal Clean Air Act, solid waste incinerators subject to Section 111 or 129 of the Federal Clean Air Act, and any other stationary sources specifically designated by rule of the US Environmental Protection Agency. The sources listed below are subject to the requirements of this rule:

102.1 A major stationary source - Title V;

102.2 A stationary source with an acid rain unit for which application for an Acid Rain Permit is required pursuant to Title IV of the Federal Clean Air Act;

102.3 A solid waste incinerator subject to a performance standard promulgated pursuant to Section 111 or 129 of the Federal Clean Air Act;

102.4 Any other stationary source in a source category designated by rule of the US Environmental Protection Agency; and

102.5 Any stationary source that is subject to a standard or other requirement promulgated pursuant to Section 111 or 112 of the Federal Clean Air Act, published after July 21, 1992, that is designated as subject to the requirements of Title V of the Federal Clean Air Act in the standard or requirement.

Nothing in this rule relieves a permit applicant from any obligation to comply with any other applicable federal, state, or District orders, rules, and regulations, including the requirements to obtain permits as required by Rule 501, GENERAL PERMIT REQUIREMENTS, and Rule 502, NEW SOURCE REVIEW. The requirements in this rule shall augment and take precedence over conflicting administrative requirements of other provisions of the District's Rules and Regulations. Nothing in this rule 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). A stationary source shall operate in compliance with permits to operate issued pursuant to this rule.

110 EXEMPTION, SOURCES NOT SUBJECT TO RULE 507: The stationary sources listed below are not subject to the requirements of Rule 507:

110.1 Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);

110.2 Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 61, Subpart M, Section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation);

110.3 Any other source in a source category deferred by US Environmental Protection

Agency rulemaking, unless such source is otherwise subject to Title V (i.e., it is a major source).

200 DEFINITIONS

For the purposes of this rule the following definitions apply:

201 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 Federal Clean Air Act.

202 ADMINISTRATIVE PERMIT AMENDMENT: An "administrative permit amendment" is an amendment to a permit to operate which:

202.1 Corrects a typographical error;

202.2 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;

202.3 Requires more frequent monitoring or reporting by a responsible official of the stationary source; or

202.4 Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the Air Pollution Control Officer receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.

203 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 stationary source for which a permit action is being proposed.

204 AIR POLLUTION CONTROL OFFICER (APCO): "Air Pollution Control Officer" refers to the air pollution control officer of the Placer County Air Pollution Control District, or his/her designee.

205 APPLICABLE FEDERAL REQUIREMENT: An "applicable federal requirement" is any requirement which is enforceable by the US Environmental Protection Agency and citizens pursuant to Section 304 of the Federal Clean Air Act and is set forth in, or authorized by, the Federal Clean Air Act or a US Environmental Protection Agency 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:

205.1 Title I requirements of the Federal Clean Air Act, including:

a. New Source Review requirements in the State Implementation Plan approved by the US Environmental Protection Agency and the terms and conditions of the preconstruction permit issued pursuant to an approved New Source Review rule;

b. Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);

c. New Source Performance Standards (40 CFR Part 60);

d. National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to Section 504(e) of the Federal Clean Air Act;

e. National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);

f. Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);

g. Risk Management Plans and plan preparation and registration requirements (Section 112(r) of the Federal Clean Air Act);

h. Solid Waste Incineration requirements (Sections 111 or 129 of the Federal Clean Air Act);

I. Consumer and Commercial Product requirements (Section 183 of the Federal Clean Air Act);

j. Tank Vessel requirements (Section 183 of the Federal Clean Air Act);

k. District prohibitory rules that are approved into the State Implementation Plan;

l. Standards or regulations promulgated pursuant to a Federal Implementation Plan; and

m. Enhanced Monitoring and Compliance Certification requirements (Section 114(a)(3) of the Federal Clean Air Act).

205.2 Title III, Section 328 (Outer Continental Shelf) requirements of the Federal Clean Air Act (40 CFR Part 55);

205.3 Title IV (Acid Deposition Control) requirements of the Federal Clean Air Act (40 CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing Sections 407 and 410 of the Federal Clean Air Act);

205.4 Title VI (Stratospheric Ozone Protection) requirements of the Federal Clean Air Act (40 CFR Part 82); and

205.5 Monitoring and Analysis requirements (Section 504(b) of the Federal Clean Air Act).

206 CALIFORNIA AIR RESOURCES BOARD (ARB): "California Air Resources Board" refers to the Air Resources Board of the State of California.

207 CLEAN AIR ACT (CAA): "Clean Air Act" or "Federal Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

208 CODE OF FEDERAL REGULATIONS: "Code of Federal Regulations" refers to the United States Code of Federal Regulations.

209 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 California Health and Safety Code.

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

211 DISTRICT: "District" refers to the Placer County Air Pollution Control District.

212 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.

213 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 (HAP) directly or as fugitive emissions. With the exception of HAP sources, the fugitive emissions of a source shall not be considered in determining whether it is a major stationary source, unless the source belongs to one of the categories of stationary sources listed in 40 CFR 70.2, "Definitions", "Major Source" (2).

214 FEDERALLY-ENFORCEABLE CONDITION: A "federally-enforceable condition" is any condition set forth in the Title V permit to operate which addresses an applicable federal requirement or a voluntary emissions cap.

215 FUGITIVE EMISSIONS: Emissions from unintended openings in process equipment, emissions occurring from miscellaneous activities relating to the operation of a facility, and those emissions which do not pass through a stack, chimney, vent, or other functionally equivalent opening.

216 HAZARDOUS AIR POLLUTANT (HAP): Any air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

217 HEALTH AND SAFETY CODE (H&SC): "Health and Safety Code" refers to the California Health and Safety Code.

218 INITIAL PERMIT: An "initial permit" is the first operating permit for which a stationary source submits an application that addresses the requirements of the federal operating permits program as implemented by this rule.

219 MAJOR STATIONARY SOURCE: For the purpose of this rule a major stationary source is defined as follows:

219.1 A major source, as defined in Section 112 of the Federal Clean Air Act, with the potential to emit 10 tons per year, or more, of any hazardous air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act; or 25 tons per year, or more, of any combination of hazardous air pollutants listed pursuant to Section 112(b) of the Federal Clean Air Act, or any lesser threshold as U.S. EPA may establish by rule. Fugitive hazardous air pollutant emissions shall be considered when determining whether a source is a major stationary source.

219.2 A stationary source with a potential to emit exceeding: **25** tons per year of nitrogen oxides, **25** tons per year of volatile organic compounds, 100 tons per year of sulfur dioxide, 100 tons per year of carbon monoxide, 100 tons per year of PM10, or 100 tons per year of a regulated air pollutant. Once a source is determined to be a major stationary source, all of its fugitive emissions shall be included in calculating the source's emissions. The fugitive emissions of a source shall not be considered in determining whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources listed in 40 CFR 70.2, "Definitions", "Major Source" (2):

1. Coal cleaning plants (with thermal dryers);
2. Kraft pulp mills;
3. Portland cement plants;
4. Primary zinc smelters;
5. Iron and steel mills;
6. Primary aluminum ore reduction plants;
7. Primary copper smelters;
8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
9. Hydrofluoric, sulfuric, or nitric acid plant;
10. Petroleum refineries;
11. Lime plants;
12. Phosphate rock processing plants;
13. Coke oven batteries;
14. Sulfur recovery plants;
15. Carbon black plants (furnace process);
16. Primary lead smelters;
17. Fuel conversion plants;
18. Sintering plants;
19. Secondary metal production plants;
20. Chemical process plants;
21. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
23. Taconite ore processing plants;
24. Glass fiber processing plants;
25. Charcoal production plants;
26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
27. All other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Federal Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.

219.3 A source with a potential to emit which exceeds any lesser quantity emission threshold promulgated by the US Environmental Protection Agency.

220 MINOR PERMIT MODIFICATION: A "minor permit modification" is any modification to a federally-enforceable condition on a permit to operate which: A) is not a significant permit modification, and B) is not an administrative permit amendment. However, for modifications involving economic incentives, marketable permits, emissions trading, or other similar approaches, minor permit modification procedures may be used only to the extent provided for in the applicable implementation plan or applicable federal requirement.

221 OPERATING SCENARIOS: All modes of facility operation to be permitted, including normal

operating conditions, start-up, and shutdown. This shall include all planned or reasonably foreseeable process, feed, and product changes. Operating scenarios must meet all applicable federal requirements.

222 PERMIT MODIFICATION: A "permit modification" is any addition, deletion, or revision to a permit to operate condition.

223 POTENTIAL TO EMIT: For the purposes of this rule, "potential to emit" as it applies to an emissions unit and a stationary source is defined below.

223.1 Potential to Emit of an Emissions Unit: The "potential to emit" of an emission unit is the maximum physical and operational design capacity of an emissions unit to emit a regulated air pollutant or HAP. Any limitation on the physical or operational design capacity, including emission control devices and restrictions on hours of operation, or on the type, or amount of material combusted, stored, or processed, may be considered as part of the design only if the limitation is set forth in permit conditions or in rules or regulations that are legally and practicably enforceable by U.S. EPA and citizens or by the District.

223.2 Potential to Emit of a 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, "Definitions", "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.

224 PRECONSTRUCTION PERMIT: A "preconstruction permit" is a permit authorizing construction prior to construction and includes:

224.1 A preconstruction permit issued pursuant to a program for the prevention of significant deterioration of air quality required by Section 165 of the Federal Clean Air Act; or

224.2 A preconstruction permit issued pursuant to a new source review program required by Sections 172 and 173 of the Federal Clean Air Act or Rule 502, NEW SOURCE REVIEW.

225 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 US Environmental Protection Agency has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:

225.1 Oxides of nitrogen and volatile organic compounds;

225.2 Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the Federal Clean Air Act;

225.3 Any pollutant subject to a New Source Performance Standard promulgated pursuant to Section 111 of the Federal Clean Air Act;

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

225.5 Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the Federal Clean Air Act, including:

a. Any pollutant listed pursuant to Section 112(r) of the Federal Clean Air Act (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 US Environmental Protection Agency pursuant to Section 112(d) or adopted by the District pursuant to 112(g) and (j) of the Federal Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the Federal Clean Air Act.

c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified stationary source, prior to the US Environmental Protection Agency 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 Federal Clean Air Act. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual stationary source for which the emissions limitation determination was made.

226 RESPONSIBLE OFFICIAL: A "responsible official" is an individual with the authority to certify that a stationary source complies with all applicable federal requirements and federally-enforceable conditions of permits issued to sources in accordance with this rule. "Responsible official" means one of the following:

226.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars); or

b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;

226.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively;

226.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

226.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Federal Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and this rule.

227 SIGNIFICANT PERMIT MODIFICATION: A "significant permit modification" is any modification to a federally-enforceable condition on a permit to operate which:

227.1 Involves any modification under Section 112(g) of Title I of the Federal Clean Air Act or under US Environmental Protection Agency regulations promulgated pursuant to Title I of the Federal Clean Air Act, including 40 CFR Parts 51, 52, 60, 61, and 63;

227.2 Significantly changes monitoring conditions;

227.3 Provides for the relaxation of any reporting or record-keeping conditions;

227.4 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 Federal Clean Air Act, or 2) an alternative HAP emission limit pursuant to Section 112(I)(5) of the Federal Clean Air Act;

227.5 Involves a case-by-case determination of any emission standard or other requirement; or

227.6 Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.

228 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 Federal Clean Air Act.

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

228.1 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);

228.2 Any materials recovery facility which primarily recovers metals;

228.3 Any qualifying small power production facility as defined in 16 U.S.C.A. Section 796(17)(C);

228.4 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

228.5 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 US Environmental Protection Agency.

229 STATIONARY SOURCE: For the purposes of this rule, a "stationary source" is any building, structure, facility, or installation (or any such grouping) that:

229.1 Emits, may emit, or results in the emissions of any regulated air pollutant or HAP;

229.2 Is located on one or more contiguous or adjacent properties;

229.3 Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and

229.4 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.

230 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA or US Environmental Protection Agency): "United States Environmental Protection Agency" refers to the Administrator or appropriate delegee of the "United States Environmental Protection Agency".

231 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.

300 STANDARDS

301 TITLE V APPLICATION SHIELD: An existing stationary source shall not be subject to enforcement action by the Air Pollution Control Officer or US Environmental Protection Agency for operation without a Title V permit to operate if the stationary source has complied with all of the following requirements:

301.1 The responsible official has submitted a timely and complete Title V permit to operate application for an initial permit or for the five year renewal of a permit pursuant to Section 302; and

301.2 The Air Pollution Control Officer has not taken final action on the application; and

301.3 The stationary source is operated in accordance with the requirements of any valid permit to operate issued pursuant to Section 42301 of the California Health and Safety Code and any Title V permit to operate issued pursuant to this rule, notwithstanding expiration of this permit; and

301.4 The responsible official has honored all requests for further information by the Air Pollution Control Officer pursuant to Subsection 303.2(b); and

301.5 The Title V permit to operate has not been canceled, suspended or terminated.

The application shield does not apply to stationary sources applying for permit modifications. For permit modifications, a stationary source shall operate in accordance with the applicable federal requirements, the permit to operate issued pursuant to this rule and any temporary permit to operate issued pursuant to Section 42301.1 of the California Health and Safety Code.

302 APPLICATION REQUIREMENTS:

302.1 General: Stationary sources subject to this rule shall obtain Title V permits to

operate pursuant to this rule. Each permit to operate issued pursuant to this rule shall contain conditions and requirements adequate to ensure compliance with:

a. All applicable provisions of Division 26 of the California Health and Safety Code, 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 Federal Clean Air Act;

d. Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the Federal Clean Air Act; and

e. The requirements of all preconstruction permits issued pursuant to Parts C and D of the Federal Clean Air Act.

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

302.2 Application Submittal for Existing Stationary Sources: For a stationary source that is subject to the requirements of this rule on June 2, 1995, a responsible official of the stationary source shall submit a complete application for a Title V permit to operate to the Air Pollution Control Officer in accordance with the following:

a. For existing sources with Standard Industrial Classification (SIC) of 4911, 3411, and 2421, as determined by the Air Pollution Control Officer, the complete application shall be submitted no later than September 2, 1995.

b. For existing sources with Standard Industrial Classification (SIC) of 3674, 2431, and 4613, as determined by the Air Pollution Control Officer, the complete application shall be submitted no later than December 2, 1995.

c. For existing sources with Standard Industrial Classification (SIC) of 3083, 2492, as determined by the Air Pollution Control Officer, and all other stationary sources subject to this rule and existing on or prior to June 2, 1995, the complete application shall be submitted no later than March 2, 1996.

302.3 Application Submittal for New or Modified Stationary Sources: For a stationary source that becomes subject to the requirements of this rule after June 2, 1995, and after obtaining any required preconstruction permits, a responsible official of the stationary source shall submit a complete application for a Title V permit to operate within 12 months of the source commencing operation or of otherwise becoming subject to this rule.

302.4 Application Submittal for Permit Renewal: For renewal of a permit, a responsible official of the stationary source shall submit a complete application for a Title V permit to operate to the Air Pollution Control Officer no earlier than 18 months and no later than 6 months before the expiration date of the current Title V permit to

operate. Title V permits to operate for all emissions units at a stationary source shall undergo simultaneous renewal.

302.5 Sources with Existing Acid Rain Unit(s): 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:

a. If the source is subject to this rule because it is a major stationary source as defined in Section 219, applications shall be submitted within the timeframe specified in Subsections 302.2 or 302.3, above.

b. If the source is subject to this rule only because the source has an acid rain unit for which an application for an Acid Rain Permit is required pursuant to Title IV of the Federal Clean Air Act, applications shall be submitted by January 1, 1996, or , if applicable, a later date established by 40 CFR Part 72.

302.6 Significant Permit Modification:

1. 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 Air Pollution Control Officer, 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 Air Pollution Control Officer takes final action to issue the revised permit or until the requirements of subsection b., below, are met.

2. An emissions unit may commence operation of change(s) in a proposed significant permit modification prior to final action by the Air Pollution Control Officer 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 501, GENERAL PERMIT REQUIREMENTS;

    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 this rule; and

5. The modified emissions unit(s) complies with all applicable federal requirements and rules and regulations of the District.

302.7 Minor Permit Modification:

1. 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 Air Pollution Control Officer takes final action to approve the permit revision or until the requirements in 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.

2. 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 regulation;

    2. The modified emissions unit(s) complies with all proposed permit terms and conditions identified in its minor permit modification application; and

3. The change(s) does not violate any applicable federal requirement or any rule or regulation of the District.

3. 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.

4. 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 modification, the existing permit terms and conditions the stationary source seeks to modify may be enforced against it.

302.8 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 Federal Clean Air Act.

303 APPLICATION CONTENT AND CORRECTNESS:

303.1 Standard District Application: The standard District application submitted 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 REGULATION 6, Rule 601, PERMIT 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 applicable fees to be assessed;

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 the 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 401.9;

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 that the source is in compliance,

3. A statement that the source will comply, on a timely basis, with future-effective requirements which have been adopted, 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 any 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 Air Pollution Control Officer 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 Federal Clean Air Act, the application shall include verification that a risk management plan has been submitted to the authorized implementing agency or a compliance schedule for the submittal of such a plan shall be included in the permit to operate; 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. Activities identified as insignificant in Appendix I of this rule based upon size and production rate shall be listed in the permit application. 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.

303.2 Correcting and Updating of a Title V Application: A responsible official of a source shall submit an accurate and complete application in accordance with the requirements of the District.

a. Upon the written request of the Air Pollution Control Officer, a responsible

official shall supplement any complete application with additional information relating to the Title V application within 30 days of the date the request is made.

b. A responsible official shall promptly provide additional information in writing to the Air Pollution Control Officer 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. A responsible official shall submit to the Air Pollution Control Officer timely updates to the Title V permit to operate application as new requirements become applicable to the source.

304 WRITTEN REQUESTS FOR DISTRICT ACTION: A responsible official shall submit a written request to the Air Pollution Control Officer for the following permit actions:

304.1 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.

304.2 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 501, GENERAL PERMIT REQUIREMENTS.

304.3 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 501, GENERAL PERMIT REQUIREMENTS, except under the following circumstances:

a. The construction or operation of the emissions unit is a modification under US Environmental Protection Agency regulations promulgated pursuant to Title I of the Federal Clean Air Act, 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;

c. The emissions unit is an acid rain unit subject to Title IV of the Federal Clean

Air Act; or

d. The emissions unit is a major stationary source for the purpose of this rule.

In the circumstances specified in Subsections (a), (b), (c), or (d), above, a responsible official shall apply for a permit to operate for the new emissions unit pursuant to the requirements of this rule.

304.4 Response to Permit Reopening For Cause: Upon notification by the Air Pollution Control Officer of a reopening of a permit for cause for an applicable federal requirement pursuant to Section 401.8, below, a responsible official shall respond to any written request for information by the Air Pollution Control Officer within 30 days of the post-marked date of the request, unless an extension for a longer period of time is agreed to in writing by the Air Pollution Control Officer.

400 ADMINISTRATIVE PROCEDURES

401 DISTRICT ADMINISTRATIVE PROCEDURES:

401.1 Completeness Review of Applications: The Air Pollution Control Officer shall determine if an application is complete and shall notify the responsible official of the determination within the following timeframes:

a. For an initial permit, permit renewal, or a significant permit modification, within 60 days of receiving the application;

b. For a minor permit modification, within 30 days of receiving the application;

The application shall be deemed complete unless the Air Pollution Control Officer requests additional information or otherwise notifies the responsible official that the application is incomplete within the timeframes specified above.

401.2 Notification of Completeness Determination: The Air Pollution Control Officer shall provide written notification of the completeness determination to the US Environmental Protection Agency, the ARB and any affected state and shall submit a copy of the complete application to the US Environmental Protection Agency within five working days of the determination. The Air Pollution Control Officer need not provide notification for applications from sources that are not major sources when the US Environmental Protection Agency waives such requirement for a source category by regulation or at the time of approval of the District operating permits program.

401.3 Application Processing Timeframes: The Air Pollution Control Officer shall act on a

complete application in accordance with the procedures in Subsections 401.4, 401.5 and 401.6, below (except as application procedures for acid rain units are provided for under regulations promulgated pursuant to Title IV of the Federal Clean Air Act), and take final action within the following timeframes:

a. For an initial permit for a source subject to this rule on June 2, 1995, no later than June 2, 1998;

b. For an initial permit for a source that becomes subject to this rule after June 2, 1995, no later than 18 months after the complete application is received;

c. For a permit renewal, no later than 18 months after the complete application is received;

d. For a significant permit modification, no later than 18 months after the complete application is received;

e. For a minor permit modification, within 90 days after the application is received or 60 days after written notice to the US Environmental Protection Agency on the proposed decision, whichever is later; or

f. For any permit application with early reductions pursuant to Section 112(l)(5) of the Federal Clean Air Act, within 9 months from the date a complete application is received.

401.4 Notification and Opportunity for Review of Proposed Decision: Within the applicable timeframe specified in Subsection 401.3 the Air Pollution Control Officer shall provide notice of and opportunity to review the proposed decision to issue a permit to operate in accordance with requirements in this Subsection.

a. For Minor Permit Modifications: The Air Pollution Control Officer shall provide written notice of the proposed decision to the US Environmental Protection Agency, the ARB, and any affected state. Additionally, the District shall provide to the US Environmental Protection Agency (and, upon request, to the ARB or any affected state) copies of the proposed permit, the 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.

b. For Initial Permits, Renewal of Permits, Significant Permit Modifications, and Reopenings For Cause: The Air Pollution Control Officer shall provide the following:

1. 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 Title V permit decisions, any affected state and the ARB.

2. On or after providing written notice pursuant to Subsection (1), 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:

   A. The identification of the source, the name and address of permit holder, the activity(ies) and emissions change involved in the permit action;

   B. The name and address of the District, the name and telephone number of District staff to contact for additional information;

   C. The availability, upon request, of a statement that sets forth the legal and factual basis for the proposed permit conditions;

   D. The location where the public may inspect the complete application, the District analysis, and the proposed permit;

   E. 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

   F. A statement that members of the public may request the Air Pollution Control Officer to preside over a public hearing for the purpose of receiving oral public comment, if a hearing has not already been scheduled. The Air Pollution Control Officer shall provide notice of any public hearing scheduled to address the proposed decision, in at least one newspaper of general circulation and to parties that have requested such notice, at least 30 days prior to such hearing in accordance with Rule 701, PROCEDURE BEFORE THE HEARING BOARD.

3. 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;

4. A written response, including reasons for not accepting comments and recommendations for a proposed permit, 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 sent to all commenters and kept on file at the District office and made available upon request.

5. After completion of the public notice and comment period pursuant to Subsection (1), above, written notice to the US Environmental Protection Agency 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.

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

a. The Air Pollution Control Officer 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 401.4(b)(2)(e) or due to further analysis of the Air Pollution Control Officer. Pursuant to Subsection 401.4(b)(5) the Air Pollution Control Officer shall forward any such modified proposed decision, the proposed permit, the District analysis, and all necessary supporting information to the US Environmental Protection Agency.

b. If the US Environmental Protection Agency 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 401.4(b)(5) the Air Pollution Control Officer shall not issue the permit. Also, if the public petitions the US Environmental Protection Agency within 60 days after the end of the US Environmental Protection Agency=s 45-day review period and the permit has not yet been issued, the Air Pollution Control Officer shall not issue the permit until US Environmental Protection Agency objections in response to the petition are resolved. The Air Pollution Control Officer shall either deny the application or revise and resubmit a permit which addresses the deficiencies identified in the US Environmental Protection Agency objection within the following timeframes:

1. For initial permits, permit renewals, and significant permit modifications, within 90 days of receiving the US Environmental Protection Agency objection; or

2. For minor permit modifications, within 90 days of receipt of the application or 60 days of the notice to US Environmental Protection Agency, whichever is later.

401.6 Final Decision: If the US Environmental Protection Agency does not object in writing within 45 days of the notice provided pursuant to Subsection 401.4(b)(5) or the Air Pollution Control Officer submits a revised permit pursuant to Subsection 401.5(a) the Air Pollution Control Officer shall, expeditiously, deny the application or issue the final permit to operate. In any case, the Air Pollution Control Officer shall take final action on an application within the applicable timeframe specified in Subsection 401.3. Failure of the Air Pollution Control Officer to act on a permit application or permit renewal application in accordance to the timeframes provided in Subsection 401.3, 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 US Environmental Protection Agency, the ARB and any person and affected state that submitted comments during the public comment period. The Air Pollution Control Officer shall submit a copy of a permit to operate as issued to the US Environmental Protection Agency and provide a copy to any person or agency requesting a copy. If the application is denied, the Air Pollution Control Officer 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.

401.7 District Action on Written Requests: The Air Pollution Control Officer shall act on a written request of a responsible official for permit action using the applicable procedure specified in this Subsection.

a. Administrative Permit Amendment: The Air Pollution Control Officer shall take final action no later than 60 days after receiving the written request for an administrative permit amendment.

1. After designating the permit revisions as an administrative permit amendment, the Air Pollution Control Officer may revise the permit without providing notice to the public or any affected state.

2. The Air Pollution Control Officer shall provide a copy of the revised permit to the responsible official and the US Environmental Protection Agency.

3. While the Air Pollution Control Officer need not make a completeness determination on a written request, the Air Pollution Control Officer shall notify the responsible official if the Air Pollution Control Officer determines that the permit can not be revised as an administrative permit amendment.

b. Permit Modification for a Condition that is not Federally Enforceable: The Air Pollution Control Officer 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 501, GENERAL PERMIT REQUIREMENTS, under the following circumstances:

1. 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

2. The Air Pollution Control Officer provides to the US Environmental Protection Agency 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.

c. Permits to Operate for New Emissions Units: The Air Pollution Control Officer shall take action on a written request for a permit to operate for a new emissions unit in accordance with the requirements for of Rule 501, GENERAL PERMIT REQUIREMENTS, under the circumstances specified in Subsection 401.7(b)(1) and 401.7(b)(2), above. However, if Subsections 304.3(a), 304.3(b), 304.3(c), or 304.3(d) apply, the Air Pollution Control Officer shall require the submittal of a standard District application and take action on that application pursuant to the requirements of this rule.

401.8 Permit Reopening for Cause: The Air Pollution Control Officer shall reopen and revise a permit to operate during the annual review period required by Section 42301(c) of the California Health and Safety Code, or petition the District hearing board to do so pursuant to Section 42307 of the California Health and Safety Code, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the US Environmental Protection Agency, or within 18 months of promulgation of a new applicable federal requirement. The Air Pollution Control Officer

shall act only on those parts of the permit for which cause to reopen exists.

a. Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:

1. The need to correct a material mistake or inaccurate statement;

2. The need to revise or revoke a permit to operate to assure compliance with applicable federal requirements;

3. 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 Air Pollution Control Officer shall incorporate these requirements into the permit to operate upon renewal); or

4. The need to reopen a permit issued to acid rain unit subject to Phase II of Title IV of the Federal Clean Air Act to include:

A. Oxides of nitrogen requirements prior to January 1, 1999, and

B. Additional requirements promulgated pursuant to Title IV as they become applicable to any acid rain unit governed by the permit.

b. In processing a permit reopening, the Air Pollution Control Officer shall use the same procedures as for an initial permit and additionally:

1. Provide written notice to a responsible official and the US Environmental Protection Agency at least 30 days, or a shorter period in the case of an emergency, prior to reopening a permit; and
2. Complete action to revise the permit as specified in the notice of reopening within 60 days after the written notice to the US Environmental Protection Agency pursuant to Subsection 401.4(b)(5), if the US Environmental Protection Agency does not object, or after the Air Pollution Control Officer has responded to US Environmental Protection Agency objection pursuant to Subsection 401.5(b).

401.9 Options for Operational Flexibility: The Air Pollution Control Officer shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an applicable federal requirement. The Air Pollution Control Officer shall not allow changes which constitute a modification under Title I of the Federal Clean Air Act or Rule 502, NEW SOURCE REVIEW, 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:

a. Alternative Operating Scenarios: The Air Pollution Control Officer shall allow the use of alternative operating scenarios provided that:

1. Terms and conditions applicable to each operating scenario are identified by the responsible official in the permit application,

2. The terms and conditions are approved by the Air Pollution Control Officer,

3. The terms and conditions are incorporated into the permit; and

4. 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.

b. Voluntary Emissions Caps: The Air Pollution Control Officer 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:

1. The requirements of Subsections 401.9(a)(1), 401.9(a)(3), and 401.9(a)(4) are met;

2. The terms and conditions are approved by the Air Pollution Control Officer as quantifiable and enforceable; and

3. The terms and conditions are consistent with the applicable preconstruction permit.

A permit condition shall require that a responsible official provide written notice to the US Environmental Protection Agency and Air Pollution Control Officer 30 days in advance of a change by clearly requesting operational flexibility under this Subsection. 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.

c. Contravening an Express Permit Condition: The Air Pollution Control Officer shall allow for changes in operation that contravene an express condition addressing an applicable federal requirement in a permit to operate provided that:

1. The change will not violate any applicable federal requirement;

2. The change will not contravene federally-enforceable conditions that are monitoring (including test methods), record-keeping, reporting, or compliance certification requirements;

3. The change is not a modification under Title I of the Federal Clean Air Act or any provision of Rule 502, NEW SOURCE REVIEW;

4. 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;

5. Written notice is given to the US Environmental Protection Agency and Air Pollution Control Officer 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

6. The Air Pollution Control Officer has not provided a written denial pursuant to Subsections (1), (2), (3), (4) and (5), above, to the responsible official within 30 days of receipt of the request for an operational change. The written denial shall identify which of the requirements of Subsections (1), (2), (3), (4) and (5), above, have not been satisfied.

402 PERMIT CONTENT REQUIREMENTS:

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

402.1 Incorporation of Applicable Federal Requirements: 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:

a. 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 federally enforceable;

b. 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

c. 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 preconstruction permit (or, in the case of sources without preconstruction permits, the more stringent requirement) shall be incorporated as a permit condition and the other requirement shall be referenced.

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

a. Emission and Operational Limitations: The permit shall contain conditions that require compliance with all applicable federal requirements, including any operational limitations or requirements.

b. Preconstruction Permit Requirements: The permit shall include all of the preconstruction permit conditions for each emissions unit.

c. Origin and Authority for Permit Conditions: The origin and authority for each permit term or condition shall be referenced in the permit.

d. Equipment Identification: The permit shall identify the equipment to which a permit condition applies.

e. Monitoring, Testing, and Analysis: 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 Federal Clean Air Act, 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.

f. Record-keeping: The permit shall include record-keeping conditions that require:

1. Record maintenance of all monitoring and support information associated with any applicable federal requirement, including:

A. Date, place, and time of sampling;

B. Operating conditions at the time of sampling; and

C. Date, place, and method of analysis; and

D. Results of the analysis;

2. 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

3. Any other record-keeping deemed necessary by the Air Pollution Control Officer to ensure compliance with all applicable federal requirements.

g. Reporting: The permit shall include reporting conditions that require the following:

1. Any deviation from permit requirements, including that attributable to upset conditions (as defined in the permit), shall be promptly reported to the Air Pollution Control Officer who will determine what constitutes "prompt" reporting in terms of the requirement, the degree, and type of deviation likely to occur;

2. 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 Air Pollution Control Officer in accordance with Subsection 402.2(g)(1);

3. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken;

4. A progress report shall be made on a compliance schedule at least semi-annually and shall include: A) the date when compliance will be achieved, B) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and C) a log of any preventative or corrective action taken; and

5. Each monitoring report shall be accompanied by a written statement from the responsible official which certifies the truth, accuracy, and

completeness of the report.

h. Compliance Plan: The permit shall include a compliance plan that:

1. Describes the compliance status of an emissions unit with respect to each applicable federal requirement;

2. 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;

3. Assures that an emissions unit will continue to comply with those permit conditions with which it is in compliance; and

4. Assures that an emissions unit will comply, on a timely basis, with any applicable federal requirement that will become effective during the permit term.

i. 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:

1. A statement that the emissions unit will continue to comply with those permit conditions with which it is in compliance;

2. 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.

3. 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

4. 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: A) the date when compliance will be achieved, B) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and C) a log of any preventative or corrective actions taken.

j. Right of Entry: The permit shall require that the source allow the entry of the District, ARB, or US Environmental Protection Agency officials for the purpose of inspection and sampling, including:

1. Inspection of the stationary source, including equipment, work practices, operations, and emission-related activity;

2. Inspection and duplication of records required by the permit to operate; and

3. Source sampling or other monitoring activities.

k. Compliance with Permit Conditions: The permit shall include the following provisions regarding compliance:

1. The permittee shall comply with all permit conditions;

2. The permit does not convey property rights or exclusive privilege of any sort;

3. The non-compliance with any permit condition is grounds for permit termination, revocation and reissuance, modification, enforcement action, or denial of permit renewal;

4. 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;

5. A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and

6. Within a reasonable time period, the permittee shall furnish any information requested by the Air Pollution Control Officer, 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.

l. Emergency Provisions: The permit shall include the following emergency provisions:

1. The permittee shall comply with the requirements of Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE, and the emergency provisions contained in all applicable federal requirements.

2. 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:

A. An emergency occurred;

B. The permittee can identify the cause(s) of the emergency; and

C. The facility was being properly operated at the time of the emergency; and

D. All steps were taken to minimize the emissions resulting from the emergency; and

E. 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

3. In any enforcement proceeding, the permittee has the burden of proof for

establishing that an emergency occurred.

m. 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.

n. Compliance Certification: The permit shall contain conditions for compliance certification which include the following requirements:

1. The responsible official shall submit a compliance certification to the US Environmental Protection Agency and the Air Pollution Control Officer 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;

2. 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;

3. 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

4. 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 Federal Clean Air Act.

o. Permit Life: With the exception of solid waste incinerators subject to Section 129(e) of the Federal Clean Air Act, each permit to operate for any source, including acid rain units subject to Title IV of the Federal Clean Air Act, shall include a condition for a fixed term of five years from the time of issuance. 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.

p. Payment of Fees: The permit shall include a condition to ensure that appropriate 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 US Environmental Protection Agency pursuant to Section 502(a) of the Federal Clean Air Act.

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

r. 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 Air Pollution Control Officer, 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:

1. All applicable federal requirements, including those authorizing emissions averaging, are complied with;

2. No individual emissions unit shall exceed any emissions limitation, standard, or other requirement;

3. Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and

4. 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.

s. 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 Federal Clean Air Act and any federal standard or requirement promulgated pursuant to Title V of the Federal Clean Air Act, 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:

1. 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 Federal Clean Air Act or the regulations promulgated pursuant to Title IV;

2. Any increase in an acid rain unit's sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the Federal Clean Air Act 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; and

3. 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 502, NEW SOURCE REVIEW; and

4. 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 Federal Clean Air Act.

t. 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:

1. Meet all applicable District, State, and federal requirements at each location;

2. Specify the monitoring methods, or other methods (e.g. air quality modeling) approved by the Air Pollution Control Officer, that will be used to demonstrate compliance with District, State, and federal requirements; and

3. Notify the Air Pollution Control Officer ten working days prior to a change in location.

u. Permit Revision Exemption: No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.

403 SUPPLEMENTAL ANNUAL FEE: The fees collected pursuant to this section shall supplement the fee requirements in District Regulation 6, FEES, if applicable.

403.1 Payment of Supplemental Fee: A responsible official shall pay an annual supplemental fee for a permit to operate pursuant to this rule as determined by the calculation method in Subsection 403.3, below, to meet an overall fee rate of $25 per ton of fee-based emissions (CPI adjusted), unless Subsection 403.2, below, applies.

a. "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 Air Pollution Control Officer 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 Air Pollution Control Officer.

b. "Fee pollutant" means oxides of nitrogen, volatile organic compounds, any pollutant for which a national ambient air quality standard has been promulgated by the US Environmental Protection Agency (excluding carbon monoxide), and any other pollutant that is subject to a standard or regulation promulgated by the US Environmental Protection Agency under the Federal Clean Air Act or adopted by the District pursuant to section 112(g) and (j) of the Federal Clean Air Act. Any air pollutant that is regulated solely because of a standard or regulation under section 112(r) of the Federal Clean Air Act for accidental release or under Title VI of the Federal Clean Air Act for stratospheric ozone protection shall not be included.

c. "(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 US Environmental Protection Agency.

403.2 No Supplemental Fee: There shall not be a supplemental annual fee if the total annual fee rate paid by the source under Rule 601, PERMIT FEES, equals or exceeds $25 per ton of fee-based emissions (CPI adjusted).

403.3 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 fees under Rule 601, PERMIT FEES, that fund the direct and indirect costs associated with activities related to the operating permits program as specified in section 502(b)(3)(A) of the Federal Clean Air Act, and its 1990 amendments.

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 403.2, above, applies. If "f" is less than "[$25 per ton (CPI adjusted) x *e*]", then "*s*" shall be as calculated in Step 1.

403.4 Submittal of Information: The responsible official shall provide the Air Pollution Control District sufficient information to determine the supplemental fee.

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Appendix I to Rule 507

List of Title V Insignificant Activities

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A. General Criteria for Insignificant Activities

An insignificant activity is any activity, process, or emissions unit which is not subject to a source-specific requirement of a State Implementation Plan, preconstruction permit, or federal standard[4] and which: 1) meets the ACriteria for Specific Source Categories@ below; or 2) emits no more than 0.5 tons per year of a federal hazardous air pollutant (HAP)[5] and no more than two tons per year of a regulated pollutant that is not a HAP.

B. Criteria for Specific Source Categories

1. Fugitive Emissions Sources Associated With Insignificant Activities

Any valves, flanges, and unvented (except for emergency pressure relief valves) pressure vessels associated with an insignificant activity on this list.

Justification: Insignificant air pollutant emissions from this source

2. Combustion and Heat Transfer Equipment

Any combustion equipment, other than a gas turbine, that has a maximum heat input rating of no more than five million British thermal units (mmBtu) per hour (gross) and is equipped to be fired exclusively with natural gas, liquefied petroleum gas, or any combination thereof, provided the fuel contains no more than five per cent by weight of hydrocarbons heavier than butane (as determined by American Society for Testing and Materials (ASTM) test method E-260-73) and no more than 0.75 grains of total sulfur per 100 cubic feet of gas (as determined by ASTM test method D-1072-80).

Justification:
100 lb NOx/10^6ft^3 * 5 mmBtu/hr/1,050 mmBtu/10^6ft^3 = 0.5 lb NOx/hr
(Reference AP-42)

[4] Federal standards include: 40 CFR Parts 60 (New Source Performance Standards), 61 (National Emission Standards for Hazardous Air Pollutants), 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

[5] HAPs are toxic substances listed pursuant to Section 112(b) of the Federal Clean Air Act.

Any piston-type internal combustion engine (ICE) with a manufacturer=s maximum continuous rating of no more than 50 braking horsepower (bhp).

Justification:
14 g NOx/hp-hr * 50 hp/454 g/lb = 1.5 lb NOx/hr
(Reference AP-42)

Any ICE which emits no more than 2 tons per year of NOx and is operated solely for the purpose of: 1) providing power when normal power service fails (service failure does not include voluntary power reductions); or 2) the emergency pumping of water.

Justification:
14 g NOx/hp-hr * 300 bhp * 100 hr/yr/454 g/lb/2,000 lb/ton = 0.46 tons NOx/yr
(Reference AP-42)

d. Any non-electric space heater that is not a boiler.

Justification:
94 lb NOx/$10^6$$ft^3$ * 60,000,000 Btu/hr * 720 hr/yr/1,000 Btu/scf = 2 tons NOx/yr

Note: An electric space heater should be considered a trivial activity.

3. Cooling Towers

Any water cooling tower which: 1) has a circulation rate of less than 10,000 gallons per minute; and 2) is not used to cool process water, water from barometric jets, or water from barometric condensers.

Justification:
0.019 lb PM10/1,000 gal/min * 10,000 gal/min * 60 min/hr * 0.10 = 1.14 lb PM10/hr

4. Printing and Reproduction Equipment

1. Any printing, coating, or laminating activity which uses no more than two gallons per day of graphic arts materials, including: inks, coatings, adhesives, fountain solutions, thinners, retarders, or cleaning solutions.

Justification: 7.5 lb VOC/gal * 2 gal/day = 15 lb VOC/day

b. Any photographic process equipment, and control equipment venting such equipment, which reproduces images upon material sensitized to radiant energy.

Justification: Insignificant air pollutant emissions from this source

c. Any laser printing equipment.

Justification: Insignificant air pollutant emissions from this source

5. Food Processing Equipment

2. Any oven in a food processing operation where less than 1,000 pounds of product are produced per day of operation.
Justification:
13.7 lb VOC/2,000 lb product * 1,000 lb product = 6.9 lb VOC/day
(Reference AP-42)

3. Any smokehouse in which the maximum horizontal inside cross section area does not exceed 20 square feet.

Justification:
0.3 lb PM10/ton of meat * 1 ton /day = 0.3 lb PM10/day
0.6 lb CO/ ton of meat * 1 ton/day = 0.6 lb CO/day
(Reference AP-42)

4. Any confection cooker, and associated venting or control equipment, cooking edible products intended for human consumption.

Justification: Insignificant air pollutant emissions from this source

6. Plastic and/or Rubber Processing

a. Any hot-wire cutting of expanded polystyrene foam, provided such cutting is limited to packaging operations.

Justification: 20 cuts/day * 0.27 lb VOC/cut = 5.4 lb VOC/day
[San Diego APCD emission factor based on BASF Wyandotte Corporation industrial hygiene tests]

b. Any equipment used exclusively for the extrusion or compression molding of rubber or plastics, provided no plasticizer or blowing agent is used.

Justification: Insignificant air pollutant emissions from this source

c. Any oven used exclusively for curing, softening, or annealing plastics except for ovens used to cure fiberglass reinforced plastics.

Justification: Insignificant air pollutant emissions from this source

7. Storage Containers, Reservoirs, and Tanks - Fuel, Fuel Oil, Asphalt

5. Any temporary storage of gasoline in flexible containers to support equipment responding to an emergency or for the purposes of training to support such equipment.

Justification:
11.5 lb VOC/1,000 gal transferred * 5,000 gal * 2 transfers/yr = 115 lb VOC/yr

6. Any equipment with a capacity of no more than 1,500 gallons used exclusively for the storage of gasoline.

Justification:
Breathing losses =
30.5 lb VOC/1,000 gal capacity * 1,500 gal capacity = 45.8 lb VOC/yr
Working losses =
10 lb VOC/1,000 gal throughput * 12,000 gal throughput/yr = 120 lb VOC/yr
Total losses = 0.08 ton VOC/yr

c. Any equipment with a capacity of no more than 19,800 gallons (471 barrels) used exclusively for the storage of petroleum distillates used as motor fuel with specific gravity 0.8251 or higher

[40° American Petroleum Institute (API) or lower] as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: 0.03 lb/1,000 gal throughput
(Reference U.S. EPA 450/4-90-003)

d. Any equipment used exclusively for the storage of fuel oils or non-air-blown asphalt with specific gravity 0.9042 or higher (25° API or lower) as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: 0.03 lb/1,000 gal throughput
(Reference U.S. EPA 450/4-90-003)

8. Storage Containers, Reservoirs, and Tanks - General Organic and VOC-containing Material

7. Any equipment used exclusively for the storage of unheated organic material with: 1) an initial boiling point of 150° Centigrade (C) [302° Fahrenheit (F)] or greater as determined by ASTM test method 1078-86); or 2) a vapor pressure of no more than five millimeters mercury (mmHg) [0.1 pound per square inch (psi) absolute] as determined by ASTM test method D-2879-86.

Justification:
0.39 lb VOC/1,000 gal storage capacity-yr * 10,000 gal stored = 3.9 lb VOC/yr
0.007 lb VOC/1,000 gal storage capacity-yr
(Reference U.S. EPA 450/4-90-003 for propylene glycol

b. Any equipment with a capacity of no more than 250 gallons used exclusively for the storage of unheated organic liquid.

Justification:
30.5 lb VOC/1,000 gal storage capacity-yr * 250 gal capacity = 7.62 lb VOC/yr
17.9 lb VOC/1,000 gal storage capacity-yr * 250 gal capacity = 4.5 lb VOC/yr
(Reference U.S. EPA 450/4-90-003 for carbon tetrachloride)

c. Any equipment with a capacity of no more than 6,077 gallons used exclusively for the underground storage of unheated organic liquid with a vapor pressure no more than 75 mm Hg (1.5 psi absolute) as determined by ASTM test method
D-2879-86.

Justification:
3.6 lb VOC/1,000 gal storage capacity-yr * 6,077 gal capacity = 21.9 lb VOC/yr

d. Any transport, delivery, or cargo tank or equipment on vehicles used to deliver VOC-

containing material.

Justification:
0.005 lb VOC/1,000 gal
(Reference U.S. EPA 450/4-90-003)

9. Storage Containers, Reservoirs, and Tanks - Inorganic Materials

Any equipment used exclusively for the storage of fresh, commercial or purer grade of: 1) sulfuric or phosphoric acid with acid content of no more than 99 per cent by weight; or 2) nitric acid with acid content of no more than 70 per cent by weight.

Justification: Insignificant air pollutant emissions from this source

10. Storage Containers, Reservoirs, and Tanks - Liquefied Gases

Any equipment used exclusively for the storage of liquified gases in unvented (except for emergency pressure-relief valves) pressure vessels.

Justification: Insignificant air pollutant emissions from this source

11. Compression and Storage of Dry Natural Gas

Any equipment used exclusively to compress or hold dry natural gas. Any ICE or other equipment associated with the dry natural gas should not be considered an insignificant activity unless such ICE or other equipment independently qualifies as an insignificant activity.

Justification: Insignificant air pollutant emissions from this source.

12. Transfer Equipment

8. Any transfer equipment when used with the equipment described in 7-11, above.

Justification: Please see justification for 7-11, above

9. Any equipment used exclusively to transfer crude oil, asphalt, or residual oil from a delivery vehicle.

Justification: 0.03 lb/1,000 gal transferred
(Reference U.S. EPA 450/4-90-003)

c. Any equipment used exclusively for the transfer of crude oil with 0.8762 specific gravity or higher (30 degrees API or lower) as measured by API test method 2547 or ASTM test method D-1298-80.

Justification: Transfer emissions for heavy crude oil are much less than 1 lb/1,000 gal

d. Any equipment used exclusively for the transfer of less than 4,000 gallons per day of: 1) unheated organic material with an initial boiling point of 150° C (302°F) or greater as determined by ASTM test method D-86; or 2) fuel oil with 0.8251 specific gravity or higher (40° API or lower) as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: Less than 0.03 lb/1,000 gal transferred (Reference U.S. EPA 450/4-90-003)

13. Adhesive Application

Any adhesive operation in which no more than 173 gallons of adhesives are applied in a consecutive 12-month period.

Justification: 11.1 lb VOC-HAP/gal* 0.52 * 173 gal/year = 0.5 TPY VOC-HAP

A*Note: Districts with SIP-approved adhesive rules should determine if insignificant adhesive application at a Title V facility should be less than 173 gallons/year.*

14. Surface Coating

10. Any equipment or activity using no more than one gallon per day of surface coating, or any combination of surface coating and solvent, which contains either VOC or hazardous air pollutants (HAP), or both.

Justification: 7.5 lb VOC/gal * 1 gal/day = 7.5 lbVOC/day

b. Any coating operation using less than 10, 950 gallons per year of coating(s) that contain less than 20 grams of VOC per liter.

Justification: 0.16 lb VOC/gal * 10,950 gal/year = 1,752 lb VOC/yr

15. Solvent Cleaning

11. Any equipment or activity using no more than one gallon per day of solvent, or combination of solvent and surface coating, which contains either VOC or HAP, or both.

Justification: 7.5 lb VOC/gal * 1 gal/day = 7.5 lb VOC/day

12. Any unheated, non-conveyorized cleaning equipment (not including control enclosures): 1) which has an open surface area of no more than 10.8 square feet (2 square meters) and internal volume of no more than 92.5 gallons; 2) which uses organic solvents with an initial boiling point of 302^{o} F or greater as determined by ASTM test method 1078-78; and 3) from which the owner or operator can demonstrate, through solvent purchase and use records, that less than 25 gallons per year of solvent was lost exclusive of solvent loss from recycling or disposal.

    Justification:
    7.5 lb VOC/gal solvent * 25 gal solvent/yr/2,000 lb/ton = 0.094 ton VOC/yr

c. Any solvent wipe cleaning provided such cleaning: 1) utilizes a container applicator to limit emissions (e.g., squeeze containers with narrow tips, spray bottles, dispensers with press-down caps, etc.); and 2) occurs at a facility which emits no more than five tons VOC (uncontrolled emissions) per calendar year from all solvent wipe-cleaning operations or which purchases no more than 1,500 gallons of solvent per calendar year.

    Justification: Less than 5 tons VOC per calendar year

16. Abrasive Blasting

a. Any blast cleaning equipment using a suspension of abrasive material in water and the control equipment venting such blast cleaning equipment.

    Justification: Insignificant air pollutant emissions from this source

b. Any abrasive blast room when vented to a control device that discharges back to the room.

    Justification: Insignificant air pollutant emissions from this source.

17. Brazing, Soldering, Welding, and Cutting Torches

Any brazing, soldering, welding, or cutting torch equipment used in manufacturing and construction activities and with the potential to emit hazardous air pollutant (HAP) metals, provided the total emissions of HAPs do not exceed 0.5 tons per year.

Justification: Less than 0.5 tons per year of total HAPs
Note: U.S. EPA's List of Trivial Activities says brazing, soldering, and welding associated with maintenance is a trivial activity. Such activity performed as part of the manufacturing process is also a trivial activity, provided no metal HAPs are emitted.

18. Solder Leveler, Hydrosqueegee, Wave Solder Machine, or Drag Solder Machine

Any solder leveler, hydrosqueegee, wave solder machine, or drag solder machine which uses less than an average of 10 pounds/day of any VOC-containing material.

Justification: Less than 10 pounds/day of VOC

19. Metal Products

Any equipment, and associated control equipment, used exclusively for the inspection of metal products.

Justification: Insignificant air pollutant emissions from this source.

20. Aerosol Can Puncturing or Crushing

Any aerosol can puncturing or crushing operation that processes less than 500 cans per day, provided such operation uses a closed loop recovery system.

Justification: 0.02 lb VOC/aerosol can * 500 aerosol cans/day = 10 lb VOC/day
[San Diego County APCD emission factor based on saturated vapor in aerosol can]

21. Biotechnology Manufacture

Provided the total uncontrolled VOC emissions from any biotechnology manufacturing facility does not exceed five tons per year, any equipment used in the manufacture of:

a. Biotechnology pharmaceutical products used exclusively in federal Food and Drug Administration (FDA)-approved clinical trials;

b. Biomedical devices and diagnostic kits used exclusively in FDA-approved clinical trials and laboratory failure analysis testing; or

c. Bioagricultural products for exclusive use in field testing required to obtain FDA, U.S. EPA, United States Department of Agriculture (USDA), or California Environmental Protection Agency (Cal-EPA) approval.

Justification: No more than 2 tons VOC/year

22. Textile Dyeing, Stripping, or Bleaching

Any equipment used for dyeing, stripping, or bleaching textiles, provided no organic solvents, diluents, or thinners are used.

Justification: Insignificant air pollutant emissions from this source

23. Laboratory Fume Hoods and Vents

Any laboratory fume hood or vent, provided such equipment is used exclusively for the purpose of teaching, research, or quality control.

Justification: Insignificant air pollutant emissions from this source
Note: According to the U.S. EPA=s List of Trivial Activities, Amany lab fume hoods or vents might qualify for treatment as insignificant@

24. Refrigeration Units

Any refrigeration unit provided the unit: 1) contains less than 50 pounds of refrigerant; and 2) is not used in conjunction with air pollution control equipment.

Justification: Insignificant air pollutant emissions from this source.

RULE 508 GENERAL CONFORMITY

Adopted 11-03-94
(Amended 08-08-96)

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101 APPLICABILITY

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100 GENERAL

101 APPLICABILITY: The conditions of the Code of Federal Regulations (CFR), Title 40, Chapter I, Subchapter C, Parts 6 and 51 in effect January 31, 1994, are made part of the Rules and Regulations of the Placer County Air Pollution Control District.

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RULE 509 TRANSPORTATION CONFORMITY RULE

Adopted 11-03-94

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100 GENERAL

101 APPLICABILITY: The conditions of the Code of Federal Regulations (CFR), Title 40, Chapter I, Part 51, Subpart T, Sections 51.392 - 51.400, 51404, 51,410 - 51.450, 51.460, and 51.462, in effect December 27, 1993, are made part of the Rules and Regulations of the Placer County Air Pollution Control District.

102 EXEMPTIONS, LAKE TAHOE AIR BASIN: The Lake Tahoe Air Basin portion of Placer County is exempt from this rule.

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RULE 510 VIOLATIONS AND DETERMINATION OF COMPLIANCE - TITLE V

Adopted 02-09-95

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100 GENERAL

101 PURPOSE: The purpose of this rule is to provide standards by which compliance with requirements derived from the federal Clean Air Act may be determined. Nothing in the District Regulations is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

102 APPLICABILITY: Effective February 1, 1995, the provisions of this rule shall provide standards for compliance determinations required by, or derived from, federal law for the operation of any article, machine, equipment, or other contrivance within the District which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants.

The requirements of this Rule arise from the provisions of Sections 110(a)(2)(A),(C), and (F)(42 U.S.C. Sections 7401(a)(2)(A),(C), and (F): and Sections 113, 114(a)(3)(42 U.S.C. Sections 7413 and 7414(a)(3)) of the federal Clean Air Act.

110 EXEMPTIONS: (RESERVED)

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

201 ADMINISTRATOR: The Administrator of the United States Environmental Protection Agency or delegate.

202 DISTRICT: The Placer County Air Pollution Control District.

300 STANDARDS FOR DETERMINATION OF COMPLIANCE

301 COMPLIANCE CERTIFICATION: Notwithstanding any other provision in any plan approved by the United States Environmental Protection Agency Administrator, for the purpose of submission of compliance certification required by federal law, the owner or operator is not prohibited from using the following, in addition to any specified compliance methods:

301.1 An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

301.2 Any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

302 CREDIBLE EVIDENCE: Notwithstanding any other provision in the District's State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

302.1 Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

a. An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

b. A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

c. Compliance test methods specified in the District's State Implementation Plan.

302.2 The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

a. Any federally-enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61 and 75.

b. Other testing, monitoring, or information gathering methods that produce information comparable to that produced by any method in 302.1 or 302.2.a herein.

400 ADMINISTRATIVE REQUIREMENTS (NOT INCLUDED)

500 MONITORING AND RECORDS (NOT INCLUDED)

RULE 511 POTENTIAL TO EMIT

Adopted 06-08-95

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100 General

101 GENERAL APPLICABILITY:

This rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this rule, have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants or a major source of hazardous air pollutants (HAPs) and which meets one of the following conditions:

101.1 In every 12-month period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in Section 301 below; or

101.2 In every 12-month period, at least 90 percent of the emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in Section 601 below.

102 EXEMPTION RECORDKEEPING AND REPORTING FOR A STATIONARY SOURCE WITH DE MINIMIS EMISSIONS: The record-keeping and reporting provisions in Sections 400, 500 and 600 below shall not apply to a stationary source with de minimis emissions or operations as specified in either section 102.1 or 102.2 below:

102.1 In every 12-month period, the stationary source emits less than or equal to the following quantities of emissions:

a. 5 tons per year of a regulated air pollutant (excluding HAPs);

b. 2 tons per year of a single HAP;

c. 5 tons per year of any combination of HAPs; and

d. 20 percent of any lesser threshold for a single HAP that the United States Environmental Protection Agency (U.S. EPA) may establish by rule.

102.2 In every 12-month period, at least 90 percent of the stationary source's emissions are associated with an operation for which the throughput is less than or equal to one of the quantities specified in subsections (a) through (h) below:

a. 1,400 gallons of any combination of solvent-containing materials but no more than 550 gallons of any one solvent-containing material, provided that the materials do not contain the following: methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene;

b. 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform

(1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent containing material;

c. 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;

d. 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;

e. 1,400 gallons of gasoline combusted;

f. 16,600 gallons of diesel fuel combusted;

g. 500,000 gallons of distillate oil combusted; or

h. 71,400,000 cubic feet of natural gas combusted.

Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to Sections 400 or 600 shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in section 102.1 or 102.2 above.

103 PROVISION FOR AIR POLLUTION CONTROL EQUIPMENT: The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by Federal, State, or District rules and regulations or permit terms and conditions. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. This provision shall not apply after January 1, 1999, unless such operational limitation is federally-enforceable or unless the District Board specifically extends this provision and it is submitted to the U.S. EPA. Such extension shall be valid unless, and until, the U.S. EPA disapproves the extension of this provision.

104 EXEMPTION, STATIONARY SOURCE SUBJECT TO RULE 507, FEDERAL OPERATING PERMIT PROGRAM: This rule shall not apply to the following stationary sources:

104.1 Any stationary source whose actual emissions, throughput, or operation, at any time after the effective date of this rule, is greater than the quantities specified in Sections 301 or 601 below and which meets both of the following conditions:

a. The owner or operator has notified the District at least 30 days prior to any exceedance that s/he will submit an application for a Part 70 permit, or otherwise obtain federally-enforceable permit limits, and

b. A complete Part 70 permit application is received by the District, or the permit action to otherwise obtain federally-enforceable limits is completed, within 12 months of the date of notification.

However, the stationary source may be immediately subject to applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

104.2 Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and is awaiting final action by the District and U.S. EPA.

104.3 Any stationary source required to obtain an operating permit under Rule 507, FEDERAL OPERATING PERMIT PROGRAM for any reason other than being a major source.

104.4 Any stationary source with a valid Part 70 permit.

Notwithstanding sections 104.2 and 104.4, nothing in this section shall prevent any stationary source which has had a Part 70 permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a Part 70 permit or upon rescission of a Part 70 permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in Section 301 or an applicable alternative operational limit in Section 601.

105 EXEMPTION, STATIONARY SOURCE WITH A LIMITATION ON POTENTIAL TO EMIT: This rule shall not apply to any stationary source which has a valid operating permit with federally-enforceable conditions or other federally-enforceable limits limiting its potential to emit to below the applicable threshold(s) for a major source as defined in sections 206 and 207.

106 APPLICABLE PUBLIC INFORMATION REQUESTS: Within three years of the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the District shall maintain and make available to the public upon request, for each stationary source subject to this rule, information identifying the provisions of this rule applicable to the source.

107 PRE-CONSTRUCTION PERMIT APPLICABILITY: This rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program.[6] This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.

200 DEFINITIONS

All terms shall retain the definitions provided under Rule 507, FEDERAL OPERATING PERMIT PROGRAM unless otherwise defined herein.

201 ACTUAL EMISSIONS: The emissions of a regulated air pollutant from a stationary source for every 12-month period. Verifiable continuous emission monitoring data

1 For example, PSD, NSR, and ATC

or source test data shall be preferentially used to determine actual emissions. In the absence of verifiable continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports or laboratory analyses; other information required by this rule and applicable District, State and Federal regulations; or information requested in writing by the District. All calculations of actual emissions shall use U.S. EPA, California Air Resources Board (CARB) or District approved methods, including emission factors and assumptions.

202 ALTERNATIVE OPERATIONAL LIMIT: A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in Section 600, Alternative Operational Limit and Requirements.

203 EMISSION UNIT: Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any regulated air pollutant or hazardous air pollutant.

204 FEDERAL CLEAN AIR ACT: The federal Clean Air Act (CAA) as amended in 1990 (42 U.S.C. section 7401 et seq.) and its implementing regulations.

205 HAZARDOUS AIR POLLUTANT: Any air pollutant listed pursuant to section 112(b) of the federal Clean Air Act.

206 MAJOR SOURCE OF REGULATED AIR POLLUTANTS (EXCLUDING HAPS): A stationary source that emits or has the potential to emit a regulated air pollutant (excluding HAPs) in quantities equal to or exceeding the lesser of any of the following thresholds:

206.1 100 tons per year (tpy) of any regulated air pollutant;

206.2 50 tpy of volatile organic compounds or oxides of nitrogen for a federal ozone nonattainment area classified as serious, 25 tpy for an area classified as severe, or 10 tpy for an area classified as extreme; and

206.3 70 tpy of PM10 for a federal PM10 nonattainment area classified as serious.

Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2 "Definitions-Major source(2)."

207 MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS: A stationary source that emits or has the potential to emit 10 tons per year or more of a single HAP listed in section 112(b) of the CAA, 25 tons per year or more of any combination of HAPs, or such lesser quantity as the U.S. EPA may establish by rule. Fugitive emissions of HAPs shall be considered in calculating emissions for all stationary sources. The definition of a major source of radionuclides shall be specified by rule by the U.S.

EPA.

208 PART 70 PERMIT: An operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.

209 POTENTIAL TO EMIT: The maximum capacity of a stationary source to emit a regulated air pollutant based on 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 only if the limitation is federally-enforceable.

210 PROCESS STATEMENT: An annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughputs of process materials; throughputs of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this rule or requested in writing by the District.

211 REGULATED AIR POLLUTANT: The following air pollutants are regulated:

211.1 Oxides of nitrogen and volatile organic compounds;

211.2 Any pollutant for which a national ambient air quality standard has been promulgated;

211.3 Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the federal Clean Air Act;

211.4 Any pollutant that is subject to any standard promulgated under section 111 of the federal Clean Air Act; and

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

a. Any pollutant listed pursuant to section 112(r) (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) 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).

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). 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.

212 TWELVE MONTH PERIOD: A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

300 STANDARDS

301 EMISSION LIMITATIONS: Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section 601 below, no stationary source subject to this rule shall emit in every 12-month period more than the following quantities of emissions:

301.1 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs);

301.2 5 tons per year of a single HAP;

301.3 12.5 tons per year of any combination of HAPs; and

301.4 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

302 EVALUATION OF COMPLIANCE: The APCO shall evaluate a stationary source's compliance with the emission limitations in section 301 above as part of the District's annual permit renewal process required by Health & Safety Code section 42301(e). In performing the evaluation, the APCO shall consider any annual process statement submitted pursuant to Section 500, Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using emissions factors approved by the U.S. EPA, CARB, or the APCO.

303 PROCUREMENT OF NECESSARY PERMITS: Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Section 601 below, the owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in Section 301 above.

400 RECORDKEEPING REQUIREMENTS

Immediately after adoption of this rule, the owner or operator of a stationary source subject to this rule shall comply with any applicable record-keeping requirements in this section. However, for a stationary source operating under an alternative operational limit, the owner or operator shall instead comply with the applicable record-keeping and reporting requirements specified in Section 600, Alternative Operational Limit and Requirements. The record-keeping requirements of this rule shall not replace any record-

keeping requirement contained in an operating permit or in a District, State, or Federal rule or regulation.

401 Applicable Provisions: A stationary source previously covered by the provisions in Section 102 above shall comply with the applicable provisions of Section 400 above and Sections 500 and 600 below if the stationary source exceeds the quantities specified in section 102.1 above.

402 Permitted Emission Units Records: The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit or groups of permitted emission units,[7] sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to District, CARB, or U.S. EPA staff upon request.

402.1 Coating/Solvent Emission Unit: The owner or operator of a stationary source subject to this rule that contains a coating/solvent emission unit or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

a. A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or code, VOC content in grams per liter or pounds per gallon, HAPS content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;

b. A description of any equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of the coating/solvent application/drying method(s) employed;

c. A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and

d. All purchase orders, invoices, and other documents to support information in the monthly log.

402.2 Organic Liquid Storage Unit: The owner or operator of a stationary source subject to this rule that contains a permitted organic liquid storage unit shall keep and maintain the following records:

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2 In some cases it may be appropriate to keep records on groups of emission units which are connected in series. Examples are internal combustion engines in the oil fields with a common fuel line, or a series of paint spray booths with a common feed.

a. A monthly log identifying the liquid stored and monthly throughput; and

b. Information on the tank design and specifications including control equipment.

402.3 Combustion Emission Unit: The owner or operator of a stationary source subject to this rule that contains a combustion emission unit shall keep and maintain the following records:

a. Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and

b. A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.

402.4 Emission Control Unit: The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:

a. Information on equipment type and description, make and model, and emission units served by the control unit;

b. Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and

c. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

402.5 General Emission Unit: The owner or operator of a stationary source subject to this rule that contains an emission unit not included in sections 402.1, 402.2 or 402.3 above shall keep and maintain the following records:

a. Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s)

type and description (if any);

b. Any additional information requested in writing by the APCO;

c. A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and

d. Purchase orders, invoices, and other documents to support information in the monthly log.

500 REPORTING REQUIREMENTS

501 PROCESS STATEMENT RECORDS: At the time of annual renewal of a permit to operate under Rule 501, GENERAL PERMIT REQUIREMENTS, each owner or operator of a stationary source subject to this rule shall submit to the District a process statement. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.

502 EXEMPTION, REPORTING REQUIREMENTS: For the purpose of determining compliance with this rule, this requirement shall not apply to stationary sources which emit in every 12-month period less than or equal to the following quantities:

502.1 For any regulated air pollutant (excluding HAPs);

a. 25 tons per year including a regulated air pollutant for which the District has a federal area designation of attainment, unclassified, transitional, or moderate nonattainment;

b. 15 tons per year for a regulated air pollutant for which the District has a federal area designation of serious nonattainment;

c. 6.25 tons per year for a regulated air pollutant for which the District has a federal area designation of severe nonattainment;

502.2 2.5 tons per year of a single HAP;

502.3 6.25 tons per year of any combination of HAPs; and

502.4 25 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

503 PREVIOUSLY EXEMPTED STATIONARY SOURCES: A stationary source previously covered by provisions in Section 502 above shall comply with the provisions of Section 501 above if the stationary source exceeds the quantities specified in Section 502.

504 ADDITIONAL INFORMATION REQUESTED: Any additional information requested by the APCO under Section 501 above shall be submitted to the APCO within 30 days of the date of request.

600 ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS

The owner or operator may operate the permitted emission units at a stationary source subject to this rule under any one alternative operational limit, provided that at least 90 percent of the stationary source's emissions in every 12-month period are associated with the operation(s) limited by the alternative operational limit.

601 COMPLIANCE WITH ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS: Upon choosing to operate a stationary source subject to this rule under any one alternative operational limit, the owner or operator shall operate the stationary source in compliance with the alternative operational limit and comply with the specified record-keeping and reporting requirements.

601.1 The owner or operator shall report within 24 hours to the APCO any exceedance of the alternative operational limit.

601.2 The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log. Records required under this section shall be maintained on site for five years and be made available to District or U.S. EPA staff upon request.

601.3 Gasoline Dispensing Facility Equipment with Phase I and II Vapor Recovery Systems: The owner or operator shall operate the gasoline dispensing equipment in compliance with the following requirements:

a. No more than 7,000,000 gallons of gasoline shall be dispensed in every 12-month period.

b. A monthly log of gallons of gasoline dispensed in the preceding month with a monthly calculation of the total gallons dispensed in the previous 12 months shall be kept on site.

c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

601.4 Degreasing or Solvent-Using Unit: The owner or operator shall operate the degreasing or solvent-using unit(s) in compliance with the following requirements:

a. 1. If the solvents do not include methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 5,400 gallons of any combination of solvent-containing materials and no more than 2,200 gallons of any one solvent-containing material shall be used in every 12-month period.

2. If the solvents include methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 2,900 gallons of any combination of solvent-containing materials and no more than 1,200 gallons of any one solvent-containing material shall be used in every 12-month period.

b. A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.

c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

601.5 Diesel-Fueled Emergency Standby Engine(s) with Output Less Than 1,000 Brake Horsepower: The owner or operator shall operate the emergency standby engine(s) in compliance with the following requirements:

a. The emergency standby engine(s) shall not operate more than 1,300 hours in 12-month period and shall not use more than 66,000 gallons of diesel fuel in every 12-month period.

b. A monthly log of hours of operation, gallons of fuel used, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months shall be kept on site.

c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

602 PROCUREMENT OF NECESSARY PERMITS: The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in an exceedance of an applicable operational limit specified in Section 601 above.

700 VIOLATIONS

701 FAILURE TO COMPLY: Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule. Each day during which a violation of this rule occurs is a separate offense.

702 SUBJECT TO APPLICABLE FEDERAL REQUIREMENTS: A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including Rule 507, FEDERAL OPERATING PERMIT PROGRAM when the conditions specified in either sections 702.1 or 702.2 below, occur:

702.1 Commencing on the first day following every 12-month period in which the stationary source exceeds a limit specified in Section 301 above and any applicable alternative operational limit specified in Section 601, above, or

702.2 Commencing on the first day following every 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in Section 301 above or any applicable alternative operational limit specified in Section 601 above.

RULE 512 REQUEST FOR SYNTHETIC MINOR SOURCE STATUS

Adopted 06-08-95

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100 APPLICABILITY

101 GENERAL APPLICABILITY: This rule applies to any major source for which the owner or operator requests, and would be able to comply with, federally-enforceable conditions that qualify the source to be a synthetic minor source, as defined in this rule.

102 EXCLUSION: This rule shall not apply to any source subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM for any reason other than being a major source.

200 DEFINITIONS

All terms shall retain the definitions provided under Rule 507, FEDERAL OPERATING PERMIT PROGRAM, unless otherwise defined herein.

201 MAJOR SOURCE THRESHOLD: A major source threshold is the potential to emit a regulated air pollutant in the amounts specified in the definition of "major source" as defined in Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

202 MODIFICATION: For the purposes of this rule, a modification is any physical or operational change at a source or facility which necessitates a revision of any federally-enforceable condition, established pursuant to this rule or by any other mechanism, that enables a source to be a synthetic minor source.

203 OPERATING SCENARIO: An operating scenario is any mode of operation to be permitted, including: normal operation, start-up, shutdown, and reasonably foreseeable changes in process, feed, or product.

204 OWNER OR OPERATOR: For the purposes of this rule, an owner or operator is any person who owns, operates, controls, or supervises a stationary source.

205 SYNTHETIC MINOR SOURCE: A synthetic minor source is a stationary source which, pursuant to this rule or another mechanism, is subject to federally-enforceable conditions that limit its potential to emit to below major source thresholds. In addition, a synthetic minor source is subject to all applicable State and District rules, regulations, and other requirements.

300 ADMINISTRATIVE REQUIREMENTS

A request for synthetic minor source status shall not relieve a source of the responsibility to comply with the application requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM within the specified timeframes. A major source subject to this rule may request synthetic minor source status in accordance with the following:

301 CONTENT OF REQUEST: A request for designation as a synthetic minor source shall include:

301.1 The identification and description of all existing emission units at the source;

301.2 The calculation of each emission unit's maximum annual and maximum monthly emissions of regulated air pollutants for all operating scenarios to be permitted,[1] including any existing federally-enforceable limits established by a mechanism other than this rule;

301.3 Proposed federally-enforceable conditions which:

a. Limit source-wide emissions to below major source thresholds, and
b. Are permanent, quantifiable, and otherwise enforceable as a practical matter;

301.4 Proposed federally-enforceable conditions to impose monitoring, record-keeping, and reporting requirements sufficient to determine compliance;

301.5 Any additional information requested by the APCO; and

301.6 Certification by a responsible official that the contents of the request are true, accurate, and complete.

302 TIMELY REQUEST: The owner or operator of a major source who chooses to request synthetic minor source status shall make such a request within the following timeframes:

302.1 For any major source that is operating or is scheduled to commence operating on the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 507, FEDERAL OPERATING PERMIT PROGRAM;

302.2 For any major source that commences operating after the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or

302.3 For any major source that is operating in compliance with a permit pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator may request synthetic minor source status at any time, but shall make such request no later than eight months prior to Title V permit renewal.

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1 The calculated emissions for each emissions unit shall include the following fugitive emissions: 1) hazardous air pollutant fugitive emissions for all sources, and 2) other regulated air pollutant fugitive emissions for sources specified in 40 CFR Part 70.2 Major Sources (2).

303 SYNTHETIC MINOR SOURCE MODIFICATION REQUIREMENTS: The following requirements apply to any modification of a synthetic minor source:

303.1 For a modification which would not increase the synthetic minor source's potential to emit to equal or exceed any major source threshold, the source shall comply with the requirements of Rule 502, NEW SOURCE REVIEW.

303.2 For a modification which would increase the synthetic minor source's potential to emit to equal or exceed any major source threshold or would affect a monitoring, record-keeping, or reporting requirement pursuant to section 402.2 of this rule, the owner or operator shall comply with the applicable requirements of Rule 502, NEW SOURCE REVIEW shall:

a. Submit a revised request for synthetic minor source status in accordance with Section 301 of this rule no later than 180 days prior to the intended modification, unless a shorter period of time is agreed to by the APCO; or

b. Submit an application in accordance with the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM no later than 180 days prior to the intended modification unless a shorter period of time is agreed to by the APCO[2].

400 DISTRICT PROCEDURES AND FEDERALLY-ENFORCEABLE CONDITIONS

The District shall take the following actions on requests for synthetic minor source status.

401 COMPLETENESS DETERMINATION: The APCO shall determine if the request for synthetic minor source status is complete within 30 days of receipt, unless a longer period of time is agreed upon by the APCO and the source's owner or operator.

Thirty-one days after the request has been submitted, it may not be considered deemed complete unless the APCO so notifies the owner or operator.

Upon request by the APCO, the owner or operator shall provide additional information whether or not the request for synthetic minor source status has been deemed complete.

402 FEDERALLY-ENFORCEABLE CONDITIONS: Federally-enforceable conditions enabling a source to become a synthetic minor source shall be identified as federally-enforceable and included in the source's permit-to-operate issued by the District pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS Sections 403 through 405 of this rule, and shall be:

402.1 Permanent, quantifiable, and practically enforceable permit conditions,

2 The requirements of Rule 507 FEDERAL OPERATING PERMIT PROGRAM for permit application after the date the rule becomes effective, i.e., within 12 months of commencing operation, do not apply to modifying synthetic minor sources subject to this provision.

including any operational limitations or conditions, which limit the source's potential to emit to below major source thresholds;

402.2 Monitoring, record-keeping, and reporting conditions sufficient to determine ongoing compliance with the emissions limits set forth pursuant to section 402.1 of this rule; and

402.3 Subject to public notice and U.S. EPA review pursuant to Sections 403 and 404 of this rule.

Permits that do not conform to the requirements of this section, any other requirements of this rule, or any underlying federal regulations which set forth criteria for federal-enforceability may be deemed not federally-enforceable by the U.S. EPA.

403 PUBLIC NOTIFICATION AND REVIEW: After a request for synthetic minor source status is determined to be complete, the APCO shall:

403.1 Publish a notice of the request in one or more major newspapers in the area where the source is located;

403.2 In the public notice:

a. State that conditions identified as federally-enforceable in the source's permit will establish a voluntary emissions limit in accordance with Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS; and

b. Describe how the public may obtain copies of the proposed permit including the federally-enforceable conditions addressing the emissions limit; and

403.3 Provide 30 days for public review of the proposed permit prior to final permit action.

404 U.S. EPA REVIEW: After a request for synthetic minor source status is determined to be complete, the APCO shall:

404.1 Provide the U.S. EPA with copies of the proposed permit including the conditions which:

a. Are identified as federally-enforceable; and

b. Limit emissions to below major source thresholds;

404.2 Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and

404.3 Provide the U.S. EPA with copies of the final permit.

405 FINAL ACTION: Until the District takes final action to issue the permit-to-operate pursuant to this section, a source requesting synthetic minor source status shall not be relieved of the responsibility to comply with the application or other requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, within the specified timeframes. Upon fulfilling the requirements of Sections 401 through 404 of this rule, the APCO shall consider any written comments received during public and U.S. EPA review and take final action on the permit-to-operate of a source requesting synthetic minor source status within 90 days after closure of both the public and U.S. EPA review process or within three years of the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, whichever is later.

The District shall maintain a public record of all pertinent documents regarding a request for synthetic minor source status, including: the request, proposed permit, all written comments and responses, and the final permit.

406 RENEWAL OF SYNTHETIC MINOR SOURCE STATUS: Renewal of synthetic minor source status shall be made in accordance with Rule 501, GENERAL PERMIT REQUIREMENTS. In addition, at permit renewal, any revision of conditions identified as federally-enforceable shall be subject to Sections 301 and 401 through 405 of this rule.

500 COMPLIANCE

The owner or operator of a synthetic minor source which exceeds the conditions identified as federally-enforceable and established pursuant to section 402.1 of this rule shall report such

exceedances to the APCO in accordance with Rule 404, UPSET CONDITIONS, BREAKDOWN OR SCHEDULED MAINTENANCE.

The owner or operator of a synthetic minor source that is not in compliance with any condition identified as federally-enforceable or with any requirement set forth in this rule, or that files false information with the District to obtain synthetic minor source designation, is in violation of the Federal Clean Air Act and District rules and regulations. A noncomplying synthetic minor source may be subject to any one or combination of the following actions: enforcement action, permit termination, permit revocation and reissuance, and permit renewal denial.

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RULE 513 TOXICS NEW SOURCE REVIEW: FEDERAL CLEAN AIR ACT SECTION 112(g)

Adopted 08-12-99

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100 GENERAL

101 PURPOSE: 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 40CFR subpart B, ''63.40-63.44.

102 APPLICABILITY: 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 104.

Compliance with this 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 measure (ATCM), or other applicable State and federal laws.

103 EFFECTIVE DATE: This rule is effective on August 12, 1999.

104 EXEMPTIONS: The provisions of this rule do not apply to:

104.1 Any major source that is subject to an existing National Emissions Standard (NESHAPs) for HAPs pursuant to sections 112(d), 112(h) or 112(j) of the CAA;

104.2 Any major 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;

104.3 Any major source that has received all necessary air quality permits for such construction or reconstruction before June 29, 1998;

104.4 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;

104.5 Any stationary sources that are within a source category that has been deleted from the source category list pursuant to section 112(c)(9) of the CAA;

104.6 Research and development activities as defined in 40CFR '63.41; and

104.7 Any other stationary source exempted by section 112 of the CAA.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are as defined in District Rule 502, New Source Review.

201 BEST AVAILABLE CONTROL TECHNOLOGY FOR TOXICS (T-BACT): The most effective emissions limitation or control technique which:

201.1 Has been achieved in practice for such permit unit category or class of sources; or

201.2 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.

202 CONSTRUCT A MAJOR SOURCE: As defined in 40 CFR '63.41 Definitions.

203 HAZARDOUS AIR POLLUTANTS (HAPs): Any air pollutant listed in or pursuant to CAA, section 112(b).

204 MAJOR SOURCE OF HAPS: 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 hazardous air pollutants or 25 tons per year or more of any combination of hazardous air pollutants.

205 POTENTIAL TO EMIT (PTE): 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.

206 RECONSTRUCT A MAJOR SOURCE: As defined in 40 CFR '63.41 Definitions.

300 STANDARDS

301 REQUIREMENTS: No person shall construct a major source or reconstruct a major source of HAPs unless the Air Pollution Control Officer determines that the T-BACT requirements of this rule will be met.

301.1 The installation of best available control technology for toxics (T-BACT) is required at any constructed or reconstructed major source of hazardous air pollutants (HAPs); and

301.2 The T-BACT determination is required to ensure a level of control that, at a minimum, is 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 40CFR subpart B, ''63.40-63.44.

302 CALCULATION PROCEDURES: The potential to emit for a source of HAP emissions shall equal the sum of the 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.

303 ADMINISTRATIVE PROCEDURES: An application for authority to construct a major source or reconstruct a major source of HAPs shall be subject to the administrative procedures contained in District Rule 502, New Source Review.

400 ADMINISTRATIVE REQUIREMENTS: (None)

500 MONITORING AND RECORDS: (None)

REGULATION 6

FEES

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RULE 602 HEARING BOARD FEES
RULE 603 ANALYSIS FEE
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RULE 601 PERMIT FEES

Adopted 05-24-77
(Revised 04-21-81, 06-07-83, 05-20-85, 12-03-85,
10-19-93, 08-08-96, 12-11-97, 06-11-98, 06-14-01)

This Rule is applicable to the Lake Tahoe, Sacramento Valley and Mountain Counties Air Basin portions of the District and requires that fees be paid for:

1. Filing of permit applications
2. Engineering evaluation (engineering analysis and emission reduction analysis)
3. Annual operation
4. Environmental documentation and air quality modeling
5. Transfer of ownership of equipment
6. Alterations or additions to equipment
7. Revision of permit conditions
8. Issuance of duplicate permit
9. Annual permit renewal based on emissions
10. Emission reduction credits
11. Synthetic minor source status requests
12. Air toxic emissions inventory and analyses

Federal, state or local governmental agencies or public districts shall pay the fees to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6103) and Chapter 55, Part 3, Division 26 of the Health and Safety Code.

No Claim for refund for any fee required by this rule shall be honored unless such claim is submitted within 90 days after the fee was paid. The use of revenue derived from the application of this rule shall be governed by Health and Safety Code Section 42311.

A. Filing Fee

1. Except as provided in paragraph (F), subparagraph (A)(2), subparagraph (A)(3), and subparagraph (G)(2), every applicant filing for a permit, the revision of conditions, or emission reduction shall pay a filing fee as shown in Table 601-A.1, of the District Fee Schedule.

2. Applicants for Title V permits to operate, shall pay a filing fee as shown in Table 601-A.2, of the District Fee Schedule, for the initial permit application, and a filing fee as shown in Table 601-A.2, of the District Fee Schedule, for mandatory re-opening, non-administrative modification, or permit renewal, pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

3. Sources requesting Synthetic Minor status, pursuant to Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS, shall pay a filing fee as shown in Table 601-A.3, of the District Fee Schedule, unless a higher fee is required by another applicable schedule.

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

application.

B. Engineering Analysis and Evaluation Fee

1. Except as provided in paragraph (F) and subparagraph (G)(2), every applicant who files an application for a permit, including one for change of location, shall, in addition to the filing fee, pay within the time and upon the notification specified in subparagraph (B)(4), an engineering evaluation fee which includes the appropriate engineering analysis fee specified in paragraph (E) and an emissions reduction analysis fee specified herein when applicable. An emissions reduction analysis fee shall be paid when an applicant proposes, as part of a permit application, to reduce emissions of air contaminants from equipment to offset emissions of air contaminants from the equipment which is the subject of the permit application. In those circumstances where an application to accomplish the emissions reduction is required in addition to the application that proposes this reduction, the analysis fee will be assessed to the application requiring the reduction.

   The emissions reduction analysis fee shall be as shown in Table 601-B, of the District Fee Schedule, per pound (calculated on a daily basis) of each air contaminant reduced.

   Fees payable under this paragraph shall be paid within the time and upon the notification specified in subparagraph (B)(4).

2. With exception of the fees provided in Schedule 6 and Schedule 7, if more than one fee schedule is applicable, the governing schedule shall be that which results in the higher fee.

3. After the provisions for granting or denying an Authority to Construct as set forth in Division 26 of the Health and Safety Code and these Rules and Regulations have been complied with, the applicant shall pay the engineering analysis fee within the time and upon the notification specified in subparagraph (B)(4).

4. The applicant shall be notified, in writing, of the fees to be paid. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall be due 30 days from the date of personal service or mailing. Non-payment of the fee within this period of time will result in cancellation of the application and voiding of the Authority to Construct. No further applications will be accepted from the applicant until such time as overdue engineering evaluation fees have been fully paid.

5. In the case of application(s) received for permits to operate equipment already constructed, the applicant shall pay the application filing fee as provided in subparagraph (A)(1). An engineering evaluation fee with any associated late fees as provided in paragraph (I) shall be paid at the time the permit to operate is granted or denied. Annual operating fees shall be paid as provided in subparagraph (C)(10). If at the time the permit to operate is granted or denied, it is determined that the annual operating fee had been based on the wrong schedule, the applicant shall be billed for or credited with the difference, as appropriate.

6. If an application for a permit is canceled within thirty days of filing, an engineering evaluation fee will not be charged if no action has been taken.

C. Annual Operating Fee

1. As soon as practicable on or after the effective date of this Rule, the Air Pollution Control Officer shall establish an annual operating fee due date for each permittee for all permits associated with the same premises. Thereafter, permits to operate shall be renewable as set forth below, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, voiding or revocation of permits.

2. In those instances where a permit is due to expire on a date different than the annual operating fee due date established for the permittee, the permit may be renewed upon payment of an annual operating fee. Such fee shall be calculated based upon the appropriate schedule in paragraph (E) of this Rule, but prorated based upon the number of months between the expiration date of the permit and the permittee's annual operating fee due date.

3. In those instances where a permit is due to expire on the permittee's annual operating fee due date, the permit may be renewed upon payment of the annual operating fee prescribed in the appropriate schedule in paragraph (E).

4. An Authority to Construct which has not been canceled or voided shall be considered a temporary permit to operate on the date the applicant completes final construction and commences operation, pursuant to RULE 501 (A). For the purposes of this subparagraph, the date specified as the estimated completion date on the application for an Authority to Construct shall be considered the date of commencement of operation unless the applicant notifies the District in writing that operation will commence on another date. Such temporary permit to operate shall be valid for the period of time between commencement of operation and the applicant's next annual operating fee due date following commencement of operation. At that time, and each year thereafter, the annual operating fee for the temporary permit to operate shall be due in the amount prescribed in the appropriate schedule in paragraph (E). The fee shall be based upon the size, rating or capacity of the equipment covered by the temporary permit to operate, if any, as prescribed in paragraph (E).

5. The same annual operating fee due date shall apply from one change of ownership to another.

6. At least thirty days before the annual operating fee due date, the permittee will be notified by mail of the annual operating fee due and the due date. The annual operating fee for each permit shall be in the amount shown in the schedules set forth in paragraph (E).

7. Except as provided in subparagraph (8) below, if the annual operating fee is not paid when due, the fee shall be increased fifty (50) percent of the amount thereof, and the permittee shall thereupon be notified by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit will expire and no longer be valid and the permittee will be notified by mail.

8. An expired permit may be reinstated only by submitting a new application for a permit accompanied by an application fee and the payment in full of the amount of fees due at the time the previous permit expired.

9. No annual operating fee shall be required for a permit to operate gasoline fueling equipment which is exempted from installing vapor recovery systems under the provisions of RULE 213 or 214.

10. In the case of equipment operating, where an Authority to Construct was not issued, the annual operating fee will be due on the Company's next annual operating fee due date, following the submission of the completed application for permit to operate. If no annual renewal date has been established, the Air Pollution Control Officer will set one upon receipt of the application.

D. Annual Permit Fee Based On Emissions

1. The operator of all equipment operating under permit shall pay an annual permit fee based on the total weight of emissions of each of the contaminants specified in subparagraph (D)(2) from

equipment on the premises. The fee established in this subparagraph is pursuant to the authority granted in Health and Safety Code Section 42311. Such fee shall be in addition to other fees payable under this Rule. As used in this paragraph, "premises" means one parcel of land, or continuous parcels of land under the same ownership or entitlement to use not including the parcels which are remotely located and connected only by land carrying a pipeline.

2. Each ton (rounded to the nearest ton) for any one of the following air contaminants: gaseous sulfur compounds (expressed as sulfur dioxide), total organic gases, oxides of nitrogen (expressed as nitrogen dioxide), or particulate matter; and in excess of 10 tons per year (rounded to the nearest ton) for carbon monoxide shall be assessed a fee as set forth in Table 601-D, of the District Fee Schedule.

3. The Air Pollution Control Officer shall determine the total emissions for the preceding year of each of the air contaminants listed in subparagraph (D)(2) from all equipment on the premises of facilities to which this paragraph applies. The Air Pollution Control Officer shall determine the emission factors applicable to each permit unit or group of permit units, and provide them to the operator upon request. In determining emission factors, the Air Pollution Control Officer shall use the best available data. "Emission Factor", as used in this subparagraph, means the amount of air contaminant emitted per unit of time or per unit of material handled, processed, produced or burned.

4. Notice and Late Filing Penalties

   a. At least thirty days before the annual operating fee due date the permittee will be notified by mail of the annual permit fee based upon emissions due and the due date. The notice will include the fee specified in paragraph (D)(1) and the Air Pollution Control Officer's determination of emissions.

   b. In the case that the annual operating fee based upon emissions is not paid when due, the fee shall be increased by twenty-five percent (25%) of the amount thereof, and the permittee shall thereupon be notified by mail of the increased fee. For each additional month that the emission fee remains unpaid after it is late, there shall be added interest of one and one-half percent (1-1/2%) per month. If the emission fee is timely paid, but the amount paid is later determined to be less than 90 percent of the full amount that should have been paid, the 25% increase shall be imposed as described herein above, but calculated on the difference between the amount actually paid and the amount that should have been paid.

   c. If one hundred and twenty (120) days have elapsed since the notice to pay fee was sent and all emission fees have not been received, the Air Pollution Control Officer may take action to revoke such permits to operate (Health and Safety Code Section 42307). If permits to operate are revoked, they shall be immediately reinstated upon the payment by the permit holder of the required emission fees and accrued penalties.

5. No annual permit fee based upon emissions shall be required for the following equipment:

   a. Vehicle fueling equipment. For the purpose of this subparagraph, "vehicle" has the same meaning as defined in Section 670 of the Vehicle Code.

   b. Equipment listed in paragraph (E)(7) deemed by the Air Pollution Control Officer to emit insignificant amounts of contaminants.

E. Schedules for the engineering analysis fee and annual operating fee

1. Schedule 1, Motor Horsepower Schedule:

   Any equipment using motors as a power source shall be assessed a permit fee based on the cumulative total rated horsepower of all motors included in accordance with the schedule of Table 601-E.1, of the District Fee Schedule.

2. Schedule 2, Fuel Burning Schedule:

   Any equipment in which fuel is burned, including cogeneration, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the equipment expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the schedule of Table 601-E.2, of the District Fee Schedule.

3. Schedule 3, Electrical Energy Schedule:

   Any equipment which uses electrical energy, with the exception of motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the schedule of Table 601-E.3, of the District Fee Schedule.

4. Schedule 4, Incinerator Schedule:

   Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber of Table 601-E.4, of the District Fee Schedule.

5. Schedule 5, Stationary Container Schedule:

   Any stationary tank, reservoir, or other container, with the exception of stationary storage tanks covered in Schedule 6 herein, shall be assessed a permit fee on the schedule of capacities in gallons or cubic equivalent of Table 601-E.5, of the District Fee Schedule.

6. Schedule 6, Gasoline Fueling Equipment Schedule:

   Any gasoline fueling equipment at a single location including stationary gasoline storage tanks and dispensers, shall be assessed a single permit fee based on the number of gasoline dispensing nozzles, in accordance with the schedule of Table 601-E.6, of the District Fee Schedule.

7. Schedule 7, Permit Fee Exceptions:

   The following equipment shall be assessed an engineering analysis fee and an annual operating fee in accordance with the schedule of Table 601-E.7, of the District Fee Schedule.

   a. Each permit of a dry cleaning plant.

b. Equipment with a capacity less than 15,000 liters (4,000 gallons) used exclusively to mix solvents and surface coatings.

c. Spray coating equipment operated outside of a control enclosure.

d. Vapor degreasing equipment using exclusively 1-1-1 trichloroethane, methylene chloride, trifluoromethane, or chlorinated-fluorinated hydrocarbons.

e. Portable abrasive blasting equipment.

f. Mobile asphalt or coal tar pitch roofing equipment.

g. Internal combustion engines of less than 4,000 brake horsepower driving electrical emergency generators.

h. Any equipment which is not included in any of the preceding Schedules.

8. Schedule 8, Engineering Analysis Time and Materials Labor Rate: This schedule shall apply to the Engineering Analysis of Paragraph (B) if the actual costs of the analysis exceed the fee determined under the applicable schedule of Schedules 1 through 7. The rate for time and materials shall be in accordance with Table 601-E.8, of the District Fee Schedule.

F. Change of Ownership or Name

1. When an application for change of ownership or name is filed, for equipment previously permitted, the applicant shall pay, in lieu of a filing fee and initial permit fee, the fee provided for in subparagraph (A)(1) and paragraph (B), a transfer fee of for each permit unit being transferred from one person to another, or for which the name is to be changed, in accordance with Table 601-F, of the District Fee Schedule, payable at the time the application is filed.

G. Alterations, Additions or Revisions

1. When an application is filed for a permit involving alterations or additions resulting in a change to any existing equipment for which a permit to operate was granted and has not expired in accordance with paragraph (C) of this Rule, the applicant shall pay a fee as provided in subparagraph (A)(1) and in addition shall pay engineering analysis fees based upon the increase in rating, capacity, or increase in the number of nozzles resulting from such change, as determined from the fee Schedules in paragraph (E), and an emissions reduction analysis fee as applicable. When there is no incremental increase in rating, capacity, or increase in the number of nozzles, the applicant shall pay as specified in subparagraph (A)(1) and in addition an engineering analysis fee equal to Step (A) of the appropriate fee Schedule in paragraph (E), and an emissions reduction analysis fee as applicable.

2. When an application is filed for a revision of conditions on a permit to operate, the applicant shall pay the fee provided for in subparagraph (A)(1), plus an emissions reduction analysis fee as applicable and the applicable fee based on time and materials of subparagraph (M)(1).

H. Duplicate Permits

A request for a duplicate permit shall be made in writing by the permittee after the destruction, loss or defacement of a permit. The fee specified in Table 601-H, of the District Fee Schedule, shall be charged for issuing a duplicate permit.

I. Late Fee

When equipment is built, erected, installed, altered, or replaced (except for identical replacement) without the owner or operator obtaining an Authority to Construct in accordance with RULE 501, the applicant shall pay the filing fee required by paragraph (A)(1) and one hundred fifty percent (150%) of the fees required by paragraph (B), and of one years' annual operating fees. The assessment of such late fee shall not limit the District's right to pursue any other remedy provided for by law.

J. Applicability of Fees

When an application is submitted for transfer of ownership under paragraph (F) of this Rule, and for alterations, additions, or revisions under paragraph (G), of this Rule, the paragraph resulting in the highest permit fee shall apply.

K. Credit for Solar Energy Equipment

Any permittee required to pay an annual permit renewal fee shall receive an annual fee credit for any solar energy equipment installed at the site where the equipment under permit is located.

1. Computation

The design capacity of the solar energy equipment expressed in thousands of British Thermal Units (BTU) per hour shall be used to determine the fee credit in accordance with the annual permit renewal fee provisions of subparagraph (E)(2) of this Rule.

2. Limitation

The solar energy credit shall not exceed the annual permit renewal fee for all permits at the site where the solar energy equipment is located.

L. Minor Source Permit Limitation Fee

New Minor Sources, as defined by Rule 511, POTENTIAL TO EMIT shall be assessed a one-time fee as specified in Table 601-L, of the District Fee Schedule, for the preparation of permit limiting conditions of operation and record-keeping requirements, unless a higher fee is required by another applicable schedule.

M. Time and Materials Labor Rates

1. General Time and Materials Labor Rate: This rate shall be used to establish fees for emission reduction analysis required to establish the creditable emissions reductions of Rule 504, EMISSION REDUCTION CREDITS; work by District staff pursuant to Rule 603, ANALYSIS FEE; air toxic inventory, risk assessments, and reporting which are not including in the fees of Rule 610, AIR TOXICS HOT SPOTS FEES; reinspections that are required due to circumstances beyond the control of the District, and other such special studies or analysis by District staff. The general time and materials labor rate shall be as specified in Table 601-M.1, of the District Fee Schedule.

2. Title V Time and Materials Labor Rate: The time and materials rate for review and processing of Title V applications for initial permits, permit modification, mandatory permit re-opening, and Title V permit preparation shall be as specified in Table 601-M.2, of the District Fee Schedule.

3. Expedited Permit Processing Time and Materials Labor Rate: In addition to the applicable filing fees of Part A and engineering analysis fees of Part B for Authority to Construct permits, applicants requesting the processing of a permit application in advance the normal schedule,

based upon filing date, shall pay a time and materials labor rate as specified in Table 601-M.3, of the District Fee Schedule.

N. Pass Through of Charges

The actual reasonable and customary charges for the services of source testing contractors, analytical laboratories, air monitoring or inspection contractors, and other evaluation contractors, including reimbursement of the State, for services rendered to the District to determine the compliance and/or emissions of a facility may be assessed as a fee to that facility.

O. Annual Adjustment

All fees specified by this rule shall be automatically adjusted on June 1 of each year based on the change in annual California Consumer Price Index for the preceding calendar year.

RULE 602 HEARING BOARD FEES

Adopted 10-15-79
(Amended 06-07-83, 10-19-93, 08-08-96, 12-12-96, 06-11-98, 06-14-01)

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100 GENERAL

101 PURPOSE: To recover the costs associated with petitions to the Hearing Board.

102 APPLICABILITY: The provisions of this rule apply to all portions of Placer County.

103 EXEMPTIONS: The Air Pollution Control Officer shall not be required to pay the fees specified in Section 301 of this rule.

200 DEFINITIONS (NOT INCLUDED)

300 STANDARDS

301 HEARING BOARD FEES: Every applicant or petitioner, to the Hearing Board for a variance or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an Authority to Construct or a Permit to Operate, shall pay a fee per petition as specified in Table 602 of the District Fee Schedule.

302 TRANSCRIPT FEES: Any person requesting a transcript of a hearing shall pay $30.00 per hour for preparing the transcript.

303 ANNUAL ADJUSTMENT: All fees specified by this rule shall be automatically adjusted on June 1 of each year based on the change in annual California Consumer Price Index for the preceding calendar year.

400 ADMINISTRATIVE REQUIREMENTS (NOT INCLUDED)

500 MONITORING AND RECORDS (NOT INCLUDED)

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RULE 603 ANALYSIS FEE

Adopted 05-24-77
(Amended 10-15-79, 06-07-83, 10-19-93, 08-08-96)

This Rule is applicable to the Lake Tahoe, Sacramento Valley, and Mountain Counties Air Basin portions of the District.

A. Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may offer the collection of samples and the analyses made by qualified personnel of the Air Pollution Control District. The time required for collecting samples, making the analysis and preparing the necessary reports, but excluding time going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

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RULE 604 SOURCE TEST OBSERVATION AND REPORT EVALUATION

Adopted 05-24-77
(Amended 04-21-81, 06-07-83, 10-19-93, 08-08-96)

This Rule is applicable to the Lake Tahoe, Sacramento Valley, and Mountain Counties Air Basin portions of the District.

A. A fee of $220 shall be charged against the owner or operator of a source whenever the Air Pollution Control Officer finds that a source test is required and must be observed and the report evaluated by District personnel to determine the actual emissions from the source for the purpose of issuing a permit to operate.

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RULE 605 (RESERVED)

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RULE 607 BURN PERMIT FEES

Adopted 09-07-93
(Amended 08-13-98, 12-10-98, 08-12-99, 06-14-01)

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100 GENERAL

101 PURPOSE: The purpose of this rule is to recover costs incurred with the implementation of burn permit issuance and other activities associated with Regulation III, and the provisions of Sections 41800 et seq. and Sections 41850 et seq. of the California Health and Safety Code.

102 APPLICABILITY

102.1 The provisions of this rule shall apply to any person who applies for a burn permit under the provisions of Regulation III and the provisions of Sections 41800 et seq. and Sections 41850 et seq. of the California Health and Safety Code.

102.1.1 Agricultural Field Crop Waste Burning
102.1.2 Agricultural Waste Burning Other Than Field Crop Waste
102.1.3 Fire Training Burning
102.1.4 Forest Management Burning
102.1.5 Hazard Reduction Burning
102.1.6 Land Development Burning
102.1.7 Mechanized Burners
102.1.8 Open Burning by Public Officers
102.1.9 Open Burning of Nonindustrial Woodwaste at Designated Disposal Sites
102.1.10 Permit to Burn on a No Burn Day
102.1.11 Range Improvement Burning
102.1.12 Right of Way, Levee, Ditch and Reservoir Burning
102.1.13 Wildland Vegetation Management Burning

102.2 The provisions of this rule shall apply to any person involved in a Rice Grower Transfer.

103 EXEMPTIONS

103.1 Exemption, Burning for Defensible Space: This rule does not apply to the burning, as defined in Subsection 207.2, of vegetation to establish a defensible space for fire protection purposes, to comply with local ordinances, such as Placer County Code Chapter 7, Article 3.

Prescribed fires for the purpose of fuel management are not considered Residential Defensible Space Burning for the purposes of this rule.

103.2 Exemption, Fire Agencies: This rule does not apply to permits issued to public Fire Agencies for burning as defined in Rule 317 - Wildland Vegetation Management Burning. This exemption is in recognition of in-kind services provided to the District pursuant to an approved memorandum of understanding.

103.3 Exemption, Fire Training Burn: This rule shall not apply to a burn permit issued for the instruction of public employees and/or volunteer personnel in the methods of fighting fires.

103.4 Exemption, Open Burning as Authorized by a Public Officer: This rule shall not apply to burning conducted by or permitted by a public officer:
103.4.1 For the prevention of a fire hazard which cannot be abated by any other means.

103.4.2 To persons engaged in the instruction of employees in methods of fighting fires on property used for industrial purposes.

103.4.3 Who sets, or causes to be set, backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

103.4.4 Where disease or pest prevention exist and there is an immediate need for removal and no reasonable alternative exists.

103.5 Exemption, Recreational Open Fires: This rule shall not apply to the use of open outdoor fires for recreational purposes or for the cooking of food for human consumption.

103.6 Exemption, Residential Rubbish Burning: The provisions of this rule shall not apply to persons burning residential rubbish as defined in Rule 102, Definitions.

104 PUBLIC AGENCIES NOT EXEMPT: This rule shall apply to federal, state and local governmental agencies or public districts to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6100) and Sections 42311 et seq. of Division 26 of the California Health and Safety Code.

200 DEFINITIONS

For the purpose of this rule the following definitions shall apply. All other terms are as defined in Rule 102, Definitions or Regulation III - Open Burning.

201 AGRICULTURAL FIELD CROP WASTE: a) Unwanted or unsellable materials produced wholly from the growing and harvesting of field crops for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution; b) Materials not produced from the growing and harvesting of field crops, but which are intimately related to the growing or harvesting of field crops, such as vegetation along roadways, fence lines, irrigation ditches, field borders and levees.

202 AGRICULTURAL WASTE OTHER THAN FIELD CROP WASTE: a) Any unwanted or unsellable materials produced wholly from agricultural operations except field crops and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops; b) Materials not produced from the growing and harvesting of agricultural waste other than field crops, but which are intimately related to the growing or harvesting of crops, such as vegetation along roadways, fence lines, irrigation ditches, field borders and levees.

203 BURN PERMIT: A permit issued by the APCD pursuant to Rule 302 and Section 41852 of the California Health and Safety Code.

204 BURN PLAN: A site plan for managing a specific fire project.

205 FIRE TRAINING BURNING: Burning of fires ignited for the instruction of employees and/or volunteer fire personnel in the methods of fighting fires.

206 FOREST MANAGEMENT BURNING: As defined in Rule 102 and as regulated by Rules 316 and 317.

207 HAZARD REDUCTION BURNING:

207.1 Burning to reduce a fire hazard or health hazard which will have an imminent effect on life and property as determined by a Public Officer with jurisdiction.

207.2 Burning to dispose of brush cuttings on the property where the brush was grown when the cuttings resulted from brush clearance done in compliance with local ordinances to reduce fire hazard.

208 LAND DEVELOPMENT BURNING: The use of open outdoor fires for the disposal of material grown on property being developed for commercial or residential purposes.

209 MECHANIZED BURNERS: Burning in an enclosure for the purpose of enhancing fire temperatures and the speed and completeness of combustion.

210 OPEN BURNING OF NONINDUSTRIAL WOODWASTE AT DESIGNATED DISPOSAL SITES: The use of open outdoor fires for the disposal of nonindustrial woodwaste at disposal sites.

211 PERMIT TO BURN ON A NO BURN DAY: A permit issued by the APCO, or her/his designee, to burn on a day designated a no burn day as authorized by Section 41862 of the California Health and Safety Code, and Rule 306.

212 PROJECT: A project consists of a parcel of land to be burned that is located in an assigned compartment number or name, unit number or name, timber harvest number or name or plan, or a result of site conversion or rehabilitation, or as determined by the Air Pollution Control Officer or her/his designee.

213 PUBLIC OFFICER: A public officer is any fire, agricultural, health or a peace officer**.**

214 RANGE IMPROVEMENT BURNING: As defined in Rule 102.

215 RICE GROWER/TRANSFER FEE: A fee which applies to any rice grower who transfers, sells, or trades their annual allowable burn acres to another grower, in an inter- or intra-county transaction.

216 RIGHT OF WAY, LEVEE, DITCH AND RESERVOIR BURNING: The use of fires for right-of-way clearing by a public entity or for levee, ditch or reservoir maintenance.

217 WILDLAND VEGETATION MANAGEMENT BURNING: As defined in Rule 317.

300 STANDARDS

301 BURN PERMIT FEE: Every applicant for a burn permit shall pay a burn permit fee and any additional fees applicable under Section 302, Burn Permit Fee Schedules.

302 BURN PERMIT FEE SCHEDULES:

The following fees shall be assessed by the Placer County Air Pollution Control District.

302.1 Permits to burn agricultural field crop waste, as defined in Section 201, shall be assessed the fee specified in Table 607 - 302.1 of the District Fee Schedule.

302.2 Permits to burn agricultural waste other than field crop waste, as defined in Section 202, shall be assessed the fee specified in Table 607 - 302.2 of the District Fee Schedule.

302.3 Permits to conduct forest management burning, as defined by Section 206, shall be assessed the fee specified in Table 607 - 302.3 of the District Fee Schedule.

302.4 Permits to conduct hazard reduction burning, as defined in Subsection 207.1, shall be assessed the fee specified in Table 607 - 302.4 of the District Fee Schedule.

302.5 Permits to conduct land development burning, defined under Section 208, shall be assessed the fee specified in Table 607 - 302.5 of the District Fee Schedule.

302.6 Permits to conduct mechanized burning, as defined under Section 209, shall be assessed the fee specified in Table 607 - 302.6 of the District Fee Schedule.

302.7 Permits to conduct open burning of nonindustrial woodwaste at designated disposal sites, as defined by Section 210, shall be assessed the fee specified in Table 607 - 302.7 of the District Fee Schedule.

302.8 Permits to conduct burning on a no burn day, as defined under Section 211, shall be assessed the fee specified in Table 607 - 302.8 of the District Fee Schedule. (This fee is in addition to the fee paid for a regular APCD Burn Permit.) This permit fee is to be paid in advance, and will not be refunded, regardless of whether or not the special permit to burn is approved or denied.

302.9 Permits to conduct range improvement burning, as defined by Section 214, shall be assessed the fee specified in Table 607 - 302.9 of the District Fee Schedule.

302.10 Permits to conduct right of way, levee, ditch and reservoir burning as, defined by Section 216, shall be assessed the fee specified in Table 607 - 302.10 of the District Fee Schedule.

302.11 Permits to conduct wildland vegetation management burning, as defined by Section 217, shall be assessed the fee specified in Table 607 - 302.11 of the District Fee Schedule.

303 CANCELLATION OF BURN PERMIT: If a burn permit is canceled, the fees paid shall not be refunded nor applied to any other APCD permit except acreage fees paid may be reimbursed if the acreage has not been burned at the time the Burn Permit is canceled.

304 PAYMENT OF BURN PERMIT FEES: All burn permit fees shall be paid prior to the issuance of a burn permit. Application/plan review and inspection fees will be invoiced in **2** hour increments.

305 VALIDITY OF BURN PERMITS: A burn permit is valid for only the amount of acreage for which fees have been paid pursuant to Section 300, Standards, of this rule.

306 TERM OF BURN PERMIT: A burn permit, for which the applicable fees have been paid, shall be valid for 12 continuous months from the date of issuance, unless otherwise specified on the burn permit. Upon request, a permit for Forest Management Burning and Wildland Vegetation Burning may be granted a one time extension for up to 12 months duration. A Forest Management and Wildland Vegetation Management burn permit extension fee will be assessed at the end of the first 12 month permit cycle the fee specified in Table 607 - 306 of the District Fee Schedule.

307 RICE GROWER TRANSFER FEE: Any Rice Grower who transfers, sells, or trades her/his annual allowable burn acres to another grower, in an intercounty, or an intra county transaction shall pay a transfer fee specified in Table 607 - 307 of the District Fee Schedule. In the case of an intercounty trade, where both parcels involved in the transfer are in Placer County, the fee shall be applicable to the donor parcel as well as the receptor parcel.

308 HOURLY INSPECTION FEE: A fee may be charge for any APCD Burn permit which requires an inspection. The fee assessed shall be the fee specified in Table 607 - 308 of the District Fee Schedule.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE UPON ADOPTION OF RULE

Any person, subject to this rule shall comply with all the requirements upon September 7, 1993, and thereafter.

402 COMPLETION OF BURN PERMIT IN FULL

All information on the burn permit application shall be completed in full.

403 FAILURE TO PAY BURN PERMIT FEES

Failure to pay the burn permit fees in the time frame specified, shall be subject to a late fee charge. This late charge will be 50% of the original amount billed.

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RULE 608 CONTROL COUNCIL FEE

Adopted 09-07-93
(Amended 08-12-99)

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400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE UPON ADOPTION OF RULE

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100 GENERAL

101 PURPOSE: The purpose of this rule is to establish the administrative requirements and the schedule of a Sacramento Valley Basinwide control council fee to be paid for:

101.1 All APCD Burning Permits

101.2 All APCD Stationary Sources Permits

101.3 All APCD Vapor Recovery Facility Permits

102 PUBLIC AGENCIES NOT EXEMPT: Federal, state and local governmental agencies or public districts shall pay for the APCD burn permit or APCD permit to the extent allowed under Chapter 2, Division 7, Title 1 of the Government Code (commencing with Section 6100) and Sections 42311 et seq. of Division 26 of the California Health and Safety Code.

103 EXEMPTIONS

103.1 Exemption, Fire Agencies: This rule does not apply to permits issued to public Fire Agencies for burning as defined in Rule 317 - Wildland Vegetation Management Burning. This exemption is in recognition of in-kind services provided to the District pursuant to an approved memorandum of understanding.

103.2 Exemption, Mountain Counties and Lake Tahoe Air Basins: Those permit holders in the Mountain Counties and Lake Tahoe Air Basins of Placer County are not subject to this rule.

103.3 Exemption, Residential Rubbish Burning: Nothing in the rule shall be construed as requiring persons doing residential rubbish burning as defined in Rule 102, Definitions, to pay a control council fee.

200 DEFINITIONS

For the purpose of this rule the following definitions shall apply. All other terms are as defined in Rule 102, Definitions.

201 APCD BURN PERMIT: An APCD burn permit is defined as a burn permit issued by the APCD for all permissible burning except for Residential Rubbish Burning.

202 APCD PERMIT: An APCD permit includes all permits issued by the Placer County Air Pollution Control District, including permits issued to stationary sources, vapor recovery facilities, and APCD burn permits.

300 STANDARDS

301 SACRAMENTO VALLEY BASINWIDE CONTROL COUNCIL SURCHARGE: For the purpose of administering Sacramento Valley Basinwide air pollution control efforts, the Placer County Air Pollution Control District shall collect a $5.00 surcharge per permit for all APCD permits issued each year in the Sacramento Valley Air Basin. All persons obtaining a permit must pay the $5.00 surcharge prior to the issuance of an APCD permit.

302 CANCELLATION OF APCD BURN PERMIT: If an APCD burn permit is canceled, the

control council fee paid shall not be refunded nor applied to any other APCD permit.

303 CANCELLATION OF APCD PERMIT: If an APCD permit is canceled, the control council fee paid shall not be refunded nor applied to any other APCD permit.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE UPON ADOPTION OF RULE

Any person, subject to this rule shall comply with all the requirements upon September 7, 1993.

RULE 609 (RESERVED)

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RULE 610 - AIR TOXICS "HOT SPOTS" FEES

Adopted 08-24-95
(Revised 12-12-96, 10-09-97, 07-16-98)

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100 GENERAL

101 PURPOSE: This purpose of this rule is to recover costs that are associated with the implementation of the Air Toxics AHot Spots@ Information and Assessment Act, beginning with Section 44300 of Division 26 of the California Health and Safety Code.

102 APPLICABILITY:

102.1 GEOGRAPHY: The provisions of this rule shall apply to all facilities located in Placer County, as defined by California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 1.5, Article 1, Section 60106, 60111 and 60113.

102.2 FACILITIES: This rule is applicable to any facility which manufactures, formulates, uses, or releases any of the substances listed pursuant to Section 44321 of the Health and Safety Code, or any other substance which reacts to form a substance so listed.

200 DEFINITIONS

For the purpose of this rule the following definitions shall apply. All other terms are as defined in Rule 102, Definitions.

201 DISTRICT UPDATE FACILITY: Any facility that has been prioritized by the district in accordance with Health and Safety Code Section 44360(a), and is consistent with the procedures of the California Air Pollution Control Officers Association (CAPCOA) AAir Toxics ›Hot Spots= Program Facility Prioritization Guidelines, July 1990". The facility is also required by the District to submit a quadrennial emissions inventory update pursuant to Health and Safety Code Section 44344 during the applicable fiscal year. The prioritization scores for cancer and non-cancer health effects must be both greater than 1.0 and equal to or less than 10.0.

202 EMISSIONS INVENTORY: An inventory of a facility=s emissions as specified by Chapter 3 of Part 6 of Division 26 of the California Health and Safety Code.

203 FACILITY: Any building, structure, appurtenance, installation, and improvement.

203.1 Building, structure or emission unit includes all pollutant emitting activities which:

a. Belong to the same industrial grouping, and;
b. Are located on one property or two or more contiguous properties, and;
c. Are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

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

a. They belong to the same two-digit standard industrial classification code; or
b. They are part of a common production process. (Common production process includes industrial process, manufacturing process and any connected processing involving a common material.)

204 INDUSTRYWIDE FACILITY: Any facility included in a class that the district finds and determines meets either of the following conditions:

(a) All facilities that release, or have the potential to release, less than ten tons per year

of each criteria pollutant and are in a class that fall within the following four-digit Standard Industrial Classification Code:

1) Autobody shops, as described by SIC Codes 5511-5521 or 7532; and
2) Gasoline stations, as described by SIC Code 5541; and
3) Dry cleaners, as described by SIC Code 7216; and
4) Printing and publishing, as described by SIC Codes 2711- 2771 or 2782; or

(b) Releases from the facility can easily and generically be characterized and calculated.

205 OPERATOR: The person who owns or operates a facility or part of a facility.

206 PLAN: The emissions inventory plan that meets the conditions specified in Section 44342 of the California Health and Safety Code.

207 PLAN AND REPORT FACILITY: Any facility that, by April 1 of the calendar year prior to the fiscal year, has been required by the district to prepare an individual plan and report in accordance with Sections 44340, 44341, and 44344 of the State of California Health and Safety Code. This includes facilities completing an update plan, an update report, and a quadrennial update category form.

207.1 COMPLEX FACILITY: A plan and report facility that has more than five processes as determined by a six-digit Source Classification Code (SCC).

207.2 INTERMEDIATE FACILITY: A plan and report facility that has three to five processes as determined by a six-digit SCC.

207.3 SIMPLE FACILITY: A plan and report facility that has one or two processes as determined by a six-digit SCC.

208 PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY: Any facility that does not have an approved health risk assessment and has been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the California Air Pollution Control Officers Association (CAPCOA) "Air Toxics "Hot Spots" Program Facility Prioritization Guidelines, July 1990", which has been approved by the State Board and is incorporated by reference herein, and the greater of the facility's prioritization scores for cancer and non-cancer effects is greater than 10.0.

209 PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY (COMPLEX): Any facility that meets the criteria set forth in Section 208 and has more than five processes as determined by six-digit Source Classification Codes (SCC).

210 **PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY (MEDIUM):** Any facility that meets the criteria set forth in Section 208, and has three to five processes as determined by six-digit SCC.

211 **PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY (SIMPLE):** Any facility that meets the criteria set forth in Section 208, and has one or two processes as determined by six-digit SCC.

212 **RISK OF 10.0 TO LESS THAN 50.0 PER MILLION FACILITY:** Any facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and whose risk assessment results meet either of the following criteria:

212.1 A total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 10.0, but less than 50.0 cases per million persons or,

212.2 A total hazard index for each toxicological endpoint of greater than 1.0 and a total potential cancer risk, summed across all pathways of exposure and all compounds, of less than 50.0.

213 **RISK OF 10.0 TO LESS THAN 50.0 PER MILLION FACILITY (COMPLEX):** Any facility that meets the criteria set forth in Section 212, and has more than five processes as determined by six-digit Source Classification Codes (SCC).

214 **RISK OF 10.0 TO LESS THAN 50.0 PER MILLION FACILITY (MEDIUM):** Any facility that meets the criteria set forth in Section 212, and has three to five processes as determined by six-digit SCC.

215 **RISK OF 10.0 TO LESS THAN 50.0 PER MILLION FACILITY (SIMPLE):** Any facility that meets the criteria set forth in Section 212, and has one or two processes as determined by six-digit SCC.

216 **RISK OF 50.0 TO LESS THAN 100.0 PER MILLION FACILITY:** Any facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and whose risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 50.0, but less than 100.0 cases per million persons.

217 **RISK OF 50.0 TO LESS THAN 100.0 PER MILLION FACILITY (COMPLEX):** Any facility that meets the criteria set forth in Section 216, and has more than five processes as determined by six-digit Source Classification Codes (SCC).

218 **RISK OF 50.0 TO LESS THAN 100.0 PER MILLION FACILITY (MEDIUM):** Any facility that meets the criteria set forth in Section 216, and has three to five processes as determined by six-digit SCC.

219 **RISK OF 50.0 TO LESS THAN 100.0 PER MILLION FACILITY (SIMPLE):** Any facility that meets the criteria set forth in Section 216, and has one or two processes as determined by six-digit SCC.

220 **RISK OF 100.0 PER MILLION OR GREATER FACILITY:** Any facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and whose risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of greater than or equal to 100.0 cases per million persons.

221 **RISK OF 100.0 PER MILLION OR GREATER FACILITY (COMPLEX):** Any facility that meets the criteria set forth in Section 220, and has more than five processes as determined by six-digit Source Classification Codes (SCC).

222 **RISK OF 100.0 PER MILLION OR GREATER FACILITY (MEDIUM):** Any facility that meets the criteria set forth in Section 220, and has three to five processes as determined by six-digit SCC.

223 **RISK OF 100.0 PER MILLION OR GREATER FACILITY (SIMPLE):** Any facility that meets the criteria set forth in Section 220, and has one or two processes as determined by six-digit SCC.

224 **SOURCE CLASSIFICATION CODES OR SCC:** Number codes created by the United States Environmental Protection Agency used to identify processes associated with point sources that contribute emissions to the atmosphere.

225 **STANDARD INDUSTRIAL CLASSIFICATION CODE OR SIC CODE:** Standard Industrial Classification Code which classifies establishments by the type of business activity in which they are engaged, as defined by the Standard Industrial Classification Manual, 1987, published by the Executive Office of the President, Office of Management and Budget, 1987, which is incorporated by reference.

226 **STATE COSTS:** Cost which will be incurred by the State of California Air Resources Board and the Office of Environmental Health Hazard Assessment to implement and administer the Act.

227 **STATE INDUSTRYWIDE FACILITY:** Any facility that (1) qualifies to be included in an industrywide emission inventory prepared by an air pollution control or air quality management district pursuant to Health and Safety Code Section 44323, (2) releases, or has the potential to release, less than ten tons per year of each criteria pollutant, and (3) is either of the following:

227.1 Any facility in one of the following four classes of facilities:

a. Autobody shops, as described by SIC Codes 5511-5521 or 7532;
b. Gasoline stations, as described by SIC Code 5541;
c. Dry cleaners, as described by SIC Code 7216;
d. Printing and publishing, as described by SIC Codes 2711-2771 or 2782; or,

227.2 Any facility that has not prepared an Individual Plan and Report in accordance with sections 44340, 44341, and 44344 of the Health and Safety Code and for which the district submits documentation for approval by the Executive Officer of the State Board, verifying that the facility meets the requirements of Health and Safety Code Section 44323(a)-(d).

228 **TRACKING FACILITY:** Any facility that has been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review and that are consistent with the procedures presented in the California Air Pollution Control Officers Association (CAPCOA) AAir Toxics ›Hot Spots= Program Facility Prioritization Guidelines, July 1990", which has been approved by the State Board and which is incorporated by reference herein, and the greater of the facility=s prioritization scores for cancer and non-cancer health effects is greater than 10.0, and meets either one of the following criteria:

228.1 The facility that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and the risk assessment results show a total potential cancer risk, summed across all pathways of exposure and all compounds, of equal to or greater than 1.0 and less than ten (10) cases per million persons and a total hazard index for each toxicological endpoint both acute and chronic of less than or equal to 1.0, or

228.2 The facilities that has had its health risk assessment approved by the district in accordance with Health and Safety Code Section 44362 and the risk assessment results show a total hazard index for each toxicological endpoint either acute and chronic of greater than or equal to 0.1, but less than or equal to 1.0, and a total potential cancer risk, summed across all pathways of exposure and all compounds, of less than ten (10) cases per million persons.

229 **TRACKING FACILITY (COMPLEX):** Any facility that meets the criteria set forth in Section 230, and has more than five processes as determined by six-digit Source Classification Codes (SCC).

230 **TRACKING FACILITY (MEDIUM):** Any facility that meets the criteria set forth in Section 230, and has three to five processes as determined by six-digit SCC.

231 **TRACKING FACILITY (SIMPLE):** Any facility that meets the criteria set forth in Section 230, and has one or two processes as determined by six-digit SCC.

232 **UNPRIORITIZED FACILITY:** Any facility that has not been prioritized by its district in accordance with Health and Safety Code Section 44360(a) using procedures that have undergone public review.

300 STANDARDS

301 FEE SCHEDULE:

Any stationary source subject to this rule shall pay an annual toxics AHot Spots@ fee based on its facility category as set forth in Table A.

Table A

FEE CATEGORY	*DESCRIPTION*	*FACILITY TYPE*	*FEE PER FACILITY*
A	**INDUSTRYWIDE FACILITY**	N/A	$90.00
B	**DISTRICT UPDATE FACILITY**	N/A	$125.00

Table A			
FEE CATEGORY	*DESCRIPTION*	*FACILITY TYPE*	*FEE PER FACILITY*
C	**UNPRIORITIZED FACILITY**	All	$1,936.72
D	**TRACKING FACILITY**	Simple	$183.59
		Medium	$299.79
		Complex	$367.21
E	**PRIORITIZATION SCORE GREATER THAN TEN (10.0) FACILITY**	Simple	$1,936.72
		Medium	$2,172.75
		Complex	$2,397.88
F	**RISK OF 10.0 TO LESS THAN 50.0 PER MILLION FACILITY**	Simple	$3,677.55
		Medium	$4,078.94
		Complex	$4,243.63
G	**RISK OF 50.0 TO LESS THAN 100.0 PER MILLION FACILITY**	Simple	$5,119.39
		Medium	$5,437.27
		Complex	$5,879.40
H	**RISK OF 100.0 PER MILLION OR GREATER FACILITY**	Simple	$6,203.84
		Medium	$6,561.83
		Complex	$6,941.40

400 ADMINISTRATIVE REQUIREMENTS

401 **NOTIFICATION OF FEE DUE:** The operator of the facility for which the fee is assessed will be notified by mail of the fee due and payable and the date the fee is due. The payment due date shall be no earlier than 30 days after the date the fee notice is mailed.

402 **FEE PENALTIES:** If all fees due have not been received within 60 days after the noticed date to pay such fees, the APCO may assess a penalty of not more than 100% of the assessed fee in accordance with Section 44380 (c) of the State of California Health and Safety Code. If payment is not made within 120 days after receipt of the late payment penalty notice the District may initiate action to revoke all Permits to Operate in accordance with Health and Safety Code Section 42307. A Permit to Operate revoked for nonpayment of fees shall be reinstated only upon payment of such overdue fees and accrued penalties.

REGULATION 7

PROCEDURE BEFORE THE HEARING BOARD

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RULE 701 GENERAL

Adopted 11-12-74
(Amended 05-24-77)

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

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RULE 702 FILING PETITIONS

Adopted 11-12-74
(Amended 05-24-77, 04-21-81)

A. A request for a hearing shall be initiated by the filing of a petition with the Hearing Board of the Air Pollution Control District of the County of Placer, after service of a copy of the petition has been made on the Air Pollution Control Officer. If the petitioner is the Air Pollution Control Officer, a copy of the petition shall be served upon the party named in the petition. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

B. All petitions shall be typewritten, double spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

C. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth his authority to sign.

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RULE 703 CONTENTS OF PETITION

Adopted 11-12-74
(Amended 05-24-77)

Every petition shall state:

A. The name, address and telephone number of the petitioner, and the person authorized to receive service of notice, if different therefrom.

B. Whether the petitioner is an individual, partnership, corporation or other entity, and the names and addresses of the officers, if a corporation, and the names and addresses of the persons in control, if some other entity.

C. The name, location, and type of business or activity concerned.

D. A brief description of the article, machine, equipment or other contrivance, if any involved.

E. The nature of the petition which is being filed, that is, whether the petition is being filed pursuant to Sections 40824, 41703, 42307, 42357 or any other sections of the Health and Safety Code, or to review the denial or conditional granting of an authority to construct or permit to operate under RULE 501 of these rules and regulations.

F. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

G. Petitions for revocation of permits shall allege, in addition, the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violations.

H. Petitions for the reinstatement of suspended permits shall allege, in addition, the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and, if so, when it will be furnished.

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RULE 704 PETITIONS FOR VARIANCES

Adopted 11-12-74
(Amended 05-24-77)

In addition to the requirements set forth in RULE 703, petitions for variances 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. What period of time is needed for compliance and increments of progress if variance required exceeds one year.

D. The damage or harm resulting or which would result to petitioner from a 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 requiring compliance or resulting from granting a variance.

G. Whether or not operations under such variance, if granted, would constitute a nuisance.

H. Petitioner shall be required to set forth quarterly progress reports toward such compliance with the statutory provision or rule or regulation for which he seeks a variance and when total compliance shall be accomplished.

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RULE 705 APPEAL FROM DENIAL

Adopted 11-12-74
(Amended 05-24-77)

A petition to review the denial or conditional approval of a permit shall, in addition to the information required by RULE 703, set forth a summary of the permit application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

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RULE 706 FAILURE TO COMPLY WITH RULES

Adopted 11-12-74
(Amended 05-24-77)

No petition shall be accepted by the Hearing Board for filing which does not comply with these rules relating to the form, filing and service of petitions, unless the chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

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RULE 707 ANSWERS

Adopted 11-12-74
(Amended 05-24-77)

Any person may file an answer within 10 days after service. All answers shall be served in the same manner as that specified for petitions under RULE 702.

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RULE 708 DISMISSAL OF PETITION

Adopted 11-12-74
(Amended 05-24-77)

The petitioner may, by giving notice to the Hearing Board, dismiss the petition at any time prior to the time set for a hearing thereof, without a hearing or meeting of the Hearing Board. The Hearing Board shall notify all interested person of such dismissal.

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RULE 709 PLACE OF HEARING

Adopted 11-12-74
(Amended 05-24-77)

Hearing shall be held at a place readily accessible to the public and as designated by the Hearing Board.

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RULE 710 NOTICE OF HEARING

Adopted 11-12-74
(Amended 05-24-77)

A. Except as otherwise provided in this Regulation, the Hearing Board shall serve a notice of the time and place of a hearing upon the District Air Pollution Control Officer, and upon the applicant or permittee affected, not less than ten (10) days prior to such hearing.

B. Except as otherwise provided in this Regulation, the Hearing Board shall send notice of a hearing to every person who requests such and shall obtain publication of such notice in at least one newspaper of general circulation within the District. The notice shall state the time and place of the hearing and such information as may be necessary to reasonably apprise the people within the District of the nature and purpose of the meeting.

C. In case of a hearing to consider an application for an interim variance, as authorized under Section 43251:

1. The Hearing Board shall serve reasonable notice of the time and place of the hearing upon the Air Pollution Control Officer and upon the applicant. Subsection (B) of this rule shall not apply.

D. In case of a hearing to consider an application for a variance, or series of variances, to be in effect for a period of not more than ninety (90) days, the Hearing Board shall serve a notice of the time and place of a hearing to grant such variance upon the Air Pollution Control Officer, all other Districts within the basin, the State Board, the Environmental Protection Agency, and upon the applicant or permittee, not less than ten (10) days prior to such hearing. Subsection (B) of this rule shall not apply.

E. In case of a hearing to consider for a variance, other than an interim variance or a 90-day variance, or an application for a modification of a final compliance date in a variance previously granted, the notice requirements for such a hearing shall be as follows:

1. The Hearing Board shall serve a notice of the time and place of a hearing to grant a variance upon the Air Pollution Control Officer, all other Districts within the air basin, the State Board, the Environmental Protection Agency, and upon the applicant or permittee, not less than 30 days prior to such hearing.

2. The Hearing Board shall also publish a notice of the hearing in at least one newspaper of general circulation in the District, and shall send the notice to every person who requests such a notice, at least 30 days prior to the hearing.

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RULE 711 EVIDENCE

Adopted 11-12-74
(Amended 05-24-77)

A. Oral evidence shall be taken only on oath or affirmation.

B. Each party shall have these rights:

1. To call and examine witnesses;

2. To introduce exhibits;

3. To cross-examine opposing witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut the evidence against him.

C. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

D. The hearing need not be conducted according to technical rules relating to evidence and witnesses. 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 such serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. 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 that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

E. All evidence, oral or written, and all exhibits shall be recorded at the time of the hearing and all records shall be maintained for a period of time as specified by law or as determined by the Air Pollution Control Board.

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RULE 712 PRELIMINARY MATTERS

Adopted 11-12-74
(Amended 05-24-77)

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 of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

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RULE 713 OFFICIAL NOTICE

Adopted 11-12-74
(Amended 05-24-77)

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

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RULE 714 CONTINUANCES

Adopted 11-12-74
(Amended 05-24-77)

The chairman of the Hearing Board shall grant any continuances of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case, such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

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RULE 715 DECISION

Adopted 11-12-74
(Amended 05-24-77)

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issue presented and the order of the Hearing Board. A copy shall be mailed, or delivered to the Air Pollution Control Officer, ARB, the petitioner, and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

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RULE 716 EFFECTIVE DATE OF DECISION

Adopted 11-12-74
(Amended 05-24-77)

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in RULE 715 or the Hearing Board may order that the decision shall become effective sooner.

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RULE 717 LACK OF PERMIT

Adopted 11-12-74
(Amended 05-24-77)

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any equipment until a permit has been granted or denied by the Air Pollution Control Officer, except that an appeal from a denial of a permit and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board after a denial of a permit by the Air Pollution Control Officer may include a permit for the duration of the variance.

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REGULATION 8

ENFORCEMENT

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RULE 801 ENFORCEMENT

Adopted 05-24-77

These Rules and Regulations shall be enforced by the Air Pollution Control Officer and his duly authorized agents under authority of Sections 40752, 40743, 40702, 40001, and all officers empowered by Section 41020.

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RULE 802 AUTHORITY TO ARREST

Adopted 05-24-77

In the performance of his duties, the Air Pollution Control Officer and his duly authorized agents shall have the authority and immunity of Public Officers and employees as set forth in Penal Code Section 836.5 to make arrests without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is in violation of any of the Rules and Regulations of this Air Pollution Control District wherein he has the authority to enforce or of any statute which he has the authority to enforce.

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RULE 803 PENALTIES

Adopted 05-24-77
(Amended 5-20-85, 10-19-93)

A. Pursuant to Section 42400 of the California Health and Safety Code any person who violates any provision of any order, permit, rule, or regulation of the State Board or of the District, including the District Hearing Board, is guilty of a misdemeanor punishable by imprisonment in the County jail not exceeding six (6) months or by fine not exceeding one thousand dollars ($1,000.00) or both. Each day during any portion of which a violation occurs is a separate offense.

B. Pursuant to Section 42400.1 of the California Health and Safety Code any person who negligently emits an air contaminant in violation of any provision of any rule, regulation, permit, or order of the State Board or of the District pertaining to emission regulations or limitations is guilty of a misdemeanor punishable by imprisonment in the County jail not exceeding six (9) months or by fine not exceeding fifteen thousand dollars ($15,000.00) or both. Each day during any portion of which a violation occurs is a separate offense.

C. Pursuant to Section 42400.2 of the California Health and Safety Code any person who negligently emits an air contaminant in violation of any provision of any rule, regulation, permit, or order of the State Board or of the District pertaining to emission regulations or limitations, and who knew of the emission and failed to take corrective action within a reasonable period of time under the circumstances, is guilty of a misdemeanor punishable by imprisonment in the County jail not exceeding one year or by fine not exceeding twenty-five thousand dollars ($25,000.00) or both. Each day during any portion of which a violation occurs is a separate offense.

D. Pursuant to Section 42400.3 of the California Health and Safety Code any person who willfully and intentionally emits an air contaminant in violation of any provision of any rule, regulation, permit, or order of the State Board or of the District pertaining to emission regulations or limitations is guilty of a misdemeanor punishable by imprisonment in the County jail not exceeding one year or by fine not exceeding fifty thousand dollars ($50,000.00) or both. Each day during any portion of which a violation occurs is a separate offense.

E. In addition to the penalties specified in Subsections (A), (B), and (C) the cost of putting out any unauthorized open outdoor fires may be imposed on any person violating RULE 301 or 302.

F. Pursuant to Sections 42402 and 42403, et seq. of the California Health and Safety Code any person who violates any provision of any order, permit, rule, or regulation of the State Board or of the District, including the District Hearing Board, is liable for a civil penalty of not more than one thousand dollars ($1,000.00). Each day during any portion of which a violation occurs is a separate offense.

G. Pursuant to Sections 42403 and 42402.1 of the California Health and Safety Code any person who negligently emits an air contaminant in violation of any provision of any rule, regulation, permit, or order of the State Board or of the District pertaining to emission regulations or limitations is liable for a civil penalty of not more than fifteen thousand dollars ($15,000.00). Each day during any portion of which a violation occurs is a separate offense.

H. Pursuant to Sections 42403 and 42402.2 of the California Health and Safety Code any person who negligently emits an air contaminant in violation of any provision of any rule, regulation, permit, or order of the State Board or of the District pertaining to emission regulations or limitations, and who knew of the emission and failed to take corrective action within a reasonable period of time under the circumstances, is liable for a civil penalty of not more than twenty-five thousand dollars ($25,000.00). Each day during any portion of which a violation occurs is a separate offense.

I. Pursuant to Sections 42403 and 42402.3 of the California Health and Safety Code any person who willfully and intentionally emits an air contaminant in violation of any provision of any rule, regulation, permit, or order of the State Board or of the District pertaining to emission regulations or limitations is liable for a civil penalty of not more than fifty thousand dollars ($50,000.00). Each day during any portion of which a violation occurs is a separate offense.

J. Every person who intentionally or negligently violates any order for abatement issued by the District pursuant to Section 42450 of the California Health and Safety Code, by the District Hearing Board pursuant to Section 41450 of the California Health and Safety Code, or by the State Board pursuant to Section 41505 of the California Health and Safety Code is liable for a civil penalty of not more than twenty-five thousand dollars ($25,000.00) for each day in which the violation occurs.

K. Any person who violates a requirement of Title V of the Federal Clean Air Act, as amended in 1990, or Rule 507, FEDERAL OPERATING PERMIT PROGRAM, is subject to civil penalties in a maximum amount of not less than ten thousand dollars ($10,000.00) per day per violation. Criminal fines shall be recoverable in a maximum amount of not less than ten thousand dollars ($10,000.00) per day per violation.

RULE 804 ORDER FOR ABATEMENT

Adopted 05-24-77

The Air Pollution Control Board, may, after notice and a hearing, issue or provide for the issuance by the Hearing Board, after notice and a hearing, an order for abatement whenever the District finds that any person is in violation of Section 41700 or 41701 or of any order, Rule or Regulation, prohibiting or limiting the discharge of air contaminants into the air. The Air Pollution Control Board in holding hearings on the issuance of orders for abatement shall be vested with all the powers and duties of the Hearing Board. Notice shall be given, and the hearing shall be held, pursuant to Chapter 8 (commencing with Section 40800) of Part 3.

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RULE 805 NOTICE TO COMPLY

Adopted 08-12-99

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100 GENERAL

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

102 APPLICABILITY: This rule applies to any person subject to state requirements, District rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by the District.

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

104 ENFORCEMENT OF FEDERAL LAWS: The issuance of a Notice to Comply for a violation of state law will not interfere with an agency=s ability to enforce all federal requirements or laws.

200 DEFINITIONS

For the purposes of this rule the following definitions apply.

201 CHRONIC VIOLATION: A violation that reflects a pattern of neglect or disregard that results in the same or similar violation at the same source, facility, or same piece of equipment.

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

203 MINOR VIOLATION: The failure of any person to comply with administrative or procedural requirements of applicable state requirements, District rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by the District which meets the following criteria:

203.1 Does not result in an increase of emissions of air contaminants;

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

203.3 Does not endanger the environment;

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

203.5 Does not preclude or hinder the District=s ability to determine compliance with other applicable state or federal requirements, District rules and regulations, administrative or procedural plan or permit conditions, or requests for information or records.

204 NOTICE TO COMPLY: A written method of alleging a minor violation that meets the requirements of Health and Safety Code Section 39151.

205 PROCEDURAL REQUIREMENT: A provision of a rule or regulation that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.

206 RECALCITRANT VIOLATOR: A person or facility where there is evidence indicating that the person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of District rules and regulations, permit conditions, or other applicable provisions of state or federal law or regulations.

300 STANDARDS

301 MINOR VIOLATIONS: Except as otherwise provided in Section 306, a Notice to Comply shall be the only means by which the APCO shall cite a minor violation. The APCO shall not take any other enforcement action specified in this rule to enforce the minor violation against a person or facility who has received a Notice to Comply if the person or facility is in compliance with these Standards.

301.1 Notwithstanding Section 203, above, no violation of an applicable state or federal requirement, District rule or regulation, administrative or procedural plan or permit condition, or request for information or records shall be considered a minor violation if:

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

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

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

301.1.4 The violation is chronic; or

301.1.5 The violation is committed by a recalcitrant violator; or

301.1.6 The violation results in a nuisance.

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

303 CORRECTION REQUIREMENTS FOR NOTICES TO COMPLY: Any person who receives a Notice to Comply shall have up to 30 days or the period specified in the Notice to Comply, whichever is less, from the date of receipt of the Notice to Comply in which to achieve compliance with the requirement cited on the Notice to Comply.

304 FAILURE TO RESPOND: Within five (5) working days of achieving compliance, the person who received the Notice to Comply shall sign and return it to the District, stating that the person has complied with the Notice to Comply. The returned Notice to Comply shall also include a written statement describing when and how compliance was achieved. Failure to respond or a false statement that compliance has been achieved is a violation subject to further legal action pursuant to the Health and Safety Code, Section 42400, et seq.

305 TESTING: If testing is required by the state board or District or an authorized or designated officer to determine compliance, and the testing cannot be conducted during the course of the inspection, the APCO shall have a reasonable period of time to conduct the required testing.

305.1 If, after the test results are available, the APCO determines that the issuance of a Notice to Comply is warranted, the APCO shall immediately notify the person or facility owner or operator in writing.

305.2 If off-site testing is required pursuant to this Section, a copy of the Notice to Comply may be mailed to the person or owner or operator of the facility.

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

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

400 ADMINISTRATIVE REQUIREMENTS

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

402 APPEALS: Any person who is issued a Notice to Comply may appeal the issuance by filing a written appeal with the APCO within five (5) working days of receipt of the Notice. The appeal shall state the grounds and basis for the appeal and include any evidence as to why the Notice to Comply should not have been issued. The APCO shall grant or deny the appeal within ten (10) working days of the filing of the Appeal. If the APCO fails to respond, the appeal shall be deemed denied. The APCO=s decision shall be final.

403 PENALTY FOR FAILURE TO COMPLY: Any person or facility who fails to comply by the date specified on the Notice to Comply shall be subject to further enforcement action pursuant to the Health and Safety Code, Section 42400, et seq., or any other applicable law.

404 ADDITIONAL PENALTIES: Notwithstanding any other provision of this rule, if the APCO determines that the circumstances surrounding a particular minor violation are such that the assessment of a penalty pursuant to this rule is warranted or required by federal law, in addition to issuance of a Notice to Comply, the District shall assess a penalty in accordance with Division 26 of the Health and Safety Code, Section 42400, et seq., if the APCO makes written findings that set forth the basis for the determination of the District.

405 EXPIRATION: This rule shall remain in effect only until January 1, 2001, and as of that date is repealed unless a later enacted rule, which is enacted on or before January 1, 2001, deletes or extends that date, or unless Health and Safety Code Sections 39150 - 39153 are extended beyond that date by an act of the Legislature which is signed into law by the Governor.

500 MONITORING AND RECORDS: (None)

RULE 806 ADMINISTRATIVE CIVIL PENALTIES

Adopted 04-13-00

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RULE 806 ADMINISTRATIVE CIVIL PENALTIES

Adopted 04-13-00

100 GENERAL

101 PURPOSE: The purpose of this rule is to provide procedures for the imposition and amounts of administrative civil penalties that may be levied pursuant to Section 42402.5, Article 3, Chapter 4, Part 4, of Division 26 of the California Health and Safety Code. Administrative civil penalties provide an alternative means for the District to levy penalties appropriate to the violation without necessitating negotiated settlement or the filing of civil or criminal complaints.

102 APPLICABILITY: This rule applies to the imposition of administrative civil penalties for a violation of Part 4, of Division 26 of the California Health and Safety Code, or any order, permit, rule, or regulation of the state board or of the District, including the District Hearing Board, adopted pursuant to Part 1, of Division 26 of the California Health and Safety Code (commencing with Section 39000) to Part 4 (commencing with Section 41500), inclusive. Nothing in this rule restricts the authority of the District to negotiate mutual settlements under other penalty provisions of law which exceed five hundred dollars ($500), or the authority of the District to seek the recovery of civil penalties or the prosecution of criminal violations, in lieu of administrative civil penalties.

103 MAXIMUM ADMINISTRATIVE CIVIL PENALTY: No administrative civil penalty levied pursuant to this rule may exceed five hundred dollars ($500) for each violation. Each day during any portion of which a violation occurs is a separate offense.

104 ENFORCEMENT AUTHORITY: The imposition of administrative civil penalties pursuant to this rule, in lieu of other remedies, shall be at the discretion of the Air Pollution Control Officer under the authority of California Health and Safety Code Sections 40001, 40702, and 40752.

105 PRECLUSION: The filing of a complaint for civil or criminal violations pursuant to California Health and Safety Code Section 42400 et seq. shall preclude the assessment of administrative civil penalties for the same violation. The payment in full of administrative civil penalties levied pursuant to this rule shall preclude any subsequent complaint for civil or criminal penalties, pursuant to California Health and Safety Code Sections 42400 et seq., for the same violation. These preclusions do not apply to any costs attributed to extinguishing a fire that the District may seek to recover pursuant to California Health and Safety Code Section 42400.5.

106 EXEMPTION, MINOR VIOLATIONS: Violations that are classified as minor violations and for which the person or facility is in compliance with the Notice to Comply Standards, of Rule 805, NOTICE TO COMPLY, are exempt from the application of administrative civil penalties.

200 DEFINITIONS

For the purposes of this rule the following definitions apply.

201 AIR POLLUTION CONTROL OFFICER: The Air Pollution Control Officer of the Placer County Air Pollution Control District appointed by the Placer County Air Pollution Control District Board. Unless the Air Pollution Control Officer for good cause appoints another person to conduct an administrative hearing, the Air Pollution Control Officer is also the Hearing Officer for the purposes of this rule.

202 CHRONIC VIOLATION: A violation that reflects a pattern of neglect or disregard that results in the

same or similar violation at the same source, facility, or same piece of equipment.

203 MINOR VIOLATION: The failure of any person to comply with administrative or procedural requirements of applicable state requirements, District rules or regulations, administrative or procedural plan or permit conditions, or requests for information or records by the District which meets the following criteria:

203.1 Does not result in an increase of emissions of air contaminants;

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

203.3 Does not endanger the environment;

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

203.5 Does not preclude or hinder the District=s ability to determine compliance with other applicable state or federal requirements, District rules and regulations, administrative or procedural plan or permit conditions, or requests for information or records.

203.6 Notwithstanding the criteria above, no violation of an applicable state or federal requirement, District rule or regulation, administrative or procedural plan or permit condition, or request for information or records shall be considered a minor violation if:

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

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

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

203.6.4 The violation is chronic; or

203.6.5 The violation is committed by a recalcitrant violator; or

203.6.6 The violation results in a nuisance.

204 NOTICE OF VIOLATION: A written method of alleging a violation of Part 4, of Division 26 of the California Health and Safety Code, or any order, permit, rule, or regulation of the state board or of the District, including the District Hearing Board, adopted pursuant to Part 1, of Division 26 of the California Health and Safety Code (commencing with Section 39000) to Part 4 (commencing with Section 41500), inclusive.

205 NOTICE TO COMPLY: A written method of alleging a minor violation that meets the requirements of Health and Safety Code Section 39151 and is issued pursuant to Rule 805, NOTICE TO COMPLY.

206 PROCEDURAL REQUIREMENT: A provision of a rule or regulation that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.

207 RECALCITRANT VIOLATOR: A person or facility where there is evidence indicating that the person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of District rules and regulations, permit conditions, or other applicable provisions of state or federal law or regulations.

300 STANDARDS

301 ADMINISTRATIVE CIVIL PENALTY GUIDELINES: In lieu of any other civil or criminal penalties, and in addition to any costs attributed to extinguishing the fire that the District may seek to recover pursuant to California Health and Safety Code Section 42400.5, the following shall provide guidelines for the setting of administrative civil penalties. The penalty levied may be varied in consideration of exacerbating or mitigating circumstances.

301.1 Emissions Violations: A violation of Part 4, of Division 26 of the California Health and Safety Code, or any order, permit, rule, or regulation of the state board or of the District, including the District Hearing Board, relating to emissions shall be no more than $500 per violation.

301.2 Non-Emission Violations: A violation of Part 4, of Division 26 of the California Health and Safety Code, or any order, permit, rule, or regulation of the state board or of the District, including the District Hearing Board, that is not related to emissions shall be no more than $250 per violation.

301.3 Maximum Penalty: Administrative civil penalties levied pursuant to this rule to one person or source, shall not exceed two thousand dollars ($2,000.00) for each day during which a violation occurs.

302 PENALTY SCHEDULES: Schedules of violations and applicable penalty amounts may be established to provide for consistency in the levying of penalties for similar violations. The penalty levied in accordance with a penalty schedule may be adjusted in consideration of exacerbating or mitigating circumstances, but shall conform to the guidelines of Section 301.

400 ADMINISTRATIVE REQUIREMENTS

401 CITING AN ADMINISTRATIVE CIVIL PENALTY: Written notice shall be given to the person, or source against whom administrative civil penalties are levied.

401.1 The notice shall identify the nature of the violation(s), specify the date(s) of violation, and the administrative civil penalty that is assessed for each violation. A Notice of Violation may be issued separately or in conjunction with the notice of administrative civil penalty assessment.

401.2 The notice shall advise that the administrative civil penalty is being assessed pursuant to Health and Safety Code Section 42302.5 and Placer County Air Pollution Control District Rule 806.

401.3 The recipient of the notice may be requested to sign and return a copy of the notice for the sole purpose of acknowledging receipt of the notice. Mailed notices shall be sent by certified mail.

401.4 The notice shall also advise that the recipient may review any non-confidential evidence pertaining to the alleged violation, and may within ten (10) days of receipt of the notice make a written request for an administrative hearing. If a hearing is not requested within ten (10) days, the Air Pollution Control Officer may issue an order assessing the penalties

specified in the notice. Where no hearing has been timely requested and an order of assessment of penalty is made by the Air Pollution Control Officer, the Air Pollution Control Officer=s order is the final administrative action.

401.5 The notice shall advise the recipient that payment in full of the total monetary penalties specified in the notice, within ten (10) working days of receipt, shall result in the closure of the enforcement action with respect to the violations cited.

402 ADMINISTRATIVE HEARING: Any person who is issued a notice assessing an administrative civil penalty may request an administrative hearing. Upon a timely request, an administrative hearing shall be conducted pursuant to the following procedures:

402.1 The hearing shall be conducted by the Air Pollution Control Officer, provided that an alternative Hearing Officer shall be appointed by the Air Pollution Control Officer for good cause.

402.2 The person who has requested the hearing shall be given reasonable notice of the time and place of the hearing.

402.3 The person shall have an opportunity to present oral or written evidence and argument. A tape recording or transcript shall be made of the hearing.

402.4 Following the hearing, the Hearing Officer shall render a written notice of decision. The notice of decision shall be delivered or sent by certified mail to the person who requested the hearing. The decision shall state whether the Hearing Officer has determined the person has committed a violation as charged, and shall state the basis for that determination. If the Hearing Officer determines that the person has committed one or more violations, the notice of decision shall include an order assessing an administrative penalty in accordance with this rule for each violation, or include an offer for negotiated settlement. The Hearing Officer may rescind an administrative civil penalty, or reduce the amount of a penalty for good cause. The decision of the Hearing Officer is the final administrative action.

402.5 Any administrative penalty assessed for a violation of an ordinance may be further subject to the provisions of California Government Code 53069.4.

403 RESOLUTION OF ENFORCEMENT ACTION:

403.1 If the total of monetary penalties specified in an administrative civil penalty notice is paid in full within ten (10) working days of the receipt of the notice, the enforcement action related to the violations cited in the notice shall be deemed closed.

403.2 If the total of monetary penalties specified in an administrative civil penalty order is not paid in full within ten (10) working days of receipt of the notice, and the Air Pollution Control Officer has issued an order assessing the administrative civil penalties specified in the notice, or the Hearing Officer has issued an administrative hearing decision assessing an administrative civil penalty, the District may seek to collect payment through any legal means, including public or private collections service, or take one or more of the following actions:

403.2.1 The enforcement action may be closed.

403.2.2 A judgement may be sought in a court of competent jurisdiction for the payment of the monetary penalties specified in the administrative civil penalty notice, including an administrative hearing decision, and the

recovery of additional expenses incurred due to the failure to pay the penalties by the date required.

403.2.3 The administrative civil penalty notice may be rescinded, and mutual settlement negotiations or the filing of complaints for civil or criminal violations may be sought pursuant to California Health and Safety Code Section 42400 et seq. Notice that the administrative civil penalty is rescinded shall be given by certified mail and shall be effective on the date mailed.

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REGULATION 9

TOXIC AIR CONTAMINANTS

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RULE 902 AIRBORNE CHROMIUM CONTROL MEASURE - EMISSIONS OF HEXAVALENT CHROMIUM FROM CHROME PLATING AND ANODIZING OPERATIONS

Adopted 07-17-89
(Amended 06-08-95)

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100 GENERAL

101 PURPOSE: To comply with Health and Safety Code Section 39666 by reducing hexavalent chromium emissions from plating and acid anodizing operations.

102 APPLICABILITY: This regulation shall apply to any new or existing chrome plating or chromic acid anodizing operation located in the Sacramento Valley, Mountain Counties, or Lake Tahoe Air Basin portion of Placer County.

200 DEFINITIONS: For the purpose of this section the following definitions shall apply:

201 AMPERE-HOURS: The integral of electrical current applied to a plating tank (amperes) over a period of time (hours).

202 ANTI-MIST ADDITIVE: A chemical which reduces the emission rate from the tank when added to and maintained in the plating tank.

203 CHROME: Metallic chrome.

204 CHROME PLATING: Either hard or decorative chrome plating.

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

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

207 CHROMIUM: Hexavalent chromium.

208 CONTROL EQUIPMENT: Any device which reduces emissions from the emissions collection system.

209 DECORATIVE CHROME PLATING: The process of 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.

210 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.

211 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.

212 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.

213 FACILITY-WIDE EMISSIONS FROM HARD CHROME PLATING OR CHROMIC ACID ANODIZING: The total emissions from all hard chrome plating or chromic acid anodizing at the facility over a calendar year. Emissions shall be calculated as the sum of emissions from the emissions collection system at the facility. The emissions from an emissions collection system shall be calculated by multiplying the emission factor for that emissions collection system by the sum of ampere-hours consumed during that year for all of the tanks served by the emissions collection system.

214 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.).

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

216 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/ampere-hour whichever is less.

300 STANDARDS

301 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 district air pollution 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.

302 REQUIREMENTS FOR HARD CHROME PLATING AND CHROMIC ACID ANODIZING FACILITIES:

302.1 The owners or operators of all hard chrome plating and chromic acid anodizing facilities shall maintain a continuous record of current integrated over time (ampere- hours) for all plating tanks for each collection system used in the hard chrome plating or chromic acid anodizing operations and shall by January 17, 1991, and upon request thereafter, submit the information to the Air Pollution Control Officer.

302.2 No person shall operate a plating tank for hard chrome plating or chromic acid anodizing unless the tank has an emissions collection system.

302.3 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 ampere-hour of electrical charge applied to the plating tank.

302.4 No person shall operate a hard chrome plating tank or chromic acid anodizing tank at a facility if facility-wide 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.

302.5 No person shall operate a hard chrome plating or chromic acid anodizing tank at a facility if facility- wide 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.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE: Decorative Chrome Plating Facilities - No later than January 17, 1991, the owners or operators of existing decorative chrome plating tanks must comply with the provisions of Section 301.

402 COMPLIANCE SCHEDULE: Hard Chrome Plating and Chromic Acid Anodizing Facilities

402.1 No later than January 17, 1991, the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to Sections 302.3 or 302.5 shall submit to the Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of Sections 302.2 and 302.3 and no later than January 17, 1992, the facility shall be in compliance with the requirements of Sections 302.2 and 302.3.

402.2 No later than January 17, 1992, the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to Section 302.4 shall submit to the Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of Sections 302.2 and 302.4 and no later than July 17, 1992, the facility shall be in compliance with the requirements of Sections 302.2 and 302.4.

402.3 No later than January 17,1993, the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to Section 302.5 shall submit to the Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of Section 302.5 and no later than July 17, 1993, the facility shall be in compliance with the requirements of Section 302.5.

500 MONITORING AND RECORDS

501 RECORDKEEPING: Maintenance records for the hexavalent chromium emissions from plating and acid anodizing operations, control equipment; and calibration records for the monitoring equipment. Such records shall be retained on site for a period of 24 months, and made available to the District upon request.

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RULE 903 ETHYLENE OXIDE CONTROL MEASURE FOR STERILIZERS AND AERATORS

Adopted 02-05-91

A. GENERAL

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

2. The requirements set forth in Section C 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.

3. The District Hearing Board may grant an emergency variance from Items (a) and (c) in Table I of Section C, Standards, 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.

B. DEFINITIONS

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. Aerator Exhaust Stream - means all ethylene oxide-contaminated air which is emitted from an aerator.

6. 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.

7. Control Device - means an article, machine, equipment, or contrivance which reduces the amount of ethylene oxide between its inlet and outlet and which is sized, installed, operated, and maintained according to good engineering practices, as determined by the District.

8. 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:

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

9. 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.

10. District - means the Placer County Air Pollution Control District.

11. Ethylene Oxide (EtO) - is a substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.

12. 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.

13. 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.

14. 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:

    a. 30 ppm for sterilant gas composed of 12% ethylene oxide and 88% chlorofluorocarbon-12, by weight, and

    b. 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 using a metal oxide semiconductor sensor shall be considered an

acceptable alternative for exhaust systems carrying a sterilant gas mixture of ethylene oxide and chlorofluorocarbon-12.

15. 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.

16. Sterilant Gas - means ethylene oxide or any combination of ethylene oxide and (an)other gas(es) used in a sterilizer.

17. 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.

18. 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.

19. 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.

20. Sterilizer Exhaust Stream - is all ethylene oxide-contaminated air which is intentionally removed from the sterilizer during the sterilizer cycle.

21. 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. STANDARDS

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, and

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.

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	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	99.9 99.0 N/A	12 N/A*	
Aeration-Only Facilities	Aerator	Aerator	95.0	18	

* Not Applicable

D. ADMINISTRATIVE REQUIREMENTS

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

1. Compliance of Ethylene Oxide Concentrations Below Detection - For the purpose of determining compliance with the control efficiency requirement shown in column (c) of Table I, Section C, 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.

2. 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 Section C. If this compliance option is chosen, the owner or operator shall:

a. Within 3 months of the date of District adoption of regulations enacting this control measure, comply with the requirements shown in Subsections C.1 and C.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 E.3; and

b. 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 C.3, C.4, and C.5, and

c. Within 18 months of the date of District adoption of regulations enacting this control measure, do one of the following:

(1) Demonstrate to the satisfaction of the District that operation of all sterilizers and aerators at the facility has been permanently discontinued; or

(2) Demonstrate compliance with the requirements of Subsections C.3, C.4, and C.5, in accordance with the source testing provisions set forth in Subsection E.3.

E. MONITORING AND RECORDS

1. 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:

a. The name(s) of the owner and operator of the facility, and

b. The location of the facility, and

c. The number of sterilizers and aerators at the facility, and

d. 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.

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

2. 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's 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:

a. 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

b. 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.

3. 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:

   a. 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.

   b. 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.

   c. The inlet and outlet of the control device shall be sampled simultaneously during testing to measure the control efficiency.

   d. 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.

   e. There shall be no dilution of the air stream between the inlet and outlet test points during testing.

RULE 904 AIRBORNE TOXIC CONTROL MEASURE - HEXAVALENT CHROMIUM EMISSIONS FROM COOLING TOWERS

Adopted 05-07-91

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100 GENERAL

101 PURPOSE: The purpose of this rule is to reduce emissions of hexavalent chromium from cooling towers by eliminating chromium based circulating water treatment programs, pursuant to Title 17, California Code of Regulations, Section 93103. Hexavalent chromium containing compounds may be ingredients of cooling tower circulating water treatment chemicals.

102 APPLICABILITY: This rule shall apply to any person who owns or operates, or who plans to build, own, or operate, a cooling tower.

103 EXEMPTION, DISCONTINUED CHROMATE TREATMENT: Section 502 does not apply to cooling tower operators who have not used hexavalent chromium for water treatment since November 3, 1990, or cooling tower circulating water was never treated with hexavalent chromium containing compounds, and who have met all petition for exemption requirements of Section 404.

104 EXEMPTION, WOODEN COOLING TOWERS: Operators of cooling towers having wooden components exposed to circulating water may petition for a temporary exemption from the Section 302 hexavalent chromium concentration limitation for the period from the compliance date, November 3, 1991, up to May 3, 1992, providing that the petition for exemption requirements of Section 403 are met.

200 DEFINITIONS

201 COOLING TOWER: Any device which evaporates circulating water to remove heat from a process, a building, or a refrigerator, and puts the heat into the ambient air.

202 HEXAVALENT CHROMIUM/CHROMATE: Hexavalent chromium and chromate are identified toxic air contaminates and are a cancer-causing (toxic) substance existing as part of various inorganic chromate compounds, for example, sodium dichromate or lead chromate.

203 WATER TREATMENT CHEMICALS: Any combination of chemicals added to cooling tower water including tracers, corrosion inhibitors, antiscalants, dispersants, biocides.

300 STANDARDS

301 PROHIBITION ON HEXAVALENT CHROMIUM/CHROMATE USE: Effective

November 3, 1991, hexavalent chromium containing compounds shall not be added to cooling tower circulating water, and

302 LIMITATION ON CIRCULATING WATER HEXAVALENT CHROMIUM CONCENTRATIONS: Effective November 3, 1991, a cooling tower shall not be operated with a circulating water hexavalent chromium concentration greater than or equal to **0.15 milligrams per liter**.

400 ADMINISTRATIVE REQUIREMENTS

401 EXISTING COOLING TOWERS, GENERAL REQUIREMENTS: For cooling towers existing on May 7, 1991, the owner or operator shall notify the District in accordance with Section 402, and no later than November 3, 1991, each cooling tower shall comply with Section 301 and Section 302 requirements. Owners or operators of cooling towers with wooden components exposed to circulating water shall comply with the limitation of Section 302, unless a temporary exemption has been granted in accordance with Section 403.

402 EXISTING COOLING TOWERS, NOTIFICATION: No later than August 5, 1991, each person who owns or operates a cooling tower shall submit the following information, in writing, to the District for each cooling tower:

402.1 A declaration that a cooling tower is owned or operated, and

402.2 The location of the cooling tower, and

402.3 A statement as to whether or not hexavalent chromium or hexavalent chromium containing compounds is used or was used in the cooling tower, and

402.4 If hexavalent chromium or hexavalent chromium containing compounds are used, the date by which such use will cease.

403 PETITION FOR EXEMPTION, WOODEN COOLING TOWERS: Owners or operators of cooling towers existing on May 7, 1991 with wooden components that are exposed to circulating water may petition the APCO for exemption from the Section 302 hexavalent chromium concentration limit of 0.15 milligrams per liter of circulating water for a period of up to six months from the compliance date of November 3, 1991. The following requirements must be met for the temporary exemption to be granted:

403.1 The District must be notified in writing that the cooling tower has wooden components exposed to circulating water, and

403.2 The owner or operator complies with all other requirements of this rule, and

403.3 The circulating water of the cooling tower is tested in accordance with Section 502 monthly and results are reported to the District.

403.4 Testing shows a decrease in the hexavalent chromium concentrations in circulating water each month.

403.5 Hexavalent chromium concentrations in circulating water shall not exceed 8 milligrams hexavalent chromium per liter of circulating water.

404 PETITION FOR EXEMPTION FROM TEST REQUIREMENTS, DISCONTINUED CHROMATE TREATMENT: The requirements of Section 502 apply to any person who owns or operates a cooling tower existing on or prior to May 7, 1991, with the following exception:

404.1 Hexavalent chromium has not been used in cooling tower water treatment since November 3, 1990, or

404.2 Hexavalent chromium has never been used in water treatment for the cooling tower, and

404.3 Such hexavalent chromium cessation of use or non-use is demonstrated by written certification, signed by a company officer, that hexavalent chromium containing compounds have not been used in the year immediately before the compliance date (November 3, 1991).

405 NEW COOLING TOWER CONSTRUCTION, NOTIFICATION: No later than 90 days prior to operation of a newly constructed cooling tower, the owner or operator shall provide the following information in writing for each cooling tower:

405.1 The name and address of the owner or operator of the cooling tower, and

405.2 The location of the new cooling tower, and

405.3 The date that operation of the cooling tower is planned to commence.

500 MONITORING AND RECORDS

501 DETERMINATION OF HEXAVALENT CHROMIUM IN CIRCULATING WATER: Samples of circulating water shall be analyzed for hexavalent chromium as prescribed by American Public Health Method 312B or an equivalent method, as approved by the APCO, and the results reported to the District within 30 days of the date testing is conducted.

502 TESTING REQUIREMENTS: Unless a petition for exemption from testing has been made to, and granted by, the APCO in accordance with Section 403 prior to November 3, 1991, testing of the cooling tower circulating water shall be conducted and reported as specified in Section 501:

502.1 Frequency of Testing: At least one test of cooling tower circulating water hexavalent chromium concentration shall be conducted and the results reported to the District prior to November 3, 1991:

a. Additional tests shall be conducted and the results reported every six months thereafter.

b. If a temporary exemption from Section 302 limitation has been granted, then testing shall be conducted and reported monthly in accordance with Section 403 and Section 104.

502.2 Termination of Testing: The testing requirements of this rule for a cooling tower end when two consecutive required tests have results showing concentrations of hexavalent chromium to be less than 0.15 milligrams per liter of circulating water. Testing may be required at any time by the District, if the District has information that the circulating water may contain hexavalent chromium.

503. RECORDKEEPING: Any person subject to Sections 501 and 502 shall maintain records of the results of all required tests of circulating water for two (2) years and submit them to the District when requested.

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RULE 905 AIRBORNE TOXIC CONTROL MEASURE
ASBESTOS - CONTAINING SERPENTINE ROCK IN SURFACING APPLICATIONS

Adopted 05-07-91
(Amended 10-19-93)

100 GENERAL

101 PURPOSE: The purpose of this rule is to comply with Title 17 and Title 26, California Code of Regulations regarding the use of serpentine material for surfacing.

102 EXEMPTION, SAND AND GRAVEL OPERATIONS: The provisions of Section 302 through Section 305 shall not apply to sand and gravel operations.

103 EXEMPTION, ROADS, MINES AND DEPOSITS: The provisions of Section 301 shall not apply to roads located at serpentine quarries, asbestos mines, or mines located in serpentine deposits.

104 EXEMPTION, ROAD MAINTENANCE: The provisions of Section 301 shall not apply to maintenance operations on any existing road surfaces, or at the construction of new roads in serpentine deposits, as long as no additional asbestos-containing serpentine material is applied to the road surface.

105 EMERGENCY ROAD REPAIRS: The Air Pollution Control Officer may issue a temporary exemption from the requirements of Section 301 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.

106 BITUMINOUS AND CONCRETE MATERIALS: The provisions of Section 300 shall not apply to serpentine material that is an integral part of bituminous concrete, portland cement concrete, bituminous surface, or other similar cemented materials.

107 EXEMPTIONS - OTHER: The provisions of Section 301 shall not apply to landfill operations other than the surfacing of public-access roads used by vehicular traffic.

200 DEFINITIONS

201 AGGREGATE: A mixture of mineral fragments, sand, gravel, rocks, or similar minerals.

202 ALLUVIAL DEPOSIT: Any deposit of sediments laid down by running water including but not limited to streams and rivers.

203 ARB TEST METHOD 435: The test method specified in Title 17, California Code of Regulations, Section 94147.

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

205 ASBESTOS - CONTAINING SERPENTINE MATERIAL: Serpentine material that has an asbestos content greater than five percent (5.0%) as determined by ARB Test Method 435.

206 RECEIPTS: Any written acknowledgment that a specified amount of serpentine material was received, delivered, or purchased. Receipts include but are not limited to, bills of sale, bills of lading, and notices of transfer.

207 ROAD SURFACE: The traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.

208 SAND AND GRAVEL OPERATION: Any aggregate producing facility operating in alluvial deposits.

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

210 SERPENTINE MATERIAL: 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.

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

300 STANDARDS - REQUIREMENTS FOR USE OR SALE OF ASBESTOS--CONTAINING SERPENTINE MATERIAL

301 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 materials, 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.

302 Any person who sells, supplies, or offers for sale serpentine material in the District 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."

303 No person shall sell, supply, or offer for sale serpentine material for surfacing in the District 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.

304 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.

305 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.

400 ADMINISTRATIVE REQUIREMENTS

401 Any person subject to this rule shall comply with all the requirements upon May 7, 1991.

500 MONITORING AND RECORDS

501 ENFORCEMENT: These rules and regulations shall be enforced by the APCO under authority of California Health and Safety Code Sections 40001, 40702, 40752, and all officers empowered by Section 40120.

502 PENALTY: Penalties shall be assessed as stated in Health and Safety Code Sections 39674, 42400, and 42400.1.

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RULE 906 AIRBORNE TOXIC CONTROL MEASURE
MEDICAL WASTE INCINERATORS

Adopted 02-04-92

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100 GENERAL

101 PURPOSE: The purpose of this rule is to comply with Section 93104, Title 17, California Code of Regulations, for the control of the emission of Dioxins from medical waste incinerators and to establish minimum requirements for operation. Emission limitations are established for hydrochloric acid and particulate matter from medical waste incinerators.

102 APPLICABILITY: Any person who owns or operates a medical waste incinerator shall comply with the requirements of this Rule.

103 EXEMPTION, CREMATORIA: This control measure shall not apply to those incinerators which are exclusively crematoria of human or animal remains.

200 DEFINITIONS

201 ARB: means the State of California Air Resources Board.

202 ARB TEST METHOD 1: means the test method specified in Title 17, California Code of Regulations, Section 94101, Sample and Velocity Traverses for Stationary Sources.

203 ARB TEST METHOD 2: means the test method specified in Title 17, California Code of Regulations, Section 94102, Determination of Stack Gas Velocity and Volumetric Flow Rate.

204 ARB TEST METHOD 3: means the test method specified in Title 17, California Code of Regulations, Section 94103, Gas Analysis for Carbon Dioxide, Oxygen, Excess Air, and Dry Molecular Weight.

205 ARB TEST METHOD 4: means the test method specified in Title 17, California Code of Regulations, Section 94104, Determination of Moisture Content in Stack Gases.

206 ARB TEST METHOD 5: means the test method specified in Title 17, California Code of Regulations, Section 94105, Determination of Particulate Matter Emissions from Stationary Sources.

207 ARB TEST METHOD 421: means the test method specified in Title 17, California Code of Regulations, Section 94131, Determination of Hydrochloric Acid Emissions from Stationary Sources.

208 ARB TEST METHOD 428 - means the test method specified in Title 17,

California Code of Regulations, Section 94139, Determination of Polychlorinated Dibenzo-p-Dioxin (PCDD), Polychlorinated Dibenzofuran (PCDF), and Polychlorinated Biphenyl (PCB) Emissions from Stationary Sources.

209 CONTROL EQUIPMENT: means any device which reduces emissions from medical waste incinerators.

210 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.

211 DISTRICT: means the Placer County Air Pollution Control District.

212 EXCESS AIR: means the air supplied in excess of that necessary to completely burn compounds.

213 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.

214 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. For the purposes of this Rule, medical facilities include providers of veterinary services.

215 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.

216 MULTIPLE CHAMBER STARVED AIR INCINERATOR: or Controlled Air Incinerator, means an incinerator which is designed to burn waste in two independent chambers:

216.1 Primary Chamber: where the majority of waste volume reduction occurs operated at sub-stoichiometric conditions

216.2 Secondary Chamber: operates at excess air conditions; where destruction of gas-phase combustion products occurs. Passage ports, ducts, flues, chimneys, or stacks with burners shall not be considered Controlled Air secondary chambers unless the combustion zone exhibits design measures for the retention of the gas stream in the chamber,

turbulence or mixing, and the availability of excess air, as determined by engineering analysis.

217 STOICHIOMETRIC AIR: means an amount of air (theoretical combustion air) theoretically required for the complete combustion of compounds with total depletion of oxygen.

218 SUB-STOICHIOMETRIC AIR: means an amount of air (theoretical combustion air) less than that required for the complete combustion of compounds.

219 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.

220 WASTE: means all discarded putrescible and nonputrescible solid, semisolid, and liquid materials, including garbage, trash, refuse, paper, rubbish, food, ashes, plastics, industrial wastes, demolition and construction wastes, equipment, instruments, utensils, appliances, manure, and human or animal solid and semi-solid wastes.

221 WASTE CHARGING RATE: means the amount of waste charged or fed into the incinerator per unit of time, usually expressed in terms of pounds per hour or kilograms per hour.

300 STANDARDS

301 EMISSION LIMITATIONS: No person shall operate a medical waste incinerator unless:

301.1 The dioxins emissions have been reduced to 10 nanograms or less per kilogram of waste burned.

301.2 Hydrochloric acid emissions do not exceed 30 ppmdv, corrected to 12% carbon dioxide (CO_2), for any 1 hour emission rate.

301.3 Particulate Matter emissions do not exceed 0.01 grains per dry cubic foot of gas at standard conditions, corrected to 12% carbon dioxide (CO_2). The concentration limit shall apply to filterable (front half) particulate matter measured using ARB Test Method 5.

302 OPERATING REQUIREMENTS: No person shall operate a medical waste incinerator unless the incinerator and the control equipment required to comply with the limitations of Section 301 are 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:

302.1 The flue gas temperature at the outlet of the control equipment, or the outlet of incinerator stack if no control equipment installed, 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

302.2 For a single chamber incinerator, the combustion chamber shall be maintained at no less than 1800 degrees ($\pm$ 200 degrees) Fahrenheit. Single chamber medical waste incinerator not in operation on January 13, 1992 are prohibited.

302.3 For a multiple chamber starved air 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 ($\pm$ 200 degrees) Fahrenheit. No waste shall be fed into the incinerator during start-up and shut-down unless the incinerator combustion chamber(s) are within the required temperature range.

302.4 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^{o}F.

Q_C = means the combustion gas flow through V, as expressed in actual cubic feet per second, which is measured according to ARB Test 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 ARB Test Method 2 calculation for Q_C.

The volumetric flow rate measured at the sampling 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 unacceptable. The determination shall be equivalent to,

and within the guidelines of, ARB Test Method 2 and at the discretion of the Air Pollution Control Officer.

T_C = means the maximum temperature, in degrees Fahrenheit, that has been reached in the incinerator.

302.5 The discharge of emissions from the combustion chamber, is solely through the control equipment, or solely through the incinerator stack if no control equipment is installed.

303 ASH HANDLING REQUIREMENTS: 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.

304 REQUIRED ANCILLARY EQUIPMENT: No person shall operate a medical waste incinerator unless the following equipment is installed and maintained in an operable condition:

304.1 A continuous data recording system as specified in Section 501.

304.2 Primary and secondary combustion chamber temperature indication.

304.3 Equipment for determining and recording the weight of waste charged to the incinerator.

304.4 An automated ram waste feeder with airlock, for batch fed incinerators, such that no ingress of external air occurs during the process of feeding waste to the primary combustion chamber.

400 ADMINISTRATIVE REQUIREMENTS

401 COMPLIANCE SCHEDULE:

401.1 No later than 90 days after January 13, 1992, the owner or operator of a medical waste incinerator shall submit to the District Air Pollution Control Officer an application for an authority to construct the equipment necessary to meet the requirements of Section 301, and

401.2 No later than 15 months after January 13, 1992, the owner or operator of a medical waste incinerator shall be in compliance with this regulation.

402 DETERMINATION OF COMPLIANCE: For purposes of demonstrating compliance with the emission limits of Section 301 of this Rule the owner or operator of a medical waste incinerator shall conduct the following source tests in the manner specified in Section 502:

402.1 A minimum of two annual source tests for the dioxins stack emissions using ARB Test Method 428, for medical waste incinerators that incinerate more than 25 tons of waste per year . Annual source tests shall be conducted until at least two consecutive tests demonstrate compliance. The high resolution mass spectrometry option of ARB Test Method 428 shall be used.

402.2 One initial source test for stack Dioxin emissions, using ARB Test Method 428, for medical waste incinerators that incinerate 25 tons or less of waste per year. The high resolution mass spectrometry option of ARB Test Method 428 shall be used.

402.3 One initial source test for stack Hydrochloric Acid emissions using ARB Test Method 421.

402.4 One initial source test for stack particulate matter emissions using ARB Test Methods 1 through 5.

Further source testing may be required by the Air Pollution Control Officer in accordance with Rule 507, Provision of Sampling and Testing Facilities.

403 UPSET NOTIFICATION: 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 9:00 AM 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.

404 SHUTDOWN NOTIFICATION: 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 January 13, 1992. The shutdown date shall be no later than six months after January 13, 1992.

405 OPERATOR CERTIFICATION: 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 District and the original certificates shall be available for inspection at the facility with the permit to operate.

500 MONITORING AND RECORDS

501 MONITORING: The owner or operator of a medical waste incinerator shall maintain a continuous data recording system which provides for each day of operation continuous recording of:

501.1 Primary and secondary combustion chamber temperatures;

501.2 Carbon monoxide emissions;

501.3 Hourly waste charging rates;

501.4 The opacity of stack emissions or other indicator of particulate matter which is approved by the District Air Pollution Control Officer; and

501.5 Key operating parameters of the air pollution control equipment, as specified by the Air Pollution Control Officer.

502 TEST REQUIREMENTS:

502.1 Test Plan: At least sixty (60) days prior to the planned conduct of testing, a written test plan (two copies) detailing the test methods and procedures to be used shall be submitted for approval by the Air Pollution Control Officer. The plan shall cite the test methods to be used for the determination of compliance with the emission limitations of this Rule, including any proposed use of alternate test methods. The plan shall provide the proposed procedures for the characterization of the representative waste to be burned during testing.

502.2 Test Performance and Reporting: For purposes of determining compliance with Section 301 of this Rule, the source testing shall be conducted at the stack. Information regarding the composition (moisture content, heating value in British Thermal Units, and amount of the total waste, by weight percent, that is infectious, pathological, hazardous, or radioactive and remaining waste which is paper or cardboard, plastics, glass, wet garbage) and feed rate of the waste and auxiliary fuel charged during the source test shall be provided with the test results. The 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 District.

503 RECORDKEEPING: Maintenance records for the incinerator, control equipment, and monitoring equipment; and calibration records for the monitoring equipment. Such records shall be retained on-site for a period of 24 months, and made available to the District upon request.

APPENDICES

CONTENTS

A (RESERVED)

B1 FEDERAL GENERAL CONFORMITY REGULATION (DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS)

B2 TRANSPORTATION CONFORMITY (CONFORMITY TO STATE OR FEDERAL IMPLEMENTATION PLANS OF TRANSPORTATION PLANS, PROGRAMS, AND PROJECTS DEVELOPED, FUNDED OR APPROVED UNDER TITLE 23 U.S.C. OR THE FEDERAL TRANSIT ACT)

C AIR TOXICS "HOT SPOTS" FEE SCHEDULE FOR RULE 610

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APPENDIX B

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FEDERAL GENERAL CONFORMITY REGULATION

The Code of Federal Regulations, title 40, chapter I, subchapter C, parts 6 and 51 are amended and part 93 is added as follows:

PART 6--[AMENDED]

1. The authority citation for part 51 continues to read as follows:
   Authority: 42 U.S.C. 7401-7671q.
2. Section 6.303 is amended by reserving paragraphs (c) through (g) and revising paragraphs (a) and (b) to read as follows:
   (a) The Clean Air Act, as amended in 1990, 42 U.S.C. 7476(c), requires Federal actions to conform to any State implementation plan approved or promulgated under section 110 of the Act. For EPA actions, the applicable conformity requirements specified in 40 CFR part 51, subpart W, 40 CFR part 93, subpart B, and the applicable State implementation plan must be met.
   (b) In addition, with regard to wastewater treatment works subject to review under Subpart E of this part, the responsible official shall consider the air pollution control requirements specified in section 316(b) of the Clean Air Act, 42 U.S.C. 7616, and Agency implementation procedures.

PART 51--[AMENDED]

1. The authority citation for part 51 continues to read as follows:
   Authority: 42 U.S.C. 7401-7671q.
2. Part 51 is amended by adding a new subpart W to read as follows:

W -- DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

Sec.

51.850 Prohibition.
51.851 State implementation plan (SIP) revision.
51.852 Definitions.
51.853 Applicability.
51.854 Conformity analysis.
51.855 Reporting requirements.
51.856 Public participation.
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W -- DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

' 51.850 Prohibition.

(a) No department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan.

(b) A Federal agency must make a determination that a Federal action conforms to the applicable implementation plan in accordance with the requirements of this rule before the action is taken.

(c) The preceding sentence does not include Federal actions where either:
   (1) A National Environmental Policy Act (NEPA) analysis was completed as evidenced by a final environmental assessment (EA), environmental impact statement (EIS), or finding of no significant impact (FONSI) that was prepared prior to the effective date of this rule, or
   (2) (i) Prior to the effective date of this rule, an EA was commenced or a contract was awarded to develop the specific environmental analysis,

(ii) Sufficient environmental analysis is completed by March 15, 1994 so that the Federal agency may determine that the Federal action is in conformity with the specific requirements and the purposes of the applicable SIP pursuant to the agency's affirmative obligation under section 176(c) of the Clean Air Act (Act), and

(iii) A written determination of conformity under section 176(c) of the Act has been made by the Federal agency responsible for the Federal action by March 15, 1994.

(d) Notwithstanding any provision of this subpart, a determination that an action is in conformance with the applicable implementation plan does not exempt the action from any other requirements of the applicable implementation plan, the NEPA, or the Act.

' 51.851 State implementation plan (SIP) revision.

(a) Each State must submit to the Environmental Protection Agency (EPA) a revision to its applicable implementation plan which contains criteria and procedures for assessing the conformity of Federal actions to the applicable implementation plan, consistent with this subpart. The State must submit the conformity provisions within 12 months after November 31, 1993, or within 12 months of an area's designation to nonattainment, whichever date is later.

(b) The Federal conformity rules under this subpart and 40 CFR part 93, in addition to any existing applicable State requirements, establish the conformity criteria and procedures necessary to meet the Act requirements until such time as the required conformity SIP revision is approved by EPA. A State's conformity provisions must contain criteria and procedures that are no less stringent than the requirements described in this subpart. A State may establish more stringent conformity criteria and procedures only if they apply equally to non-Federal as well as Federal entities. Following EPA approval of the State conformity provisions (or a portion thereof) in a revision to the applicable SIP, the approved (or approved portion of the) State criteria and procedures would govern conformity determinations and the Federal conformity regulations contained in 40 CFR part 93 would apply only for the portion, if any, of the State's conformity provisions that is not approved by EPA. In addition, any previously applicable SIP requirements relating to conformity remain enforceable until the State revises its SIP to specifically remove them from the SIP and that revision is approved by EPA.

' 51.852 Definitions.

Terms used but not defined in this part shall have the meaning given them by the Act and EPA's regulations, in that order of priority.

Affected Federal land manager means the Federal agency or the Federal official charged with direct responsibility for management of an area designated as Class I under 42 U.S.C. 7472 of the Act that is located within 100 km of the proposed Federal action.

Applicable implementation plan or applicable SIP means the portion (or portions) of the SIP or most recent revision thereof, which has been approved under section 110 of the Act, or promulgated under section 110(c) of the Act (Federal implementation plan), or promulgated or approved pursuant to regulations promulgated under section 301(d) of the Act and which implements the relevant requirements of the Act.

Areawide air quality modeling analysis means an assessment on a scale that includes the entire nonattainment or maintenance area which uses an air quality dispersion model to determine the effects of emissions on air quality.

Cause or contribute to a new violation means a Federal action that:

(1) Causes a new violation of a national ambient air quality standard (NAAQS) at a location in a nonattainment or maintenance area which would otherwise not be in violation of the standard during the future period in question if the Federal action were not taken, or

(2) Contributes, in conjunction with other reasonably foreseeable actions, to a new violation of a NAAQS at a location in a nonattainment or maintenance area in a manner that would increase the frequency or severity of the new violation.

Caused by, as used in the terms "direct emissions" and "indirect emissions," means emissions that would not otherwise occur in the absence of the Federal action.

Criteria pollutant or standard means any pollutant for which there is established a NAAQS at 40 CFR part 50.

Direct emissions means those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action.

Emergency means a situation where extremely quick action on the part of the Federal agencies involved is needed and where the timing of such Federal activities makes it impractical to meet the requirements of this rule, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts, and military mobilizations.

Emissions budgets are those portions of the applicable SIP's projected emissions inventories that describe the levels of emissions (mobile, stationary, area, etc.) that provide for meeting reasonable further progress milestones, attainment, and/or maintenance for any criteria pollutant or its precursors.

Emission offsets, for purposes of section 51.858, are emissions reductions which are quantifiable, consistent with the applicable SIP attainment and reasonable further progress demonstrations, surplus to reductions required by, and credited to, other applicable SIP provisions, enforceable at both the State and Federal levels, and permanent within the timeframe specified by the program.

Emissions that a Federal agency has a continuing program responsibility for means emissions that are specifically caused by an agency carrying out its authorities, and does not include emissions that occur due to subsequent activities, unless such activities are required by the Federal agency. Where an agency, in performing its normal program responsibilities, takes actions itself or imposes conditions that result in air pollutant emissions by a non-Federal entity taking subsequent actions, such emissions are covered by the meaning of a continuing program responsibility.

EPA means the United States Environmental Protection Agency.

Federal action means any activity engaged in by a department, agency, or instrumentality of the Federal government, or any activity that a department, agency or instrumentality of the Federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase or the non-Federal undertaking that requires the Federal permit, license, or approval.

Federal agency means, for purposes of this rule, a Federal department, agency, or instrumentality of the Federal government.

Increase the frequency or severity of any existing violation of any standard in any area means to cause a nonattainment area to exceed a standard more often or to cause a violation at a greater concentration than previously existed and/or would otherwise exist during the future period in question, if the project were not implemented.

Indirect emissions means those emissions of a criteria pollutant or its precursors that:

(1) Are caused by the Federal action, but may occur later in time and/or may be farther removed in distance from the action itself but are still reasonably foreseeable, and

(2) The Federal agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal agency.

Local air quality modeling analysis means an assessment of localized impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, which uses an air quality dispersion model to determine the effects of emissions on air quality.

Maintenance area means an area with a maintenance plan approved under section 175A of the Act.

Maintenance plan means a revision to the applicable SIP, meeting the requirements of section 175A of the Act.

Metropolitan Planning Organization (MPO) is that organization designated as being responsible, together with the State, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607.

Milestone has the meaning given in sections 182(g)(1) and 189(c)(1) of the Act.

National ambient air quality standards (NAAQS) are those standards established pursuant to section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone, particulate matter (PM-10), and sulfur dioxide (SO_2).

NEPA is the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).

Nonattainment Area (NAA) means an area designated as nonattainment under section 107 of the Act and

described in 40 CFR part 81.

Precursors of a criteria pollutant are:

(1) For ozone, nitrogen oxides (NOx), unless an area is exempted from NOx requirements under section 182(f) of the Act, and volatile organic compounds (VOC) and

(2) For PM-10, those pollutants described in the PM-10 nonattainment area applicable SIP as significant contributors to the PM-10 levels.

Reasonably foreseeable emissions are projected future indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable, as described and documented by the Federal agency based on its own information and after reviewing any information presented to the Federal agency.

Regionally significant action means a Federal action for which the direct and indirect emissions of any pollutant represent 10 percent or more of a nonattainment or maintenance area's emissions inventory for that pollutant.

Regional water and/or wastewater projects include construction, operation, and maintenance of water or wastewater conveyances, water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment or maintenance area.

Total of direct and indirect emissions means the sum of direct and indirect emissions increases and decreases caused by the Federal action; i.e., the "net" emissions considering all direct and indirect emissions. The portion of emissions which are exempt or presumed to conform under section 51.853, paragraph (c), (d), (e), or (f) are not included in the "total of direct and indirect emissions." The "total of direct and indirect emissions" includes emissions of criteria pollutants and emissions of precursors of criteria pollutants.

' 51.853 Applicability.

(a) Conformity determinations for Federal actions related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) must meet the procedures and criteria of 40 CFR part 51, subpart T, in lieu of the procedures set forth in this subpart.

(b) For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each pollutant where the total of direct and indirect emissions in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in paragraphs (b)(1) or (2) of this section.

(1) For purposes of paragraph (b) of this section, the following rates apply in **nonattainment areas (NAAs)**:

	Tons/Year	
Ozone (VOC's or NOx)		
Serious NAA's		50
Severe NAA's		25
Extreme NAA's	10	
Other ozone NAA's outside an ozone transport region	100	
Marginal and moderate NAA's inside an ozone transport region		
VOC		50
NOx		100
Carbon monoxide		
All NAA's		100
SO_2 or NO_2		
All NAA's		100
PM-10		
Moderate NAA's	100	
Serious NAA's		70
Pb		
All NAA's		25

(2) For purposes of paragraph (b) of this section, the following rates apply in **maintenance areas**:

	Tons/Year	
Ozone (NOx), SO_2 or NO_2		
All Maintenance Areas	100	
Ozone (VOC's)		
Maintenance areas inside an ozone transport region	50	
Maintenance areas outside an ozone transport region	100	
Carbon monoxide		
All maintenance areas		100
PM-10		
All maintenance areas		100
Pb		
All maintenance areas		25

(c) The requirements of this subpart shall not apply to:

(1) Actions where the total of direct and indirect emissions are below the emissions levels specified in paragraph (b) of this section.

(2) The following actions which would result in no emissions increase or an increase in emissions that is clearly de minimis:

(i) Judicial and legislative proceedings.

(ii) Continuing and recurring activities such as permit renewals where activities conducted will be similar in scope and operation to activities currently being conducted.

(iii) Rulemaking and policy development and issuance.

(iv) Routine maintenance and repair activities, including repair and maintenance of administrative sites, roads, trails, and facilities.

(v) Civil and criminal enforcement activities, such as investigations, audits, inspections, examinations, prosecutions, and the training of law enforcement personnel.

(vi) Administrative actions such as personnel actions, organizational changes, debt management or collection, cash management, internal agency audits, program budget

proposals, and matters relating to the administration and collection of taxes, duties and fees.

(vii) The routine, recurring transportation of materiel and personnel.

(viii) Routine movement of mobile assets, such as ships and aircraft, in home port reassignments and stations (when no new support facilities or personnel are required) to perform as operational groups and/or for repair or overhaul.

(ix) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site.

(x) Actions, such as the following, with respect to existing structures, properties, facilities and lands where future activities conducted will be similar in scope and operation to activities currently being conducted at the existing structures, properties, facilities, and lands; for example, relocation of personnel, disposition of federally-owned existing structures, properties, facilities, and lands, rent subsidies, operation and maintenance cost subsidies, the exercise of receivership or conservatorship authority, assistance in purchasing structures, and the production of coins and currency.

(xi) The granting of leases, licenses such as for exports and trade, permits, and easements where activities conducted will be similar in scope and operation to activities currently being conducted.

(xii) Planning, studies, and provision of technical assistance.

(xiii) Routine operation of facilities, mobile assets and equipment.

(xiv) Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of the transfer.

(xv) The designation of empowerment zones, enterprise communities, or viticultural areas.

(xvi) Actions by any of the Federal banking agencies or the Federal Reserve Banks, including actions regarding charters, applications, notices, licenses, the supervision or examination of depository institutions or depository institution holding companies, access to the discount window, or the provision of financial services to banking organizations or to any department, agency or instrumentality of the United States.

(xvii) Actions by the Board of Governors of the Federal Reserve System or any Federal Reserve Bank to effect monetary or exchange rate policy.

(xviii) Actions that implement a foreign affairs function of the United States.

(xix) Actions (or portions thereof) associated with transfers of land, facilities, title, and real properties through an enforceable contract or lease agreement where the delivery of the deed is required to occur promptly after a specific, reasonable condition is met, such as promptly after the land is certified as meeting the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and where the Federal agency does not retain continuing authority to control emissions associated with the lands, facilities, title, or real properties.

(xx) Transfers of real property, including land, facilities, and related personal property from a Federal entity to another Federal entity and assignments of real property, including land, facilities, and related personal property from a Federal entity to another Federal entity for subsequent deeding to eligible applicants.

(xxi) Actions by the Department of the Treasury to effect fiscal policy and to exercise the borrowing authority of the United States.

(3) Actions where the emissions are not reasonably foreseeable, such as the following:

(i) Initial Outer Continental Shelf lease sales which are made on a broad scale and are followed by exploration and development plans on a project level.

(ii) Electric power marketing activities that involve the acquisition, sale and transmission of electric energy.

(4) Actions which implement a decision to conduct or carry out a conforming program such as prescribed burning actions which are consistent with a conforming land management plan.

(d) Notwithstanding the other requirements of this subpart, a conformity determination is **not** required for the following Federal actions (or portion thereof):

(1) The portion of an action that includes major new or modified stationary sources that require a

permit under the new source review (NSR) program (section 173 of the Act) or the prevention of significant deterioration (PSD) program (title I, part C of the Act).

(2) Actions in response to emergencies or natural disasters such as hurricanes, earthquakes, etc., which are commenced on the order of hours or days after the emergency or disaster and, if applicable, which meet the requirements of paragraph (e) of this section;

(3) Research, investigations, studies, demonstrations, or training [other than those exempted under section 51.853(c)(2)], where no environmental detriment is incurred and/or, the particular action furthers air quality research, as determined by the State agency primarily responsible for the applicable SIP;

(4) Alteration and additions of existing structures as specifically required by new or existing applicable environmental legislation or environmental regulations (e.g., hush houses for aircraft engines and scrubbers for air emissions).

(5) Direct emissions from remedial and removal actions carried out under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and associated regulations to the extent such emissions either comply with the substantive requirements of the PSD/NSR permitting program or are exempted from other environmental regulation under the provisions of CERCLA and applicable regulations issued under CERCLA.

(e) Federal actions which are part of a continuing response to an emergency or disaster under section 51.853(d)(2) and which are to be taken more than 6 months after the commencement of the response to the emergency or disaster under section 51.853(d)(2) are exempt from the requirements of this subpart only if:

(1) The Federal agency taking the actions makes a written determination that, for a specified period not to exceed an additional 6 months, it is impractical to prepare the conformity analyses which would otherwise be required and the actions cannot be delayed due to overriding concerns for public health and welfare, national security interests and foreign policy commitments; or

(2) For actions which are to be taken after those actions covered by paragraph (e)(1) of this section, the Federal agency makes a new determination as provided in paragraph (e)(1) of this section.

(f) Notwithstanding other requirements of this subpart, actions specified by individual Federal agencies that have met the criteria set forth in either paragraph (g)(1) or (g)(2) and the procedures set forth in paragraph (h) of this section are presumed to conform, except as provided in paragraph (j) of this section.

(g) The Federal agency must meet the criteria for establishing activities that are presumed to conform by fulfilling the requirements set forth in either paragraph (g)(1) or (g)(2) of this section:

(1) The Federal agency must clearly demonstrate using methods consistent with this rule that the total of direct and indirect emissions from the type of activities which would be presumed to conform would not:

(i) Cause or contribute to any new violation of any standard in any area;

(ii) Interfere with provisions in the applicable SIP for maintenance of any standard;

(iii) Increase the frequency or severity of any existing violation of any standard in any area; or

(iv) Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area including, where applicable, emission levels specified in the applicable SIP for purposes of:

(A) A demonstration of reasonable further progress;

(B) A demonstration of attainment; or

(C) A maintenance plan; or

(2) The Federal agency must provide documentation that the total of direct and indirect emissions from such future actions would be below the emission rates for a conformity determination that are established in paragraph (b) of this section, based, for example, on similar actions taken over recent years.

(h) In addition to meeting the criteria for establishing exemptions set forth in paragraphs (g)(1) or (g)(2) of this section, the following procedures must also be complied with to presume that activities will conform:

(1) The Federal agency must identify through publication in the Federal Register its list of proposed activities that are presumed to conform and the basis for the presumptions;

(2) The Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, the agency designated under section 174 of the Act and the MPO and provide at least 30 days for the public to comment on the list of proposed activities presumed

to conform;

(3) The Federal agency must document its response to all the comments received and make the comments, response, and final list of activities available to the public upon request; and

(4) The Federal agency must publish the final list of such activities in the Federal Register.

(i) Notwithstanding the other requirements of this subpart, when the total of direct and indirect emissions of any pollutant from a Federal action does not equal or exceed the rates specified in paragraph (b) of this section, but represents 10 percent or more of a nonattainment or maintenance area's total emissions of that pollutant, the action is defined as a regionally significant action and the requirements of section 51.850 and sections 51.855-860 shall apply for the Federal action.

(j) Where an action otherwise presumed to conform under paragraph (f) of this section is a regionally significant action or does not in fact meet one of the criteria in paragraph (g)(1) of this section, that action shall not be presumed to conform and the requirements of section 51.850 and sections 51.855-860 shall apply for the Federal action.

(k) The provisions of this subpart shall apply in all nonattainment and maintenance areas.

' 51.854 Conformity analysis.

Any Federal department, agency, or instrumentality of the Federal government taking an action subject to this subpart must make its own conformity determination consistent with the requirements of this subpart. In making its conformity determination, a Federal agency must consider comments from any interested parties. Where multiple Federal agencies have jurisdiction for various aspects of a project, a Federal agency may choose to adopt the analysis of another Federal agency or develop its own analysis in order to make its conformity determination.

' 51.855 Reporting requirements.

(a) A Federal agency making a conformity determination under section 51.858 must provide to the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, affected Federal land managers, the agency designated under section 174 of the Act and the MPO a 30 day notice which describes the proposed action and the Federal agency's draft conformity determination on the action.

(b) A Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, affected Federal land managers, the agency designated under section 174 of the Clean Air Act and the MPO within 30 days after making a final conformity determination under section 51.858.

' 51.856 Public participation.

(a) Upon request by any person regarding a specific Federal action, a Federal agency must make available for review its draft conformity determination under section 51.858 with supporting materials which describe the analytical methods and conclusions relied upon in making the applicability analysis and draft conformity determination.

(b) A Federal agency must make public its draft conformity determination under section 51.858 by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action and by providing 30 days for written public comment prior to taking any formal action on the draft determination. This comment period may be concurrent with any other public involvement, such as occurs in the NEPA process.

(c) A Federal agency must document its response to all the comments received on its draft conformity determination under section 51.858 and make the comments and responses available, upon request by any person regarding a specific Federal action, within 30 days of the final conformity determination.

(d) A Federal agency must make public its final conformity determination under section 51.858 for a Federal action by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action within 30 days of the final conformity determination.

' 51.857 Frequency of conformity determinations.

(a) The conformity status of a Federal action automatically lapses 5 years from the date a final conformity determination is reported under section 51.855, unless the Federal action has been completed or a continuous program has been commenced to implement that Federal action within a reasonable time.

(b) Ongoing Federal activities at a given site showing continuous progress are not new actions and do not require periodic redeterminations so long as such activities are within the scope of the final conformity determination reported under section 51.855.

(c) If, after the conformity determination is made, the Federal action is changed so that there is an increase in the total of direct and indirect emissions above the levels in section 51.853(b), a new conformity determination is required.

' 51.858 Criteria for determining conformity of general Federal actions.

(a) An action required under section 51.853 to have a conformity determination for a specific pollutant, will be determined to conform to the applicable SIP if, for each pollutant that exceeds the rates in section 51.853, paragraph (b), or otherwise requires a conformity determination due to the total of direct and indirect emissions from the action, the action meets the requirements of paragraph (c) of this section, and meets any of the following requirements:

(1) For any criteria pollutant, the total of direct and indirect emissions from the action are specifically identified and accounted for in the applicable SIP's attainment or maintenance demonstration;

(2) For ozone or nitrogen dioxide, the total of direct and indirect emissions from the action are fully offset within the same nonattainment or maintenance area through a revision to the applicable SIP or a similarly enforceable measure that effects emission reductions so that there is no net increase in emissions of that pollutant;

(3) For any criteria pollutant, except ozone and nitrogen dioxide, the total of direct and indirect emissions from the action meet the requirements:

(i) specified in paragraph (b) of this section, based on areawide air quality modeling analysis and local air quality modeling analysis, or

(ii) meet the requirements of paragraph (a)(5) and, for local air quality modeling analysis, the requirement of paragraph (b) of this section;

(4) For CO or PM-10,

(i) Where the State agency primarily responsible for the applicable SIP determines that an areawide air quality modeling analysis is not needed, the total of direct and indirect emissions from the action meet the requirements specified in paragraph (b) of this section, based on local air quality modeling analysis or

(ii) Where the State agency primarily responsible for the applicable SIP determines that an areawide air quality modeling analysis is appropriate and that a local air quality modeling analysis is not needed, the total of direct and indirect emissions from the action meet the requirements specified in paragraph (b) of this section, based on areawide modeling, or meet the requirements of paragraph (a)(5) of this section; or

(5) For ozone or nitrogen dioxide, and for purposes of paragraphs (a)(3)(ii) and (a)(4)(ii) of this section, each portion of the action or the action as a whole meets any of the following requirements:

(i) Where EPA has approved a revision to an area's attainment or maintenance demonstration after 1990 and the State makes a determination as provided in paragraph (A) or where the State makes a commitment as provided in paragraph (B):

(A) The total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the State agency primarily responsible for the applicable SIP to result in a level of emissions which, together with all other emissions in the nonattainment (or maintenance) area, would not exceed the emissions budgets specified in the applicable SIP.

(B) The total of direct and indirect emissions from the action (or portion thereof) is determined by the State agency responsible for the applicable SIP to result in a level of emissions which, together with all other emissions in the nonattainment (or maintenance) area, would exceed an emissions budget specified in the applicable SIP and the State Governor or the Governor's designee for SIP actions

makes a written commitment to EPA which includes the following:

(1) A specific schedule for adoption and submittal of a revision to the SIP which would achieve the needed emission reductions prior to the time emissions from the Federal action would occur;

(2) Identification of specific measures for incorporation into the SIP which would result in a level of emissions which, together with all other emissions in the nonattainment or maintenance area, would not exceed any emissions budget specified in the applicable SIP;

(3) A demonstration that all existing applicable SIP requirements are being implemented in the area for the pollutants affected by the Federal action, and that local authority to implement additional requirements has been fully pursued;

(4) A determination that the responsible Federal agencies have required all reasonable mitigation measures associated with their action; and

(5) Written documentation including all air quality analyses supporting the conformity determination.

(C) Where a Federal agency made a conformity determination based on a State commitment under subparagraph (a)(5)(i)(B) of this paragraph, such a State commitment is automatically deemed a call for a SIP revision by EPA under section 110(k)(5) of the Act, effective on the date of the Federal conformity determination and requiring response within 18 months or any shorter time within which the State commits to revise the applicable SIP;

(ii) The action (or portion thereof), as determined by the MPO, is specifically included in a current transportation plan and transportation improvement program which have been found to conform to the applicable SIP under 40 CFR part 51, subpart T, or 40 CFR part 93, subpart A;

(iii) The action (or portion thereof) fully offsets its emissions within the same nonattainment or maintenance area through a revision to the applicable SIP or an equally enforceable measure that effects emission reductions equal to or greater than the total of direct and indirect emissions from the action so that there is no net increase in emissions of that pollutant;

(iv) Where EPA has not approved a revision to the relevant SIP attainment or maintenance demonstration since 1990, the total of direct and indirect emissions from the action for the future years [described in paragraph (d) of section 51.859] do not increase emissions with respect to the baseline emissions;

(A) The baseline emissions reflect the historical activity levels that occurred in the geographic area affected by the proposed Federal action during:

(1) Calendar year 1990,

(2) The calendar year that is the basis for the classification (or, where the classification is based on multiple years, the most representative year), if a classification is promulgated in 40 CFR part 81, or

(3) The year of the baseline inventory in the PM-10 applicable SIP;

(B) The baseline emissions are the total of direct and indirect emissions calculated for the future years [described in paragraph (d) of section 51.859] using the historic activity levels [described in subparagraph (a)(5)(iv)(A) of this paragraph] and appropriate emission factors for the future years; or

(v) Where the action involves regional water and/or wastewater projects, such projects are sized to meet only the needs of population projections that are in the applicable SIP.

(b) The areawide and/or local air quality modeling analyses must:

(1) Meet the requirements in section 51.859 and

(2) Show that the action does not:

(i) Cause or contribute to any new violation of any standard in any area; or

(ii) Increase the frequency or severity of any existing violation of any standard in any area.

(c) Notwithstanding any other requirements of this section, an action subject to this subpart may not be

determined to conform to the applicable SIP unless the total of direct and indirect emissions from the action is in compliance or consistent with all relevant requirements and milestones contained in the applicable SIP, such as elements identified as part of the reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstration, prohibitions, numerical emission limits, and work practice requirements.

(d) Any analyses required under this section must be completed, and any mitigation requirements necessary for a finding of conformity must be identified before the determination of conformity is made.

' 51.859 Procedures for conformity determinations of general Federal actions.

(a) The analyses required under this subpart must be based on the latest planning assumptions.
  (1) All planning assumptions must be derived from the estimates of population, employment, travel, and congestion most recently approved by the MPO, or other agency authorized to make such estimates, where available.
  (2) Any revisions to these estimates used as part of the conformity determination, including projected shifts in geographic location or level of population, employment, travel, and congestion, must be approved by the MPO or other agency authorized to make such estimates for the urban area.

(b) The analyses required under this subpart must be based on the latest and most accurate emission estimation techniques available as described below, unless such techniques are inappropriate. If such techniques are inappropriate and written approval of the EPA Regional Administrator is obtained for any modification or substitution, they may be modified or another technique substituted on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal agency program.
  (1) For motor vehicle emissions, the most current version of the motor vehicle emissions model specified by EPA and available for use in the preparation or revision of SIPs in that State must be used for the conformity analysis as specified below:
    (i) The EPA must publish in the Federal Register a notice of availability of any new motor vehicle emissions model; and
    (ii) A grace period of three months shall apply during which the motor vehicle emissions model previously specified by EPA as the most current version may be used. Conformity analyses for which the analysis was begun during the grace period or no more than 3 years before the Federal Register notice of availability of the latest emission model may continue to use the previous version of the model specified by EPA.
  (2) For non-motor vehicle sources, including stationary and area source emissions, the latest emission factors specified by EPA in the "Compilation of Air Pollutant Emission Factors (AP-42)" must be used for the conformity analysis unless more accurate emission data are available, such as actual stack test data from stationary sources which are part of the conformity analysis.

(c) The air quality modeling analyses required under this Subpart must be based on the applicable air quality models, data bases, and other requirements specified in the most recent version of the "Guideline on Air Quality Models (Revised)" (1986), including supplements (EPA publication no. 450/2-78-027R), unless:
  (1) The guideline techniques are inappropriate, in which case the model may be modified or another model substituted on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal agency program; and
  (2) Written approval of the EPA Regional Administrator is obtained for any modification or substitution.

(d) The analyses required under this subpart, except section 51.858, paragraph (a)(1), must be based on the total of direct and indirect emissions from the action and must reflect emission scenarios that are expected to occur under each of the following cases:
  (1) The Act mandated attainment year or, if applicable, the farthest year for which emissions are projected in the maintenance plan;
  (2) The year during which the total of direct and indirect emissions from the action is expected to be the greatest on an annual basis; and
  (3) Any year for which the applicable SIP specifies an emissions budget.

' 51.860 Mitigation of air quality impacts.

(a) Any measures that are intended to mitigate air quality impacts must be identified and the process for implementation and enforcement of such measures must be described, including an implementation schedule containing explicit timelines for implementation.

(b) Prior to determining that a Federal action is in conformity, the Federal agency making the conformity determination must obtain written commitments from the appropriate persons or agencies to implement any mitigation measures which are identified as conditions for making conformity determinations.

(c) Persons or agencies voluntarily committing to mitigation measures to facilitate positive conformity

determinations must comply with the obligations of such commitments.

(d) In instances where the Federal agency is licensing, permitting or otherwise approving the action of another governmental or private entity, approval by the Federal agency must be conditioned on the other entity meeting the mitigation measures set forth in the conformity determination.

(e) When necessary because of changed circumstances, mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination. Any proposed change in the mitigation measures is subject to the reporting requirements of section 51.856 and the public participation requirements of section 51.857.

(f) The implementation plan revision required in section 51.851 of this subpart shall provide that written commitments to mitigation measures must be obtained prior to a positive conformity determination and that such commitments must be fulfilled.

(g) After a State revises its SIP to adopt its general conformity rules and EPA approves that SIP revision, any agreements, including mitigation measures, necessary for a conformity determination will be both State and federally enforceable. Enforceability through the applicable SIP will apply to all persons who agree to mitigate direct and indirect emissions associated with a Federal action for a conformity determination.

PART 93 -- DETERMINING CONFORMITY OF FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

SUBPART B -- DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

Sec.

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SUBPART B -- DETERMINING CONFORMITY OF GENERAL FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

' 93.150 Prohibition.

(a) No department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which does not conform to an applicable implementation plan.

(b) A Federal agency must make a determination that a Federal action conforms to the applicable implementation plan in accordance with the requirements of this rule before the action is taken.

(c) The preceding sentence does not include Federal actions where:

(1) A National Environmental Policy Act (NEPA) analysis was completed as evidenced by a final environmental assessment (EA), environmental impact statement (EIS), or finding of no significant impact (FONSI) that was prepared prior to the effective date of this rule, or

(2) (i) Prior to the effective date of this rule, an environmental analysis was commenced or a contract was awarded to develop the specific environmental analysis,

(ii) Sufficient environmental analysis is completed by March 15, 1994 so that the Federal agency may determine that the Federal action is in conformity with the specific requirements and the purposes of the applicable SIP pursuant to the agency's affirmative obligation under section 176(c) of the Clean Air Act (Act), and

(iii) A written determination of conformity under section 176(c) of the Act has been made by the Federal agency responsible for the Federal action by March 15, 1994, or

(d) Notwithstanding any provision of this subpart, a determination that an action is in conformance with the applicable implementation plan does not exempt the action from any other requirements of the applicable implementation plan, the National Environmental Policy Act (NEPA), or the Clean Air Act (Act).

' 93.151 State implementation plan (SIP) revision.

The Federal conformity rules under this Subpart, in addition to any existing applicable State requirements, establish the conformity criteria and procedures necessary to meet the Act requirements until such time as the required conformity SIP revision is approved by EPA. A State's conformity provisions must contain criteria and procedures that are no less stringent than the requirements described in this subpart. A State may establish more stringent conformity criteria and procedures only if they apply equally to nonfederal as well as Federal entities. Following EPA approval of the State conformity provisions (or a portion thereof) in a revision to the applicable SIP, the approved (or approved portion of the) State criteria and procedures would govern conformity determinations and the Federal conformity regulations contained in 40 CFR part 93 would apply only for the portion, if any, of the State's conformity provisions that is not approved by EPA. In addition, any previously applicable SIP requirements relating to

conformity remain enforceable until the State revises its SIP to specifically remove them from the SIP and that revision is approved by EPA.

' 93.152 Definitions.

Terms used but not defined in this part shall have the meaning given them by the Act and EPA's regulations, in that order of priority.

Affected Federal land manager means the Federal agency or the Federal official charged with direct responsibility for management of an area designated as Class I under 42 U.S.C. 7472 of the Act that is located within 100 km of the proposed Federal action.

Applicable implementation plan or applicable SIP means the portion (or portions) of the SIP or most recent revision thereof, which has been approved under section 110 of the Act, or promulgated under section 110(c) of the Act (Federal implementation plan), or promulgated or approved pursuant to regulations promulgated under section 301(d) of the Act and which implements the relevant requirements of the Act.

Areawide air quality modeling analysis means an assessment on a scale that includes the entire nonattainment or maintenance area which uses an air quality dispersion model to determine the effects of emissions on air quality.

Cause or contribute to a new violation means a Federal action that:

(1) Causes a new violation of a national ambient air quality standard (NAAQS) at a location in a nonattainment or maintenance area which would otherwise not be in violation of the standard during the future period in question if the Federal action were not taken, or

(2) Contributes, in conjunction with other reasonably foreseeable actions, to a new violation of a NAAQS at a location in a nonattainment or maintenance area in a manner that would increase the frequency or severity of the new violation.

Caused by, as used in the terms "direct emissions" and "indirect emissions," means emissions that would not otherwise occur in the absence of the Federal action.

Criteria pollutant or standard means any pollutant for which there is established a NAAQS at 40 CFR part 50.

Direct emissions means those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action.

Emergency means a situation where extremely quick action on the part of the Federal agencies involved is needed and where the timing of such Federal activities makes it impractical to meet the requirements of this rule, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts. and military mobilizations.

Emissions budgets are those portions of the applicable SIP's projected emission inventories that describe the levels of emissions (mobile, stationary, area, etc.) that provide for meeting reasonable further progress milestones, attainment, and/or maintenance for any criteria pollutant or its precursors.

Emission offsets, for purposes of section 93.158, are emissions reductions which are quantifiable, consistent with the applicable SIP attainment and reasonable further progress demonstrations, surplus to reductions required by, and credited to, other applicable SIP provisions, enforceable at both the State and Federal levels, and permanent within the timeframe specified by the program.

Emissions that a Federal agency has a continuing program responsibility for means emissions that are specifically caused by an agency carrying out its authorities, and does not include emissions that occur due to subsequent activities, unless such activities are required by the Federal agency. When an agency, in performing its normal program responsibilities, takes actions itself or imposes conditions that result in air pollutant emissions by a non-Federal entity taking subsequent actions, such emissions are covered by the meaning of a continuing program responsibility.

EPA means the Environmental Protection Agency.

Federal action means any activity engaged in by a department, agency, or instrumentality of the Federal government, or any activity that a department, agency or instrumentality of the Federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase of the non-Federal undertaking that requires the Federal permit, license, or approval.

Federal agency means, for purposes of this rule, a Federal department, agency, or instrumentality of the Federal government.

Increase the frequency or severity of any existing violation of any standard in any area means to cause a nonattainment area to exceed a standard more often or to cause a violation at a greater concentration than previously existed and/or would otherwise exist during the future period in question, if the project were not implemented.

Indirect emissions means those emissions of a criteria pollutant or its precursors that:

(1) Are caused by the Federal action, but may occur later in time and/or may be further removed in distance from the action itself but are still reasonably foreseeable, and

(2) The Federal agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal agency.

Local air quality modeling analysis means an assessment of localized impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, which uses an air quality dispersion model to determine the effects of emissions on air quality.

Maintenance area means an area with a maintenance plan approved under section 175A of the Act.

Maintenance plan means a revision to the applicable SIP, meeting the requirements of section 175A of the Act.

Metropolitan Planning Organization (MPO) is that organization designated as being responsible, together with the State, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607.

Milestone has the meaning given in sections 182(g)(1) and 189(c)(1) of the Act.

National ambient air quality standards (NAAQS) are those standards established pursuant to section 109 of the Act and include standards for carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO_2), ozone, particulate matter (PM-10), and sulfur dioxide (SO_2).

NEPA is the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.).

Nonattainment area means an area designated as nonattainment under section 107 of the Act and described in 40 CFR part 81.

Precursors of a criteria pollutant are:

(1) For ozone, nitrogen oxides (NOx), unless an area is exempted from NOx requirements under section 182(f) of the Act, and volatile organic compounds (VOC), and

(2) For PM-10, those pollutants described in the PM-10 nonattainment area applicable SIP as significant contributors to the PM-10 levels.

Reasonably foreseeable emissions are projected future indirect emissions that are identified at the time the conformity determination is made; the location of such emissions is known and the emissions are quantifiable, as described and documented by the Federal agency based on its own information and after reviewing any information presented to the Federal agency.

Regionally significant action means a Federal action for which the direct and indirect emissions of any pollutant represent 10 percent or more of a nonattainment or maintenance area's emission inventory for that pollutant.

Regional water and/or wastewater projects include construction, operation, and maintenance of water or wastewater conveyances, water or wastewater treatment facilities, and water storage reservoirs which affect a large portion of a nonattainment or maintenance area.

Total of direct and indirect emissions means the sum of direct and indirect emissions increases and decreases caused by the Federal action; i.e., the "net" emissions considering all direct and indirect emissions. The portion of emissions which are exempt or presumed to conform under section 93.153, paragraph (c), (d), (e), or (f) are not included in the "total of direct and indirect emissions." The "total of direct and indirect emissions" includes emissions of criteria pollutants and emissions of precursors of criteria pollutants.

' 93.153 Applicability.

(a) Conformity determinations for Federal actions related to transportation plans, programs, and projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) must

meet the procedures and criteria of 40 CFR part 51, subpart T, in lieu of the procedures set forth in this subpart.

(b) For Federal actions not covered by paragraph (a) of this section, a conformity determination is required for each pollutant where the total of direct and indirect emissions in a nonattainment or maintenance area caused by a Federal action would equal or exceed any of the rates in paragraphs (b)(1) or (2) of this section.

(1) For purposes of paragraph (b) of this section, the following rates apply in **nonattainment areas (NAA's)**:

	Tons/Year
Ozone (VOC's or NOx)	
Serious NAA's	50
Severe NAA's	25
Extreme NAA's	10
Other ozone NAA's outside an ozone transport region	100
Marginal and moderate NAA's inside an ozone transport region	
VOC	50
NOx	100
Carbon monoxide	
All NAA's	100
SO_2 or NO_2	
All NAA's	100
PM-10	
Moderate NAA's	100
Serious NAA's	70
Pb	
All NAA's	25

(2) For purposes of paragraph (b) of this section, the following rates apply in **maintenance areas**:

	Tons/Year
Ozone (NOx), SO_2 or NO_2	
All Maintenance Areas	100
Ozone (VOC's)	
Maintenance areas inside an ozone transport region	50
Maintenance areas outside an ozone transport region	100
Carbon monoxide	
All Maintenance Areas	100
PM-10	
All Maintenance Areas	100
Pb	
All Maintenance Areas	25

(c) The requirements of this subpart shall not apply to the following Federal actions:

(1) Actions where the total of direct and indirect emissions are below the emissions levels specified in paragraph (b) of this section.

(2) Actions which would result in no emissions increase or an increase in emissions that is clearly de minimis:

(i) Judicial and legislative proceedings.

(ii) Continuing and recurring activities such as permit renewals where activities conducted will be similar in scope and operation to activities currently being conducted.

(iii) Rulemaking and policy development and issuance.

(iv) Routine maintenance and repair activities, including repair and maintenance of

administrative sites, roads, trails, and facilities.

(v) Civil and criminal enforcement activities, such as investigations, audits, inspections, examinations, prosecutions, and the training of law enforcement personnel.

(vi) Administrative actions such as personnel actions, organizational changes, debt management or collection, cash management, internal agency audits, program budget proposals, and matters relating to the administration and collection of taxes, duties and fees.

(vii) The routine, recurring transportation of materiel and personnel.

(viii) Routine movement of mobile assets, such as ships and aircraft, in home port reassignments and stations (when no new support facilities or personnel are required) to perform as operational groups and/or for repair or overhaul.

(ix) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site.

(x) Actions, such as the following, with respect to existing structures, properties, facilities and lands where future activities conducted will be similar in scope and operation to activities currently being conducted at the existing structures, properties, facilities, and lands; for example, relocation of personnel, disposition of federally-owned existing structures, properties, facilities, and lands, rent subsidies, operation and maintenance cost subsidies, the exercise of receivership or conservatorship authority, assistance in purchasing structures, and the production of coins and currency.

(xi) The granting of leases, licenses such as for exports and trade, permits, and easements where activities conducted will be similar in scope and operation to activities currently being conducted.

(xii) Planning, studies, and provision of technical assistance.

(xiii) Routine operation of facilities, mo bile assets and equipment.

(xiv) Transfers of ownership, interests, and titles in land, facilities, and real and personal properties, regardless of the form or method of the transfer.

(xv) The designation of empowerment zones, enterprise communities, or viticultural areas.

(xvi) Actions by any of the Federal banking agencies or the Federal Reserve Banks, including actions regarding charters, applications, notices, licenses, the supervision or examination of depository institutions or depository institution holding companies, access to the discount window, or the provision of financial services to banking organizations or to any department, agency or instrumentality of the United States.

(xvii) Actions by the Board of Governors of the Federal Reserve System or any Federal Reserve Bank necessary to effect monetary or exchange rate policy.

(xviii) Actions that implement a foreign affairs function of the United States.

(xix) Actions (or portions thereof) associated with transfers of land, facilities, title, and real properties through an enforceable contract or lease agreement where the delivery of the deed is required to occur promptly after a specific, reasonable condition is met, such as promptly after the land is certified as meeting the requirements of CERCLA, and where the Federal agency does not retain continuing authority to control emissions associated with the lands, facilities, title, or real properties.

(xx) Transfers of real property, including land, facilities, and related personal property from a Federal entity to another Federal entity and assignments of real property, including land, facilities, and related personal property from a Federal entity to another Federal entity for subsequent deeding to eligible applicants.

(xxi) Actions by the Department of the Treasury to effect fiscal policy and to exercise the borrowing authority of the United States.

(3) Actions where the emissions are not reasonably foreseeable, such as the following:

(i) Initial Outer Continental Shelf lease sales which are made on a broad scale and are followed by exploration and development plans on a project level.

(ii) Electric power marketing activities that involve the acquisition, sale and transmission of electric energy.

(4) Actions which implement a decision to conduct or carry out a conforming program such as

prescribed burning actions which are consistent with a conforming land management plan.

(d) Notwithstanding the other requirements of this subpart, a conformity determination is not required for the following Federal actions (or portion thereof):

(1) The portion of an action that includes major new or modified stationary sources that require a permit under the new source review (NSR) program (section 173 of the Act) or the prevention of significant deterioration program (title I, part C of the Act).

(2) Actions in response to emergencies or natural disasters such as hurricanes, earthquakes, etc., which are commenced on the order of hours or days after the emergency or disaster and, if applicable, which meet the requirements of paragraph (e) of this section;

(3) Research, investigations, studies, demonstrations, or training (other than those exempted under section 51.853(c)(2)), where no environmental detriment is incurred and/or, the particular action furthers air quality research, as determined by the State agency primarily responsible for the applicable SIP;

(4) Alteration and additions of existing structures as specifically required by new or existing applicable environmental legislation or environmental regulations (e.g., hush houses for aircraft engines and scrubbers for air emissions).

(5) Direct emissions from remedial and removal actions carried out under the Comprehensive Environmental Response, Compensation and Liability Act and associated regulations to the extent such emissions either comply with the substantive requirements of the PSD/NSR permitting program or are exempted from other environmental regulation under the provisions of CERCLA and applicable regulations issued under CERCLA.

(e) Federal actions which are part of a continuing response to an emergency or disaster under section 93.153(d)(2) and which are to be taken more than 6 months after the commencement of the response to the emergency or disaster under section 93.153(d)(2) are exempt from the requirements of this subpart only if:

(1) The Federal agency taking the actions makes a written determination that, for a specified period not to exceed an additional 6 months, it is impractical to prepare the conformity analyses which would otherwise be required and the actions cannot be delayed due to overriding concerns for public health and welfare, national security interests and foreign policy commitments; or

(2) For actions which are to be taken after those actions covered by paragraph (e)(1) of this section, the Federal agency makes a new determination as provided in paragraph (e)(1) of this section.

(f) Notwithstanding other requirements of this subpart, actions specified by individual Federal agencies that have met the criteria set forth in either paragraph (g)(1) or (g)(2) and the procedures set forth in paragraph (h) of this section are presumed to conform, except as provided in paragraph (j) of this section.

(g) The Federal agency must meet the criteria for establishing activities that are presumed to conform by fulfilling the requirements set forth in either paragraph (g)(1) or (g)(2) of this section:

(1) The Federal agency must clearly demonstrate using methods consistent with this rule that the total of direct and indirect emissions from the type of activities which would be presumed to conform would not:

(i) Cause or contribute to any new violation of any standard in any area;

(ii) Interfere with provisions in the applicable SIP for maintenance of any standard;

(iii) Increase the frequency or severity of any existing violation of any standard in any area; or

(iv) Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area including, where applicable, emission levels specified in the applicable SIP for purposes of:

(A) A demonstration of reasonable further progress;

(B) A demonstration of attainment; or

(C) A maintenance plan; or

(2) The Federal agency must provide documentation that the total of direct and indirect emissions from such future actions would be below the emission rates for a conformity determination that are established in paragraph (b) of this section, based, for example, on similar actions taken over recent years.

(h) In addition to meeting the criteria for establishing exemptions set forth in paragraphs (g)(1) or (g)(2) of this section, the following procedures must also be complied with to presume that activities will conform:

(1) The Federal agency must identify through publication in the Federal Register its list of proposed activities that are presumed to conform and the basis for the presumptions;

(2) The Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, the agency designated under section 174 of the Act and the MPO and provide at least 30 days for the public to comment on the list of proposed activities presumed to conform;

(3) The Federal agency must document its response to all the comments received and make the comments, response, and final list of activities available to the public upon request; and

(4) The Federal agency must publish the final list of such activities in the Federal Register.

(i) Notwithstanding the other requirements of this subpart, when the total of direct and indirect emissions of any pollutant from a Federal action does not equal or exceed the rates specified in paragraph (b) of this section, but represents 10 percent or more of a nonattainment or maintenance area's total emissions of that pollutant, the action is defined as a regionally significant action and the requirements of section 93.150 and sections 93.155-860 shall apply for the Federal action.

(j) Where an action otherwise presumed to conform under paragraph (f) of this section is a regionally significant action or does not in fact meet one of the criteria in paragraph (g)(1) of this section, that action shall not be presumed to conform and the requirements of section 93.150 and sections 93.155-860 shall apply for the Federal action.

(k) The provisions of this subpart shall apply in all nonattainment and maintenance areas.

' 93.154 Conformity analysis.

Any Federal department, agency, or instrumentality of the Federal government taking an action subject to this subpart must make its own conformity determination consistent with the requirements of this subpart. In making its conformity determination, a Federal agency must consider comments from any interested parties. Where multiple Federal agencies have jurisdiction for various aspects of a project, a Federal agency may choose to adopt the analysis of another Federal agency or develop its own analysis in order to make its conformity determination.

' 93.155 Reporting requirements.

(a) A Federal agency making a conformity determination under section 93.158 must provide to the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, affected Federal land managers, the agency designated under section 174 of the Act and the MPO a 30 day notice which describes the proposed action and the Federal agency's draft conformity determination on the action.

(b) A Federal agency must notify the appropriate EPA Regional Office(s), State and local air quality agencies and, where applicable, affected Federal land managers, the agency designated under section 174 of the Clean Air Act and the MPO within 30 days after making a final conformity determination under section 93.158.

' 93.156 Public participation.

(a) Upon request by any person regarding a specific Federal action, a Federal agency must make available for review its draft conformity determination under section 93.158 with supporting materials which describe the analytical methods and conclusions relied upon in making the applicability analysis and draft conformity determination.

(b) A Federal agency must make public its draft conformity determination under section 93.158 by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action and by providing 30 days for written public comment prior to taking any formal action on the draft determination. This comment period may be concurrent with any other public involvement, such as occurs in the NEPA process.

(c) A Federal agency must document its response to all the comments received on its draft conformity determination under section 93.158 and make the comments and responses available, upon request by any person regarding a specific Federal action, within 30 days of the final conformity determination.

(d) A Federal agency must make public its final conformity determination under section 93.158 for a Federal

action by placing a notice by prominent advertisement in a daily newspaper of general circulation in the area affected by the action within 30 days of the final conformity determination.

' 93.157 Frequency of conformity determinations.

(a) The conformity status of a Federal action automatically lapses 5 years from the date a final conformity determination is reported under section 93.155, unless the Federal action has been completed or a continuous program has been commenced to implement that Federal action within a reasonable time.

(b) Ongoing Federal activities at a given site showing continuous progress are not new actions and do not require periodic redeterminations so long as such activities are within the scope of the final conformity determination reported under section 93.155.

(c) If, after the conformity determination is made, the Federal action is changed so that there is an increase in the total of direct and indirect emissions, above the levels in section 93.153(b), a new conformity determination is required.

' 93.158 Criteria for determining conformity of general Federal actions.

(a) An action required under section 93.153 to have a conformity determination for a specific pollutant, will be determined to conform to the applicable SIP if, for each pollutant that exceeds the rates in section 93.153, paragraph (b), or otherwise requires a conformity determination due to the total of direct and indirect emissions from the action, the action meets the requirements of paragraph (c) of this section, and meets any of the following requirements:

(1) For any criteria pollutant, the total of direct and indirect emissions from the action are specifically identified and accounted for in the applicable SIP's attainment or maintenance demonstration;

(2) For ozone or nitrogen dioxide, the total of direct and indirect emissions from the action are fully offset within the same nonattainment or maintenance area through a revision to the applicable SIP or a similarly enforceable measure that effects emission reductions so that there is no net increase in emissions of that pollutant;

(3) For any criteria pollutant, except ozone and nitrogen dioxide, the total of direct and indirect emissions from the action meet the requirements:

(i) Specified in paragraph (b) of this section, based on areawide air quality modeling analysis and local air quality modeling analysis, or

(ii) Meet the requirements of paragraph (a)(5) and, for local air quality modeling analysis, the requirement of paragraph (b) of this section;

(4) For CO or PM-10,

(i) Where the State agency primarily responsible for the applicable SIP determines that an areawide air quality modeling analysis is not needed, the total of direct and indirect emissions from the action meet the requirements specified in paragraph (b) of this section, based on local air quality modeling analysis or

(ii) Where the State agency primarily responsible for the applicable SIP determines that an areawide air quality modeling analysis is appropriate and that a local air quality modeling analysis is not needed, the total of direct and indirect emissions from the action meet the requirements specified in paragraph (b) of this section, based on areawide modeling, or meet the requirements of paragraph (a)(5) of this section; or

(5) For ozone or nitrogen dioxide, and for purposes of paragraphs (a)(3)(11) and (a)(4)(ii) of this section, each portion of the action or the action as a whole meets any of the following requirements:

(i) Where EPA has approved a revision to an area's attainment or maintenance demonstration after 1990 and the State makes a determination as provided in paragraph (A) or where the State makes a commitment as provided in paragraph (B):

(A) The total of direct and indirect emissions from the action (or portion thereof) is determined and documented by the State agency primarily responsible for the applicable SIP to result in a level of emissions which, together with all other emissions in the nonattainment (or maintenance) area, would not exceed the

emissions budgets specified in the applicable SIP.

(B) The total of direct and indirect emissions from the action (or portion thereof) is determined by the State agency responsible for the applicable SIP to result in a level of emissions which, together with all other emissions in the nonattainment (or maintenance) area, would exceed an emissions budget specified in the applicable SIP and the State Governor or the Governor's designee for SIP actions makes a written commitment to EPA which includes the following:

(1) A specific schedule for adoption and submittal of a revision to the SIP which would achieve the needed emission reductions prior to the time emissions from the Federal action would occur;

(2) Identification of specific measures for incorporation into the SIP which would result in a level of emissions which, together with all other emissions in the nonattainment or maintenance area, would not exceed any emissions budget specified in the applicable SIP;

(3) A demonstration that all existing applicable SIP requirements are being implemented in the area for the pollutants affected by the Federal action, and that local authority to implement additional requirements has been fully pursued;

(4) A determination that the responsible Federal agencies have required all reasonable mitigation measures associated with their action; and

(5) Written documentation including all air quality analyses supporting the conformity determination.

(C) Where a Federal agency made a conformity determination based on a State commitment under subparagraph (a)(5)(i)(B) of this paragraph, such a State commitment is automatically deemed a call for a SIP revision by EPA under section 110(k)(5) of the Act, effective on the date of the Federal conformity determination and requiring response within 18 months or any shorter time within which the State commits to revise the applicable SIP;

(ii) The action (or portion thereof), as determined by the MPO, is specifically included in a current transportation plan and transportation improvement program which have been found to conform to the applicable SIP under 40 CFR part 51, subpart T, or 40 CFR part 93, subpart A;

(iii) The action (or portion thereof) fully offsets its emissions within the same nonattainment or maintenance area through a revision to the applicable SIP or an equally enforceable measure that effects emission reductions equal to or greater than the total of direct and indirect emissions from the action so that there is no net increase in emissions of that pollutant;

(iv) Where EPA has not approved a revision to the relevant SIP attainment or maintenance demonstration since 1990, the total of direct and indirect emissions from the action for the future years [described in paragraph (d) of section 93.159] do not increase emissions with respect to the baseline emissions;

(A) The baseline emissions reflect the historical activity levels that occurred in the geographic area affected by the proposed Federal action during:

(1) Calendar year 1990,

(2) The calendar year that is the basis for the classification (or, where the classification is based on multiple years, the most representative year), if a classification is promulgated in 40 CFR part 81, or

(3) The year of the baseline inventory in the PM-10 applicable SIP;

(B) The baseline emissions are the total of direct and indirect emissions calculated for the future years [described in paragraph (d) of section 93.159] using the historic activity levels [described in subparagraph (a)(5)(iv)(A) of this paragraph] and appropriate emission factors for the future years; or

(v) Where the action involves regional water and/or wastewater projects, such projects are sized to meet only the needs of population projections that are in the applicable SIP.

(b) The areawide and/or local air quality modeling analyses must:
  (1) Meet the requirements in section 93.159 and
  (2) Show that the action does not:
    (i) Cause or contribute to any new violation of any standard in any area; or
    (ii) Increase the frequency or severity of any existing violation of any standard in any area.

(c) Notwithstanding any other requirements of this section, an action subject to this subpart may not be determined to conform to the applicable SIP unless the total of direct and indirect emissions from the action is in compliance or consistent with all relevant requirements and milestones contained in the applicable SIP, such as elements identified as part of the reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstration, prohibitions, numerical emission limits, and work practice requirements.

(d) Any analyses required under this section must be completed, and any mitigation requirements necessary for a finding of conformity must be identified before the determination of conformity is made.

' 93.159 Procedures for conformity determinations of general Federal actions.

(a) The analyses required under this subpart must be based on the latest planning assumptions. (1)All planning assumptions must be derived from the estimates of population, employment, travel, and congestion most recently approved by the MPO, or other agency authorized to make such estimates, where available.
  (2) Any revisions to these estimates used as part of the conformity determination, including projected shifts in geographic location or level of population, employment, travel, and congestion, must be approved by the MPO or other agency authorized to make such estimates for the urban area.

(b) The analyses required under this subpart must be based on the latest and most accurate emission estimation techniques available as described below, unless such techniques are inappropriate. If such techniques are inappropriate and written approval of the EPA Regional Administrator is obtained for any modification or substitution, they may be modified or another technique substituted on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal agency program.
  (1) For motor vehicle emissions, the most current version of the motor vehicle emissions model specified by EPA and available for use in the preparation or revision of SIPs in that State must be used for the conformity analysis as specified below:
    (i) The EPA must publish in the Federal Register a notice of availability of any new motor vehicle emissions model; and
    (ii) A grace period of 3 months shall apply during which the motor vehicle emissions model previously specified by EPA as the most current version may be used. Conformity analyses for which the analysis was begun during the grace period or no more than 3 years before the Federal Register notice of availability of the latest emission model may continue to use the previous version of the model specified by EPA.
  (2) For non-motor vehicle sources, including stationary and area source emissions, the latest emission factors specified by EPA in the "Compilation of Air Pollutant Emission Factors (AP-42)" must be used for the conformity analysis unless more accurate emission data are available, such as actual stack test data from stationary sources which are part of the conformity analysis.

(c) The air quality modeling analyses required under this subpart must be based on the applicable air quality models, data bases, and other requirements specified in the most recent version of the "Guideline on Air Quality Models (Revised)" (1986), including supplements (EPA publication no. 450/2-78-027R), unless:
  (1) The guideline techniques are inappropriate, in which case the model may be modified or another model substituted on a case-by-case basis or, where appropriate, on a generic basis for a specific Federal agency program; and
  (2) Written approval of the EPA Regional Administrator is obtained for any modification or substitution.

(d) The analyses required under this subpart, except section 93.158, paragraph (a)(1), must be based on the total of direct and indirect emissions from the action and must reflect emission scenarios that are expected to occur under each of the following cases:
  (1) The Act mandated attainment year or, if applicable, the farthest year for which emissions are projected in the maintenance plan;

(2) The year during which the total of direct and indirect emissions from the action is expected to be the greatest on an annual basis; and

(3) Any year for which the applicable SIP specifies an emissions budget.

' 93.160 Mitigation of air quality impacts.

(a) Any measures that are intended to mitigate air quality impacts must be identified and the process for implementation and enforcement of such measures must be described, including an implementation schedule containing explicit timelines for implementation.

(b) Prior to determining that a Federal action is in conformity, the Federal agency making the conformity determination must obtain written commitments from the appropriate persons or agencies to implement any mitigation measures which are identified as conditions for making conformity determinations.

(c) Persons or agencies voluntarily committing to mitigation measures to facilitate positive conformity determinations must comply with the obligations of such commitments.

(d) In instances where the Federal agency is licensing, permitting or otherwise approving the action of another governmental or private entity, approval by the Federal agency must be conditioned on the other entity meeting the mitigation measures set forth in the conformity determination.

(e) When necessary because of changed circumstances, mitigation measures may be modified so long as the new mitigation measures continue to support the conformity determination. Any proposed change in the mitigation measures is subject to the reporting requirements of section 93.156 and the public participation requirements of section 93.157.

(f) The implementation plan revision required in section 93.151 of this subpart shall provide that written commitments to mitigation measures must be obtained prior to a positive conformity determination and that such commitments must be fulfilled.

(g) After a State revises its SIP to adopt its general conformity rules and EPA approves that SIP revision, any agreements, including mitigation measures, necessary for a conformity determination will be both State and federally enforceable. Enforceability through the applicable SIP will apply to all persons who agree to mitigate direct and indirect emissions associated with a Federal action for a conformity determination.

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APPENDIX B2

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For the reasons set out in the preamble, title 40, chapter I, part 51 of the Code of Federal Regulations is amended as follows.

PART 51--[AMENDED]

1. The authority citation for part 51 continues to read as follows:
   Authority: 42 U.S.C. 7401 - 7671p
2. Part 51 is amended by adding a new subpart T to read as follows:

(starts on next page)

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SUBPART T - CONFORMITY TO STATE OR FEDERAL IMPLEMENTATION PLANS OF TRANSPORTATION PLANS, PROGRAMS, AND PROJECTS DEVELOPED, FUNDED OR APPROVED UNDER TITLE 23 U.S.C. OR THE FEDERAL TRANSIT ACT

' 51.390 Purpose.

The purpose of this subpart is to implement '176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 et seq.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). This subpart sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to an applicable implementation plan developed pursuant to '110 and Part D of the CAA.

' 51.392 Definitions.

Terms used but not defined in this subpart shall have the meaning given them by the CAA, titles 23 and 49 U.S.C., other Environmental Protection Agency (EPA) regulations, or other DOT regulations, in that order of priority.

Applicable implementation plan is defined in '302(q) of the CAA and means the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under '110, or promulgated under '110(c), or promulgated or approved pursuant to regulations promulgated under '301(d) and which implements the relevant requirements of the CAA.

CAA means the Clean Air Act, as amended.

Cause or contribute to a new violation for a project means:

(1) To cause or contribute to a new violation of a standard in the area substantially affected by the project or over a region which would otherwise not be in violation of the standard during the future period in question, if the project were not implemented, or

(2) To contribute to a new violation in a manner that would increase the frequency or severity of a new violation of a standard in such area.

Control strategy implementation plan revision is the applicable implementation plan which contains specific strategies for controlling the emissions of and reducing ambient levels of pollutants in order to satisfy CAA requirements for demonstrations of reasonable further progress and attainment (CAA ''182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and ''192(a) and 192(b), for nitrogen dioxide).

Control strategy period with respect to particulate matter less than 10 microns in diameter (PM_{10}), carbon monoxide (CO), nitrogen dioxide (NO_2), and/or ozone precursors (volatile organic compounds and oxides of nitrogen), means that period of time after EPA approves control strategy implementation plan revisions containing strategies for controlling PM_{10}, NO_2, CO, and/or ozone, as appropriate. This period ends when a State submits and EPA approves a request under '107(d) of the CAA for redesignation to an attainment area.

Design concept means the type of facility identified by the project, e.g., freeway, expressway, arterial highway, grade-separated highway, reserved right-of-way rail transit, mixed-traffic rail transit, exclusive busway, etc.

Design scope means the design aspects which will affect the proposed facility's impact on regional emissions, usually as they relate to vehicle or person carrying capacity and control, e.g., number of lanes or tracks to be constructed or added, length of project, signalization, access control including approximate number and location of interchanges, preferential treatment for high-occupancy vehicles, etc.

DOT means the United States Department of Transportation.

EPA means the Environmental Protection Agency.

FHWA means the Federal Highway Administration of DOT.

FHWA/FTA project, for the purpose of this subpart, is any highway or transit project which is proposed to receive funding assistance and approval through the Federal-Aid Highway program or the Federal mass transit program, or requires Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) approval for some aspect of the project, such as connection to an interstate highway or deviation from applicable design standards on the interstate system.

FTA means the Federal Transit Administration of DOT.

Forecast period with respect to a transportation plan is the period covered by the transportation plan pursuant to 23 CFR part 450.

Highway project is an undertaking to implement or modify a highway facility or highway-related program. Such an undertaking consists of all required phases necessary for implementation. For analytical purposes, it must be defined sufficiently to: (1) connect logical termini and be of sufficient length to address environmental matters on a broad scope; (2) have independent utility or significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and (3) not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

Horizon year is a year for which the transportation plan describes the envisioned transportation system according to '51.404 of this subpart.

Hot-spot analysis is an estimation of likely future localized CO and PM_{10} pollutant concentrations and a comparison of those concentrations to the national ambient air quality standards. Pollutant concentrations to be estimated should be based on the total emissions burden which may result from the implementation of a single, specific project, summed together with future background concentrations (which can be estimated using the ratio of future to current traffic multiplied by the ratio of future to current emission factors) expected in the area. The total concentration must be estimated and analyzed at appropriate receptor locations in the area substantially affected by the project. Hot-spot analysis assesses impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, and uses an air quality dispersion model to determine the effects of emissions on air quality.

Incomplete data area means any ozone nonattainment area which EPA has classified, in 40 CFR part 81, as an incomplete data area.

Increase the frequency or severity means to cause a location or region to exceed a standard more often or to cause a violation at a greater concentration than previously existed and/or would otherwise exist during the future period in question, if the project were not implemented.

ISTEA means the Intermodal Surface Transportation Efficiency Act of 1991.

Maintenance area means any geographic region of the United States previously designated nonattainment pursuant to the CAA Amendments of 1990 and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under '175A of the CAA, as amended.

Maintenance period with respect to a pollutant or pollutant precursor means that period of time beginning when a State submits and EPA approves a request under '107(d) of the CAA for redesignation to an attainment area, and lasting for 20 years, unless the applicable implementation plan specifies that the maintenance period shall last for more than 20 years.

Metropolitan planning organization (MPO) is that organization designated as being responsible, together with the State, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49

U.S.C. 1607. It is the forum for cooperative transportation decision-making.

Milestone has the meaning given in '182(g)(1) and '189(c) of the CAA. A milestone consists of an emissions level and the date on which it is required to be achieved.

Motor vehicle emissions budget is that portion of the total allowable emissions defined in a revision to the applicable implementation plan (or in an implementation plan revision which was endorsed by the Governor or his or her designee, subject to a public hearing, and submitted to EPA, but not yet approved by EPA) for a certain date for the purpose of meeting reasonable further progress milestones or attainment or maintenance demonstrations, for any criteria pollutant or its precursors, allocated by the applicable implementation plan to highway and transit vehicles. The applicable implementation plan for an ozone nonattainment area may also designate a motor vehicle emissions budget for oxides of nitrogen ($NO_{x)}$ for a reasonable further progress milestone year if the applicable implementation plan demonstrates that this NO_x budget will be achieved with measures in the implementation plan (as an implementation plan must do for VOC milestone requirements). The applicable implementation plan for an ozone nonattainment area includes a NO_x budget if NO_x reductions are being substituted for reductions in volatile organic compounds in milestone years required for reasonable further progress.

National ambient air quality standards (NAAQS) are those standards established pursuant to '109 of the CAA.

NEPA means the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq).

NEPA process completion, for the purposes of this subpart, with respect to FHWA or FTA, means the point at which there is a specific action to make a determination that a project is categorically excluded, to make a Finding of No Significant Impact, or to issue a record of decision on a Final Environmental Impact Statement under NEPA.

Nonattainment area means any geographic region of the United States which has been designated as nonattainment under '107 of the CAA for any pollutant for which a national ambient air quality standard exists.

Not classified area means any carbon monoxide nonattainment area which EPA has not classified as either moderate or serious.

Phase II of the interim period with respect to a pollutant or pollutant precursor means that period of time after the effective date of this rule, lasting until the earlier of the following:

(1) submission to EPA of the relevant control strategy implementation plan revisions which have been endorsed by the Governor (or his or her designee) and have been subject to a public hearing, or

(2) the date that the Clean Air Act requires relevant control strategy implementation plans to be submitted to EPA, provided EPA has notified the State, MPO, and DOT of the State's failure to submit any such plans. The precise end of Phase II of the interim period is defined in '51.448 of this subpart.

Project means a highway project or transit project.

Recipient of funds designated under title 23 U.S.C. or the Federal Transit Act means any agency at any level of State, county, city, or regional government that routinely receives title 23 U.S.C. or Federal Transit Act funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners or developers, or contractors or entities that are only paid for services or products created by their own employees.

Regionally significant project means a transportation project (other than an exempt project) that is on a facility which serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

Rural transport ozone nonattainment area means an ozone nonattainment area that does not include, and is not adjacent to, any part of a Metropolitan Statistical Area or, where one exists, a Consolidated Metropolitan Statistical Area (as defined by the United States Bureau of the Census) and is classified under Clean Air Act '182(h) as a rural transport area.

Standard means a national ambient air quality standard.

Submarginal area means any ozone nonattainment area which EPA has classified as submarginal in 40 CFR part 81.

Transit is mass transportation by bus, rail, or other conveyance which provides general or special service to the public on a regular and continuing basis. It does not include school buses or charter or sightseeing services.

Transit project is an undertaking to implement or modify a transit facility or transit-related program; purchase transit vehicles or equipment; or provide financial assistance for transit operations. It does not include actions that are solely within the jurisdiction of local transit agencies, such as changes in routes, schedules, or fares. It may consist of several phases. For analytical purposes, it must be defined inclusively enough to: (1) connect logical termini and be of sufficient length to address environmental matters on a broad scope; (2) have independent utility or independent significance, i.e., be a reasonable expenditure even if no additional transportation improvements in the area are made; and (3) not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

Transitional area means any ozone nonattainment area which EPA has classified as transitional in 40 CFR part 81.

Transitional period with respect to a pollutant or pollutant precursor means that period of time which begins after submission to EPA of the relevant control strategy implementation plan which has been endorsed by the Governor (or his or her designee) and has been subject to a public hearing. The transitional period lasts until EPA takes final approval or disapproval action on the control strategy implementation plan submission or finds it to be incomplete. The precise beginning and end of the transitional period is defined in '51.448 of this subpart.

Transportation control measure (TCM) is any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in '108 of the CAA, or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Notwithstanding the above, vehicle technology-based, fuel-based, and maintenance-based measures which control the emissions from vehicles under fixed traffic conditions are not TCMs for the purposes of this subpart.

Transportation improvement program (TIP) means a staged, multiyear, intermodal program of transportation projects covering a metropolitan planning area which is consistent with the metropolitan transportation plan, and developed pursuant to 23 CFR part 450.

Transportation plan means the official intermodal metropolitan transportation plan that is developed through the metropolitan planning process for the metropolitan planning area, developed pursuant to 23 CFR part 450.

Transportation project is a highway project or a transit project.

' 51.394 Applicability.

(a) Action applicability.

(1) Except as provided for in paragraph (c) of this section or '51.460, conformity determinations are required for:

(i) The adoption, acceptance, approval or support of transportation plans developed pursuant to 23 CFR part 450 or 49 CFR part 613 by an MPO or DOT;

(ii) The adoption, acceptance, approval or support of TIPs developed pursuant to 23 CFR

part 450 or 49 CFR part 613 by an MPO or DOT; and

(iii) The approval, funding, or implementation of FHWA/FTA projects.

(2) Conformity determinations are not required under this rule for individual projects which are not FHWA/FTA projects. However, '51.450 applies to such projects if they are regionally significant.

(b) Geographic Applicability.

(1) The provisions of this subpart shall apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

(2) The provisions of this subpart apply with respect to emissions of the following criteria pollutants: ozone, carbon monoxide, nitrogen dioxide, and particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}).

(3) The provisions of this subpart apply with respect to emissions of the following precursor pollutants:

(i) Volatile organic compounds and nitrogen oxides in ozone areas (unless the Administrator determines under '182(f) of the CAA that additional reductions of NO_x would not contribute to attainment);

(ii) Nitrogen oxides in nitrogen dioxide areas; and

(iii) Volatile organic compounds, nitrogen oxides, and PM_{10} in PM_{10} areas if:

(A) During the interim period, the EPA Regional Administrator or the director of the State air agency has made a finding that transportation-related precursor emissions within the nonattainment area are a significant contributor to the PM_{10} nonattainment problem and has so notified the MPO and DOT; or

(B) During the transitional, control strategy, and maintenance periods, the applicable implementation plan (or implementation plan submission) establishes a budget for such emissions as part of the reasonable further progress, attainment or maintenance strategy.

(c) Limitations.

(1) Projects subject to this regulation for which the NEPA process and a conformity determination have been completed by FHWA or FTA may proceed toward implementation without further conformity determinations if one of the following major steps has occurred within the past three years: NEPA process completion; start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications and estimates. All phases of such projects which were considered in the conformity determination are also included, if those phases were for the purpose of funding, final design, right-of-way acquisition, construction, or any combination of these phases.

(2) A new conformity determination for the project will be required if there is a significant change in project design concept and scope, if a supplemental environmental document for air quality purposes is initiated, or if no major steps to advance the project have occurred within the past three years.

' 51.396 Implementation plan revision.

(a) States with areas subject to this rule must submit to the EPA and DOT a revision to their implementation plan which contains criteria and procedures for DOT, MPOs and other State or local agencies to assess the conformity of transportation plans, programs, and projects, consistent with these regulations. This revision is to be submitted by November 24, 1994 (or within 12 months of an area's redesignation from attainment to nonattainment, if the State has not previously submitted such a revision). EPA will provide DOT with a 30-day comment period before taking action to approve or disapprove the submission. A State's conformity provisions may contain criteria and procedures more stringent than the requirements described in these regulations only if the State's conformity provisions apply equally to non-federal as well as Federal entities.

(b) The Federal conformity rules under this subpart and 40 CFR part 93, in addition to any existing applicable State requirements, establish the conformity criteria and procedures necessary to meet the requirements of Clean Air Act section 176(c) until such time as the required conformity implementation plan revision is approved by EPA. Following EPA approval of the State conformity provisions (or a portion thereof) in a

revision to the applicable implementation plan, the approved (or approved portion of the) State criteria and procedures would govern conformity determinations and the Federal conformity regulations contained in 40 CFR part 93 would apply only for the portion, if any, of the State's conformity provisions that is not approved by EPA. In addition, any previously applicable implementation plan requirements relating to conformity remain enforceable until the State revises its applicable implementation plan to specifically remove them and that revision is approved by EPA.

(c) To be approvable by EPA, the implementation plan revision submitted to EPA and DOT under this section shall address all requirements of this subpart in a manner which gives them full legal effect. In particular, the revision shall incorporate the provisions of the following sections of this subpart in verbatim form, except insofar as needed to give effect to a stated intent in the revision to establish criteria and procedures more stringent than the requirements stated in these sections: ''51.392, 51.394, 51.398, 51.400, 51.404, 51.410, 51.412, 51.414, 51.416, 51.418, 51.420, 51.422, 51.424, 51.426, 51.428, 51.430, 51.432, 51.434, 51.436, 51.438, 51.440, 51.442, 51.444, 51.446, 51.448, 51.450, 51.460, and 51.462.

'51.398 Priority.

When assisting or approving any action with air quality-related consequences, FHWA and FTA shall give priority to the implementation of those transportation portions of an applicable implementation plan prepared to attain and maintain the NAAQS. This priority shall be consistent with statutory requirements for allocation of funds among States or other jurisdictions.

'51.400 Frequency of conformity determinations.

(a) Conformity determinations and conformity redeterminations for transportation plans, TIPs, and FHWA/FTA projects must be made according to the requirements of this section and the applicable implementation plan.

(b) Transportation plans.

(1) Each new transportation plan must be found to conform before the transportation plan is approved by the MPO or accepted by DOT.

(2) All transportation plan revisions must be found to conform before the transportation plan revisions are approved by MPO or accepted by DOT, unless the revision merely adds or deletes exempt projects listed in '51.460. The conformity determination must be based on the transportation plan and the revision taken as a whole.

(3) Conformity of existing transportation plans must be redetermined within 18 months of the following, or the existing conformity determination will lapse:

(i) November 24, 1994;

(ii) EPA approval of an implementation plan revision which:

(A) Establishes or revises a transportation-related emissions budget (as required by CAA ''175A(a), 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 189(a)(1)(B), and 189(b)(1)(A); and ''192(a) and 192(b), for nitrogen dioxide); or

(B) Adds, deletes, or changes TCMs; and

(iii) EPA promulgation of an implementation plan which establishes or revises a transportation-related emissions budget or adds, deletes, or changes TCMs.

(4) In any case, conformity determinations must be made no less frequently than every three years, or the existing conformity determination will lapse.

(c) Transportation improvement programs.

(1) A new TIP must be found to conform before the TIP is approved by the MPO or accepted by DOT.

(2) A TIP amendment requires a new conformity determination for the entire TIP before the amendment is approved by the MPO or accepted by DOT, unless the amendment merely adds or deletes exempt projects listed in '51.460.

(3) After an MPO adopts a new or revised transportation plan, conformity must be redetermined by the MPO and DOT within six months from the date of adoption of the plan, unless the new or revised plan merely adds or deletes exempt projects listed in '51.460. Otherwise, the existing conformity determination for the TIP will lapse.

(4) In any case, conformity determinations must be made no less frequently than every three years or

the existing conformity determination will lapse.

(d) Projects.

FHWA/FTA projects must be found to conform before they are adopted, accepted, approved, or funded. Conformity must be redetermined for any FHWA/FTA project if none of the following major steps has occurred within the past three years: NEPA process completion; start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications and estimates.

' 51.402 Consultation.

(a) General.

The implementation plan revision required under ' 51.396 shall include procedures for interagency consultation (Federal, State, and local) and resolution of conflicts.

(1) The implementation plan revision shall include procedures to be undertaken by MPOs, State departments of transportation, and DOT with State and local air quality agencies and EPA before making conformity determinations, and by State and local air agencies and EPA with MPOs, State departments of transportation, and DOT in developing applicable implementation plans.

(2) Before the implementation plan revision is approved by EPA, MPOs and State departments of transportation before making conformity determinations must provide reasonable opportunity for consultation with State air agencies, local air quality and transportation agencies, DOT, and EPA, including consultation on the issues described in paragraph (c)(1) of this section.

(b) Interagency consultation procedures: General factors.

(1) States shall provide in the implementation plan well-defined consultation procedures whereby representatives of the MPOs, State and local air quality planning agencies, State and local transportation agencies, and other organizations with responsibilities for developing, submitting, or implementing provisions of an implementation plan required by the CAA must consult with each other and with local or regional offices of EPA, FHWA, and FTA on the development of the implementation plan, the transportation plan, the TIP, and associated conformity determinations.

(2) Interagency consultation procedures shall include at a minimum the general factors listed below and the specific processes in paragraph (c) of this section:

(i) The roles and responsibilities assigned to each agency at each stage in the implementation plan development process and the transportation planning process, including technical meetings;

(ii) The organizational level of regular consultation;

(iii) A process for circulating (or providing ready access to) draft documents and supporting materials for comment before formal adoption or publication;

(iv) The frequency of, or process for convening, consultation meetings and responsibilities for establishing meeting agendas;

(v) A process for responding to the significant comments of involved agencies; and

(vi) A process for the development of a list of the TCMs which are in the applicable implementation plan.

(c) Interagency consultation procedures: Specific processes.

Interagency consultation procedures shall also include the following specific processes:

(1) A process involving the MPO, State and local air quality planning agencies, State and local transportation agencies, EPA, and DOT for the following:

(i) Evaluating and choosing a model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emissions analyses;

(ii) Determining which minor arterials and other transportation projects should be considered "regionally significant" for the purposes of regional emissions analysis (in addition to those functionally classified as principal arterial or higher or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP;

(iii) Evaluating whether projects otherwise exempted from meeting the requirements of this

subpart (see ''51.460 and 51.462) should be treated as non-exempt in cases where potential adverse emissions impacts may exist for any reason;

(iv) Making a determination, as required by '51.418(c)(1), whether past obstacles to implementation of TCMs which are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether State and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs. This process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures;

(v) Identifying, as required by '51.454(d), projects located at sites in PM_{10} nonattainment areas which have vehicle and roadway emission and dispersion characteristics which are essentially identical to those at sites which have violations verified by monitoring, and therefore require quantitative PM_{10} hot-spot analysis; and

(vi) Notification of transportation plan or TIP revisions or amendments which merely add or delete exempt projects listed in '51.460.

(2) A process involving the MPO and State and local air quality planning agencies and transportation agencies for the following:

(i) Evaluating events which will trigger new conformity determinations in addition to those triggering events established in '51.400; and

(ii) Consulting on emissions analysis for transportation activities which cross the borders of MPOs or nonattainment areas or air basins.

(3) Where the metropolitan planning area does not include the entire nonattainment or maintenance area, a process involving the MPO and the State department of transportation for cooperative planning and analysis for purposes of determining conformity of all projects outside the metropolitan area and within the nonattainment or maintenance area.

(4) A process to ensure that plans for construction of regionally significant projects which are not FHWA/FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including those by recipients of funds designated under title 23 U.S.C. or the Federal Transit Act, are disclosed to the MPO on a regular basis, and to ensure that any changes to those plans are immediately disclosed;

(5) A process involving the MPO and other recipients of funds designated under title 23 U.S.C. or the Federal Transit Act for assuming the location and design concept and scope of projects which are disclosed to the MPO as required by paragraph (c)(4) of this section but whose sponsors have not yet decided these features, in sufficient detail to perform the regional emissions analysis according to the requirements of '51.452.

(6) A process for consulting on the design, schedule, and funding of research and data collection efforts and regional transportation model development by the MPO (e.g., household/travel transportation surveys).

(7) A process (including Federal agencies) for providing final documents (including applicable implementation plans and implementation plan revisions) and supporting information to each agency after approval or adoption.

(d) Resolving conflicts.

Conflicts among State agencies or between State agencies and an MPO shall be escalated to the Governor if they cannot be resolved by the heads of the involved agencies. The State air agency has 14 calendar days to appeal to the Governor after the State DOT or MPO has notified the State air agency head of the resolution of his or her comments. The implementation plan revision required by '51.396 shall define the procedures for starting of the 14-day clock. If the State air agency appeals to the Governor, the final conformity determination must have the concurrence of the Governor. If the State air agency does not appeal to the Governor within 14 days, the MPO or State department of transportation may proceed with the final conformity determination. The Governor may delegate his or her role in this process, but not to the head or staff of the State or local air agency, State department of transportation, State transportation commission or board, or an MPO.

(e) Public consultation procedures.

Affected agencies making conformity determinations on transportation plans, programs, and projects shall

establish a proactive public involvement process which provides opportunity for public review and comment prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with the requirements of 23 CFR part 450. In addition, these agencies must specifically address in writing all public comments that known plans for a regionally significant project which is not receiving FHWA or FTA funding or approval have not been properly reflected in the emissions analysis supporting a proposed conformity finding for a transportation plan or TIP. These agencies shall also provide opportunity for public involvement in conformity determinations for projects where otherwise required by law.

' 51.404 Content of transportation plans.

(a) Transportation plans adopted after January 1, 1995 in serious, severe, or extreme ozone nonattainment areas and in serious carbon monoxide nonattainment areas.
The transportation plan must specifically describe the transportation system envisioned for certain future years which shall be called horizon years.
(1) The agency or organization developing the transportation plan may choose any years to be horizon years, subject to the following restrictions:
(i) Horizon years may be no more than 10 years apart.
(ii) The first horizon year may be no more than 10 years from the base year used to validate the transportation demand planning model.
(iii) If the attainment year is in the time span of the transportation plan, the attainment year must be a horizon year.
(iv) The last horizon year must be the last year of the transportation plan's forecast period.
(2) For these horizon years:
(i) The transportation plan shall quantify and document the demographic and employment factors influencing expected transportation demand, including land use forecasts, in accordance with implementation plan provisions and '51.402;
(ii) The highway and transit system shall be described in terms of the regionally significant additions or modifications to the existing transportation network which the transportation plan envisions to be operational in the horizon years. Additions and modifications to the highway network shall be sufficiently identified to indicate intersections with existing regionally significant facilities, and to determine their effect on route options between transportation analysis zones. Each added or modified highway segment shall also be sufficiently identified in terms of its design concept and design scope to allow modeling of travel times under various traffic volumes, consistent with the modeling methods for area-wide transportation analysis in use by the MPO. Transit facilities, equipment, and services envisioned for the future shall be identified in terms of design concept, design scope, and operating policies sufficiently to allow modeling of their transit ridership. The description of additions and modifications to the transportation network shall also be sufficiently specific to show that there is a reasonable relationship between expected land use and the envisioned transportation system; and
(iii) Other future transportation policies, requirements, services, and activities, including intermodal activities, shall be described.

(b) Moderate areas reclassified to serious.
Ozone or CO nonattainment areas which are reclassified from moderate to serious must meet the requirements of paragraph (a) of this section within two years from the date of reclassification.

(c) Transportation plans for other areas.
Transportation plans for other areas must meet the requirements of paragraph (a) of this section at least to the extent it has been the previous practice of the MPO to prepare plans which meet those requirements. Otherwise, transportation plans must describe the transportation system envisioned for the future specifically enough to allow determination of conformity according to the criteria and procedures of ''51.410 - 51.446.

(d) Savings.
The requirements of this section supplement other requirements of applicable law or regulation governing

the format or content of transportation plans.

' 51.406 Relationship of transportation plan and TIP conformity with the NEPA process.

The degree of specificity required in the transportation plan and the specific travel network assumed for air quality modeling do not preclude the consideration of alternatives in the NEPA process or other project development studies. Should the NEPA process result in a project with design concept and scope significantly different from that in the transportation plan or TIP, the project must meet the criteria in **''** 51.410 - 51.446 for projects not from a TIP before NEPA process completion.

' 51.408 Fiscal constraints for transportation plans and TIPs.

Transportation plans and TIPs must be fiscally constrained consistent with DOT's metropolitan planning regulations at 23 CFR part 450 in order to be found in conformity.

' 51.410 Criteria and procedures for determining conformity of transportation plans, programs, and projects: General.

(a) In order to be found to conform, each transportation plan, program, and FHWA/FTA project must satisfy the applicable criteria and procedures in **''** 51.412 - 51.446 as listed in Table 1 in paragraph (b) of this section, and must comply with all applicable conformity requirements of implementation plans and of court orders for the area which pertain specifically to conformity determination requirements. The criteria for making conformity determinations differ based on the action under review (transportation plans, TIPs, and FHWA/FTA projects), the time period in which the conformity determination is made, and the relevant pollutant.

(b) The following table indicates the criteria and procedures in **''** 51.412 - 51.446 which apply for each action in each time period.

[All tables begin on the next page]

Table 1. Conformity Criteria

ALL PERIODS

Action	Criteria
Transportation Plan	''51.412, 51.414, 51.416, 51.418(b)
TIP	''51.412, 51.414, 51.416, 51.418(c)
Project (from a conforming plan and TIP)	''51.412, 51.414, 51.416, 51.420, 51.422, 51.424, 51.426
Project (not from a conforming plan and TIP)	''51.412, 51.414, 51.416, 51.418(d), 51.420, 51.424, 51.426

PHASE II OF THE INTERIM PERIOD

Action	Criteria
Transportation Plan	''51.436, 51.442
TIP	''51.438, 51.444
Project (from a conforming plan and TIP)	''51.434
Project (not from a conforming plan and TIP)	''51.434, 51.440, 51.446

Table 1. Conformity Criteria (continued)

TRANSITIONAL PERIOD

Action	Criteria
Transportation Plan	''51.428, 51.436, 51.442
TIP	''51.430, 51.438, 51.444
Project (from a conforming plan and TIP)	''51.434
Project (not from a conforming plan and TIP)	''51.432, 51.434, 51.440, 51.446

CONTROL STRATEGY AND MAINTENANCE PERIODS

Action	Criteria
Transportation Plan	''51.428
TIP	''51.430
Project (from a conforming plan and TIP)	no additional criteria
Project (not from a conforming plan and TIP)	''51.432

51.412 The conformity determination must be based on the latest planning assumptions.
51.414 The conformity determination must be based on the latest emission estimation model available.
51.416 The MPO must make the conformity determination according to the consultation procedures of this rule and the implementation plan revision required by ' 51.396.
51.418 The transportation plan, TIP, or FHWA/FTA project which is not from a conforming plan and TIP must provide for the timely implementation of TCMs from the applicable implementation plan.
51.420 There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval.
51.422 The project must come from a conforming transportation plan and program.
51.424 The FHWA/FTA project must not cause or contribute to any new localized CO or PM_{10} violations or increase the frequency or severity of any existing CO or PM_{10} violations in CO and PM_{10} nonattainment and maintenance areas.
51.426 The FHWA/FTA project must comply with PM_{10} control measures in the applicable implementation plan.
51.428 The transportation plan must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.
51.430 The TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.
51.432 The project which is not from a conforming transportation plan and conforming TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan or implementation plan submission.
51.434 The FHWA/FTA project must eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas).
51.436 The transportation plan must contribute to emissions reductions in ozone and CO nonattainment areas.
51.438 The TIP must contribute to emissions reductions in ozone and CO nonattainment areas.
51.440 The project which is not from a conforming transportation plan and TIP must contribute to emissions reductions in ozone and CO nonattainment areas.
51.442 The transportation plan must contribute to emission reductions or must not increase emissions in PM_{10} and NO_2 nonattainment areas.
51.444 The TIP must contribute to emission reductions or must not increase emissions in PM_{10} and NO_2 nonattainment areas.
51.446 The project which is not from a conforming transportation plan and TIP must contribute to emission reductions or must not increase emissions in PM_{10} and NO_2 nonattainment areas.

' 51.412 Criteria and procedures: Latest planning assumptions.

(a) The conformity determination, with respect to all other applicable criteria in ' ' 51.414 - 51.446, must be based upon the most recent planning assumptions in force at the time of the conformity determination. This criterion applies during all periods. The conformity determination must satisfy the requirements of paragraphs (b) through (f) of this section.
(b) Assumptions must be derived from the estimates of current and future population, employment, travel, and congestion most recently developed by the MPO or other agency authorized to make such estimates and approved by the MPO. The conformity determination must also be based on the latest assumptions about current and future background concentrations.
(c) The conformity determination for each transportation plan and TIP must dis cuss how transit operating policies (including fares and service levels) and assumed transit ridership have changed since the previous conformity determination.
(d) The conformity determination must include reasonable assumptions about transit service and increases in transit fares and road and bridge tolls over time.
(e) The conformity determination must use the latest existing information regarding the effectiveness of the TCMs which have already been implemented.
(f) Key assumptions shall be specified and included in the draft documents and supporting materials used for the interagency and public consultation required by ' 51.402.

' 51.414 Criteria and procedures: Latest emissions model.

(a) The conformity determination must be based on the latest emission estimation model available. This criterion applies during all periods. It is satisfied if the most current version of the motor vehicle emissions model specified by EPA for use in the preparation or revision of implementation plans in that State or area is used for the conformity analysis. Where EMFAC is the motor vehicle emissions model used in preparing or revising the applicable implementation plan, new versions must be approved by EPA before they are used in the conformity analysis.

(b) EPA will consult with DOT to establish a grace period following the specification of any new model.

(1) The grace period will be no less than three months and no more than 24 months after notice of availability is published in the Federal Register.

(2) The length of the grace period will depend on the degree of change in the model and the scope of re-planning likely to be necessary by MPOs in order to assure conformity. If the grace period will be longer than three months, EPA will announce the appropriate grace period in the Federal Register.

(c) Conformity analyses for which the emissions analysis was begun during the grace period or before the Federal Register notice of availability of the latest emission model may continue to use the previous version of the model for transportation plans and TIPs. The previous model may also be used for projects if the analysis was begun during the grace period or before the Federal Register notice of availability, provided no more than three years have passed since the draft environmental document was issued.

' 51.416 Criteria and procedures: Consultation.

(a) The MPO must make the conformity determination according to the consultation procedures in this rule and in the implementation plan revision required by '51.396, and according to the public involvement procedures established by the MPO in compliance with 23 CFR part 450. This criterion applies during all periods. Until the implementation plan revision required by '51.396 is approved by EPA, the conformity determination must be made according to the procedures in '51.402(a)(2) and '51.402(e). Once the implementation plan revision has been approved by EPA, this criterion is satisfied if the conformity determination is made consistent with the implementation plan's consultation requirements.

' 51.418 Criteria and procedures: Timely implementation of TCMs.

(a) The transportation plan, TIP, or FHWA/FTA project which is not from a conforming plan and TIP must provide for the timely implementation of TCMs from the applicable implementation plan. This criterion applies during all periods.

(b) For transportation plans, this criterion is satisfied if the following two conditions are met:

(1) The transportation plan, in describing the envisioned future transportation system, provides for the timely completion or implementation of all TCMs in the applicable implementation plan which are eligible for funding under title 23 U.S.C. or the Federal Transit Act, consistent with schedules included in the applicable implementation plan.

(2) Nothing in the transportation plan interferes with the implementation of any TCM in the applicable implementation plan.

(c) For TIPs, this criterion is satisfied if the following conditions are met:

(1) An examination of the specific steps and funding source(s) needed to fully implement each TCM indicates that TCMs which are eligible for funding under title 23 U.S.C. or the Federal Transit Act are on or ahead of the schedule established in the applicable implementation plan, or, if such TCMs are behind the schedule established in the applicable implementation plan, the MPO and DOT have determined that past obstacles to implementation of the TCMs have been identified and have been or are being overcome, and that all State and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding of TCMs over other projects within their control, including projects in locations outside the nonattainment or maintenance area.

(2) If TCMs in the applicable implementation plan have previously been programmed for Federal funding but the funds have not been obligated and the TCMs are behind the schedule in the implementation plan, then the TIP cannot be found to conform if the funds intended for those TCMs are reallocated to projects in the TIP other than TCMs, or if there are no other TCMs in the TIP, if the funds are reallocated to projects in the TIP other than projects which are eligible for Federal funding under

ISTEA's Congestion Mitigation and Air Quality Improvement Program.

(3) Nothing in the TIP may interfere with the implementation of any TCM in the applicable implementation plan.

(d) For FHWA/FTA projects which are not from a conforming transportation plan and TIP, this criterion is satisfied if the project does not interfere with the implementation of any TCM in the applicable implementation plan.

' 51.420 Criteria and procedures: Currently conforming transportation plan and TIP.

There must be a currently conforming transportation plan and currently conforming TIP at the time of project approval. This criterion applies during all periods. It is satisfied if the current transportation plan and TIP have been found to conform to the applicable implementation plan by the MPO and DOT according to the procedures of this subpart. Only one conforming transportation plan or TIP may exist in an area at any time; conformity determinations of a previous transportation plan or TIP expire once the current plan or TIP is found to conform by DOT. The conformity determination on a transportation plan or TIP will also lapse if conformity is not determined according to the frequency requirements of ' 51.400.

' 51.422 Criteria and procedures: Projects from a plan and TIP.

(a) The project must come from a conforming plan and program. This criterion applies during all periods. If this criterion is not satisfied, the project must satisfy all criteria in Table 1 for a project not from a conforming transportation plan and TIP. A project is considered to be from a conforming transportation plan if it meets the requirements of paragraph (b) of this section and from a conforming program if it meets the requirements of paragraph (c) of this section.

(b) A project is considered to be from a conforming transportation plan if one of the following conditions applies:

(1) For projects which are required to be identified in the transportation plan in order to satisfy ' 51.404, the project is specifically included in the conforming transportation plan and the project's design concept and scope have not changed significantly from those which were described in the transportation plan, or in a manner which would significantly impact use of the facility; or

(2) For projects which are not required to be specifically identified in the transportation plan, the project is identified in the conforming transportation plan, or is consistent with the policies and purpose of the transportation plan and will not interfere with other projects specifically included in the transportation plan.

(c) A project is considered to be from a conforming program if the following conditions are met:

(1) The project is included in the conforming TIP and the design concept and scope of the project were adequate at the time of the TIP conformity determination to determine its contribution to the TIP's regional emissions and have not changed significantly from those which were described in the TIP, or in a manner which would significantly impact use of the facility; and

(2) If the TIP describes a project design concept and scope which includes project-level emissions mitigation or control measures, written commitments to implement such measures must be obtained from the project sponsor and/or operator as required by ' 51.458(a) in order for the project to be considered from a conforming program. Any change in these mitigation or control measures that would significantly reduce their effectiveness constitutes a change in the design concept and scope of the project.

' 51.424 Criteria and procedures: Localized CO and PM_{10} violations (hot spots).

(a) The FHWA/FTA project must not cause or contribute to any new localized CO or PM_{10} violations or increase the frequency or severity of any existing CO or PM_{10} violations in CO and PM_{10} nonattainment and maintenance areas. This criterion applies during all periods. This criterion is satisfied if it is demonstrated that no new local violations will be created and the severity or number of existing violations will not be increased as a result of the project.

(b) The demonstration must be performed according to the requirements of ' 51.402(c)(1)(i) and ' 51.454.

(c) For projects which are not of the type identified by ' 51.454(a) or ' 51.454(d), this criterion may be satisfied if consideration of local factors clearly demonstrates that no local violations presently exist and no new local

violations will be created as a result of the project. Otherwise, in CO nonattainment and maintenance areas, a quantitative demonstration must be performed according to the requirements of '51.454(b).

' 51.426 Criteria and procedures: Compliance with PM_{10} control measures.

The FHWA/FTA project must comply with PM_{10} control measures in the applicable implementation plan. This criterion applies during all periods. It is satisfied if control measures (for the purpose of limiting PM_{10} emissions from the construction activities and/or normal use and operation associated with the project) contained in the applicable implementation plan are included in the final plans, specifications, and estimates for the project.

' 51.428 Criteria and procedures: Motor vehicle emissions budget (transportation plan).

(a) The transportation plan must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan (or implementation plan submission). This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in '51.464. This criterion may be satisfied if the requirements in paragraphs (b) and (c) of this section are met:

(b) A regional emissions analysis shall be performed as follows:

(1) The regional analysis shall estimate emissions of any of the following pollutants and pollutant precursors for which the area is in nonattainment or maintenance and for which the applicable implementation plan (or implementation plan submission) establishes an emissions budget:

(i) VOC as an ozone precursor;

(ii) NO_x as an ozone precursor, unless the Administrator determines that additional reductions of NO_x would not contribute to attainment;

(iii) CO;

(iv) PM_{10} (and its precursors VOC and/or NO_x if the applicable implementation plan or implementation plan submission identifies transportation-related precursor emissions within the nonattainment area as a significant contributor to the PM_{10} nonattainment problem or establishes a budget for such emissions); or

(v) NO_x (in NO_2 nonattainment or maintenance areas);

(2) The regional emissions analysis shall estimate emissions from the entire transportation system, including all regionally significant projects contained in the transportation plan and all other regionally significant highway and transit projects expected in the nonattainment or maintenance area in the timeframe of the transportation plan;

(3) The emissions analysis methodology shall meet the requirements of '51.452;

(4) For areas with a transportation plan that meets the content requirements of '51.404(a), the emissions analysis shall be performed for each horizon year. Emissions in milestone years which are between the horizon years may be determined by interpolation; and

(5) For areas with a transportation plan that does not meet the content requirements of '51.404(a), the emissions analysis shall be performed for any years in the time span of the transportation plan provided they are not more than ten years apart and provided the analysis is performed for the last year of the plan's forecast period. If the attainment year is in the time span of the transportation plan, the emissions analysis must also be performed for the attainment year. Emissions in milestone years which are between these analysis years may be determined by interpolation.

(c) The regional emissions analysis shall demonstrate that for each of the applicable pollutants or pollutant precursors in paragraph (b)(1) of this section the emissions are less than or equal to the motor vehicle emissions budget as established in the applicable implementation plan or implementation plan submission as follows:

(1) If the applicable implementation plan or implementation plan submission establishes emissions budgets for milestone years, emissions in each milestone year are less than or equal to the motor vehicle emissions budget established for that year;

(2) For nonattainment areas, emissions in the attainment year are less than or equal to the motor vehicle emissions budget established in the applicable implementation plan or implementation plan submission for that year;

(3) For nonattainment areas, emissions in each analysis or horizon year after the attainment year are less than or equal to the motor vehicle emissions budget established by the applicable implementation plan

or implementation plan submission for the attainment year. If emissions budgets are established for years after the attainment year, emissions in each analysis year or horizon year must be less than or equal to the motor vehicle emissions budget for that year, if any, or the motor vehicle emissions budget for the most recent budget year prior to the analysis year or horizon year; and

(4) For maintenance areas, emissions in each analysis or horizon year are less than or equal to the motor vehicle emissions budget established by the maintenance plan for that year, if any, or the emissions budget for the most recent budget year prior to the analysis or horizon year.

' 51.430 Criteria and procedures: Motor vehicle emissions budget (TIP).

(a) The TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan (or implementation plan submission). This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in '51.464. This criterion may be satisfied if the requirements in paragraphs (b) and (c) of this section are met.

(b) For areas with a conforming transportation plan that fully meets the content requirements of '51.404(a), this criterion may be satisfied without additional regional analysis if:

(1) Each program year of the TIP is consistent with the Federal funding which may be reasonably expected for that year, and required State/local matching funds and funds for State/local funding-only projects are consistent with the revenue sources expected over the same period; and

(2) The TIP is consistent with the conforming transportation plan such that the regional emissions analysis already performed for the plan applies to the TIP also. This requires a demonstration that:

(i) The TIP contains all projects which must be started in the TIP's timeframe in order to achieve the highway and transit system envisioned by the transportation plan in each of its horizon years;

(ii) All TIP projects which are regionally significant are part of the specific highway or transit system envisioned in the transportation plan's horizon years; and

(iii) The design concept and scope of each regionally significant project in the TIP is not significantly different from that described in the transportation plan.

(3) If the requirements in paragraphs (b)(1) and (b)(2) of this section are not met, then:

(i) The TIP may be modified to meet those requirements; or

(ii) The transportation plan must be revised so that the requirements in paragraphs (b)(1) and (b)(2) of this section are met. Once the revised plan has been found to conform, this criterion is met for the TIP with no additional analysis except a demonstration that the TIP meets the requirements of paragraphs (b)(1) and (b)(2) of this section.

(c) For areas with a transportation plan that does not meet the content requirements of '51.404(a), a regional emissions analysis must meet all of the following requirements:

(1) The regional emissions analysis shall estimate emissions from the entire transportation system, including all projects contained in the proposed TIP, the transportation plan, and all other regionally significant highway and transit projects expected in the nonattainment or maintenance area in the timeframe of the transportation plan;

(2) The analysis methodology shall meet the requirements of '51.452(c); and

(3) The regional analysis shall satisfy the requirements of '51.428(b)(1), '51.428(b)(5), and '51.428(c).

' 51.432 Criteria and procedures: Motor vehicle emissions budget (project not from a plan and TIP).

(a) The project which is not from a conforming transportation plan and a conforming TIP must be consistent with the motor vehicle emissions budget(s) in the applicable implementation plan (or implementation plan submission). This criterion applies during the transitional period and the control strategy and maintenance periods, except as provided in '51.464. It is satisfied if emissions from the implementation of the project, when considered with the emissions from the projects in the conforming transportation plan and TIP and all other regionally significant projects expected in the area, do not exceed the motor vehicle emissions budget(s) in the applicable implementation plan (or implementation plan submission).

(b) For areas with a conforming transportation plan that meets the content requirements of '51.404(a):

(1) This criterion may be satisfied without additional regional analysis if the project is included in the

conforming transportation plan, even if it is not specifically included in the latest conforming TIP. This requires a demonstration that:

(i) Allocating funds to the project will not delay the implementation of projects in the transportation plan or TIP which are necessary to achieve the highway and transit system envisioned by the transportation plan in each of its horizon years;

(ii) The project is not regionally significant or is part of the specific highway or transit system envisioned in the transportation plan's horizon years; and

(iii) The design concept and scope of the project is not significantly different from that described in the transportation plan.

(2) If the requirements in paragraph (b)(1) of this section are not met, a regional emissions analysis must be performed as follows:

(i) The analysis methodology shall meet the requirements of '51.452;

(ii) The analysis shall estimate emissions from the transportation system, including the proposed project and all other regionally significant projects expected in the nonattainment or maintenance area in the timeframe of the transportation plan. The analysis must include emissions from all previously approved projects which were not from a transportation plan and TIP; and

(iii) The emissions analysis shall meet the requirements of ''51.428(b)(1), 51.428(b)(4), and 51.428(c).

(c) For areas with a transportation plan that does not meet the content requirements of '51.404(a), a regional emissions analysis must be performed for the project together with the conforming TIP and all other regionally significant projects expected in the nonattainment or maintenance area. This criterion may be satisfied if:

(1) The analysis methodology meets the requirements of '51.452(c);

(2) The analysis estimates emissions from the transportation system, including the proposed project, and all other regionally significant projects expected in the nonattainment or maintenance area in the timeframe of the transportation plan; and

(3) The regional analysis satisfies the requirements of ''51.428(b)(1), 51.428(b)(5), and 51.428(c).

' 51.434 Criteria and procedures: Localized CO violations (hot spots) in the interim period.

(a) Each FHWA/FTA project must eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project (in CO nonattainment areas). This criterion applies during the interim and transitional periods only. This criterion is satisfied with respect to existing localized CO violations if it is demonstrated that existing localized CO violations will be eliminated or reduced in severity and number as a result of the project.

(b) The demonstration must be performed according to the requirements of '51.402(c)(1)(i) and '51.454.

(c) For projects which are not of the type identified by '51.454(a), this criterion may be satisfied if consideration of local factors clearly demonstrates that existing CO violations will be eliminated or reduced in severity and number. Otherwise, a quantitative demonstration must be performed according to the requirements of '51.454(b).

' 51.436 Criteria and procedures: Interim period reductions in ozone and CO areas (transportation plan).

(a) A transportation plan must contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies during the interim and transitional periods only, except as otherwise provided in '51.464. It applies to the net effect on emissions of all projects contained in a new or revised transportation plan. This criterion may be satisfied if a regional emissions analysis is performed as described in paragraphs (b) through (f) of this section.

(b) Determine the analysis years for which emissions are to be estimated. Analysis years shall be no more than ten years apart. The first analysis year shall be no later than the first milestone year (1995 in CO nonattainment areas and 1996 in ozone nonattainment areas). The second analysis year shall be either the attainment year for the area, or if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.

(c) Define the 'Baseline' scenario for each of the analysis years to be the future transportation system that would result from current programs, composed of the following (except that projects listed in '51.460 and '51.462 need not be explicitly considered):

(1) All in-place regionally significant highway and transit facilities, services and activities;

(2) All ongoing travel demand management or transportation system management activities; and

(3) Completion of all regionally significant projects, regardless of funding source, which are currently under construction or are undergoing right-of-way acquisition (except for hardship acquisition and protective buying); come from the first three years of the previously conforming transportation plan and/or TIP; or have completed the NEPA process. (For the first conformity determination on the transportation plan after November 24, 1993, a project may not be included in the "Baseline" scenario if one of the following major steps has not occurred within the past three years: NEPA process completion; start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications and estimates. Such a project must be included in the "Action" scenario, as described in paragraph (d) of this section.)

(d) Define the 'Action' scenario for each of the analysis years as the transportation system that will result in that year from the implementation of the proposed transportation plan, TIPs adopted under it, and other expected regionally significant projects in the nonattainment area. It will include the following (except that projects listed in '51.460 and '51.462 need not be explicitly considered):

(1) All facilities, services, and activities in the 'Baseline' scenario;

(2) Completion of all TCMs and regionally significant projects (including facilities, services, and activities) specifically identified in the proposed transportation plan which will be operational or in effect in the analysis year, except that regulatory TCMs may not be assumed to begin at a future time unless the regulation is already adopted by the enforcing jurisdiction or the TCM is identified in the applicable implementation plan;

(3) All travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any Federal funding or approval, which have been fully adopted and/or funded by the enforcing jurisdiction or sponsoring agency since the last conformity determination on the transportation plan;

(4) The incremental effects of any travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any Federal funding or approval, which were adopted and/or funded prior to the date of the last conformity determination on the transportation plan, but which have been modified since then to be more stringent or effective;

(5) Completion of all expected regionally significant highway and transit projects which are not from a conforming transportation plan and TIP; and

(6) Completion of all expected regionally significant non-FHWA/FTA highway and transit projects that have clear funding sources and commitments leading toward their implementation and completion by the analysis year.

(e) Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the 'Baseline' and 'Action' scenarios and determine the difference in regional VOC and NO_x emissions (unless the Administrator determines that additional reductions of NO_x would not contribute to attainment) between the two scenarios for ozone nonattainment areas and the difference in CO emissions between the two scenarios for CO nonattainment areas. The analysis must be performed for each of the analysis years according to the requirements of '51.452. Emissions in milestone years which are between the analysis years may be determined by interpolation.

(f) This criterion is met if the regional VOC and NO_x emissions (for ozone nonattainment areas) and CO emissions (for CO nonattainment areas) predicted in the 'Action' scenario are less than the emissions predicted from the 'Baseline' scenario in each analysis year, and if this can reasonably be expected to be true in the periods between the first milestone year and the analysis years. The regional analysis must show that the 'Action' scenario contributes to a reduction in emissions from the 1990 emissions by any nonzero amount.

' 51.438 Criteria and procedures: Interim period reductions in ozone and CO areas (TIP).

(a) A TIP must contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies

during the interim and transitional periods only, except as otherwise provided in '51.464. It applies to the net effect on emissions of all projects contained in a new or revised TIP. This criterion may be satisfied if a regional emissions analysis is performed as described in paragraphs (b) through (f) of this section.

(b) Determine the analysis years for which emissions are to be estimated. The first analysis year shall be no later than the first milestone year (1995 in CO nonattainment areas and 1996 in ozone nonattainment areas). The analysis years shall be no more than ten years apart. The second analysis year shall be either the attainment year for the area, or if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.

(c) Define the 'Baseline' scenario as the future transportation system that would result from current programs, composed of the following (except that projects listed in '51.460 and '51.462 need not be explicitly considered):

(1) All in-place regionally significant highway and transit facilities, services and activities;

(2) All ongoing travel demand management or transportation system management activities; and

(3) Completion of all regionally significant projects, regardless of funding source, which are currently under construction or are undergoing right-of-way acquisition (except for hardship acquisition and protective buying); come from the first three years of the previously conforming TIP; or have completed the NEPA process. (For the first conformity determination on the TIP after November 24, 1993, a project may not be included in the "Baseline" scenario if one of the following major steps has not occurred within the past three years: NEPA process completion; start of final design; acquisition of a significant portion of the right-of-way; or approval of the plans, specifications and estimates. Such a project must be included in the "Action" scenario, as described in paragraph (d) of this section.)

(d) Define the 'Action' scenario as the future transportation system that will result from the implementation of the proposed TIP and other expected regionally significant projects in the nonattainment area in the timeframe of the transportation plan. It will include the following (except that projects listed in '51.460 and '51.462 need not be explicitly considered):

(1) All facilities, services, and activities in the 'Baseline' scenario;

(2) Completion of all TCMs and regionally significant projects (including facilities, services, and activities) included in the proposed TIP, except that regulatory TCMs may not be assumed to begin at a future time unless the regulation is already adopted by the enforcing jurisdiction or the TCM is contained in the applicable implementation plan;

(3) All travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any Federal funding or approval, which have been fully adopted and/or funded by the enforcing jurisdiction or sponsoring agency since the last conformity determination on the TIP;

(4) The incremental effects of any travel demand management programs and transportation system management activities known to the MPO, but not included in the applicable implementation plan or utilizing any Federal funding or approval, which were adopted and/or funded prior to the date of the last conformity determination on the TIP, but which have been modified since then to be more stringent or effective;

(5) Completion of all expected regionally significant highway and transit projects which are not from a conforming transportation plan and TIP; and

(6) Completion of all expected regionally significant non-FHWA/FTA highway and transit projects that have clear funding sources and commitments leading toward their implementation and completion by the analysis year.

(e) Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the 'Baseline' and 'Action' scenarios, and determine the difference in regional VOC and NOx emissions (unless the Administrator determines that additional reductions of NO_x would not contribute to attainment) between the two scenarios for ozone nonattainment areas and the difference in CO emissions between the two scenarios for CO nonattainment areas. The analysis must be performed for each of the analysis years according to the requirements of '51.452. Emissions in milestone years which are between analysis years may be determined by interpolation.

(f) This criterion is met if the regional VOC and NO_x emissions in ozone nonattainment areas and CO emissions in CO nonattainment areas predicted in the 'Action' scenario are less than the emissions predicted from the

'Baseline' scenario in each analysis year, and if this can reasonably be expected to be true in the period between the analysis years. The regional analysis must show that the 'Action' scenario contributes to a reduction in emissions from the 1990 emissions by any nonzero amount.

' 51.440 Criteria and procedures: Interim period reductions for ozone and CO areas (project not from a plan and TIP).

A Transportation TIP must contribute to emissions reductions in ozone and CO nonattainment areas. This criterion applies during the interim and transitional periods only, except as otherwise provided in ' 51.464. This criterion is satisfied if a regional emissions analysis is performed which meets the requirements of ' 51.436 and which includes the transportation plan and project in the 'Action' scenario. If the project which is not from a conforming transportation plan and TIP is a modification of a project currently in the plan or TIP, the 'Baseline' scenario must include the project with its original design concept and scope, and the 'Action' scenario must include the project with its new design concept and scope.

' 51.442 Criteria and procedures: Interim period reductions for PM_{10} and NO_2 areas (transportation plan).

(a) A transportation plan must contribute to emission reductions or must not increase emissions in PM_{10} and NO_2 nonattainment areas. This criterion applies only during the interim and transitional periods. It applies to the net effect on emissions of all projects contained in a new or revised transportation plan. This criterion may be satisfied if the requirements of either paragraph (b) or (c) of this section are met.

(b) Demonstrate that implementation of the plan and all other regionally significant projects expected in the nonattainment area will contribute to reductions in emissions of PM_{10} in a PM_{10} nonattainment area (and of each transportation-related precursor of PM_{10} in PM_{10} nonattainment areas if the EPA Regional Administrator or the director of the State air agency has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM_{10} nonattainment problem and has so notified the MPO and DOT) and of NO_x in an NO_2 nonattainment area, by performing a regional emissions analysis as follows:

(1) Determine the analysis years for which emissions are to be estimated. Analysis years shall be no more than ten years apart. The first analysis year shall be no later than 1996 (for NO_2 areas) or four years and six months following the date of designation (for PM_{10} areas). The second analysis year shall be either the attainment year for the area, or if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.

(2) Define for each of the analysis years the "Baseline" scenario, as defined in ' 51.436(c), and the "Action" scenario, as defined in ' 51.436(d).

(3) Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the "Baseline" and "Action" scenarios and determine the difference between the two scenarios in regional PM_{10} emissions in a PM_{10} nonattainment area (and transportation-related precursors of PM_{10} in PM_{10} nonattainment areas if the EPA Regional Administrator or the director of the State air agency has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM_{10} nonattainment problem and has so notified the MPO and DOT) and in NO_x emissions in an NO_2 nonattainment area. The analysis must be performed for each of the analysis years according to the requirements of ' 51.452. The analysis must address the periods between the analysis years and the periods between 1990, the first milestone year (if any), and the first of the analysis years. Emissions in milestone years which are between the analysis years may be determined by interpolation.

(4) Demonstrate that the regional PM_{10} emissions and PM_{10} precursor emissions, where applicable, (for PM_{10} nonattainment areas) and NO_x emissions (for NO_2 nonattainment areas) predicted in the 'Action' scenario are less than the emissions predicted from the 'Baseline' scenario in each analysis year, and that this can reasonably be expected to be true in the periods between the first milestone year (if any) and the analysis years.

(c) Demonstrate that when the projects in the transportation plan and all other regionally significant projects expected in the nonattainment area are implemented, the transportation system's total highway and transit emissions of PM_{10} in a PM_{10} nonattainment area (and transportation-related precursors of PM_{10} in PM_{10} nonattainment areas if the EPA Regional Administrator or the director of the State air agency has made a finding

that such precursor emissions from within the nonattainment area are a significant contributor to the PM_{10} nonattainment problem and has so notified the MPO and DOT) and of NO_x in an NO_2 nonattainment area will not be greater than baseline levels, by performing a regional emissions analysis as follows:

(1) Determine the baseline regional emissions of PM_{10} and PM_{10} precursors, where applicable (for PM_{10} nonattainment areas) and NO_x (for NO_2 nonattainment areas) from highway and transit sources. Baseline emissions are those estimated to have occurred during calendar year 1990, unless the implementation plan revision required by '51.396 defines the baseline emissions for a PM_{10} area to be those occurring in a different calendar year for which a baseline emissions inventory was developed for the purpose of developing a control strategy implementation plan.

(2) Estimate the emissions of the applicable pollutant(s) from the entire transportation system, including projects in the transportation plan and TIP and all other regionally significant projects in the nonattainment area, according to the requirements of '51.452. Emissions shall be estimated for analysis years which are no more than ten years apart. The first analysis year shall be no later than 1996 (for NO_2 areas) or four years and six months following the date of designation (for PM_{10} areas). The second analysis year shall be either the attainment year for the area, or if the attainment year is the same as the first analysis year or earlier, the second analysis year shall be at least five years beyond the first analysis year. The last year of the transportation plan's forecast period shall also be an analysis year.

(3) Demonstrate that for each analysis year the emissions estimated in paragraph (c)(2) of this section are no greater than baseline emissions of PM_{10} and PM_{10} precursors, where applicable (for PM_{10} nonattainment areas) or NO_x (for NO_2 nonattainment areas) from highway and transit sources.

' 51.444 Criteria and procedures: Interim period reductions for PM_{10} and NO_2 areas (TIP).

(a) A TIP must contribute to emission reductions or must not increase emissions in PM_{10} and NO_2 nonattainment areas. This criterion applies only during the interim and transitional periods. It applies to the net effect on emissions of all projects contained in a new or revised TIP. This criterion may be satisfied if the requirements of either paragraph (b) or paragraph (c) of this section are met.

(b) Demonstrate that implementation of the plan and TIP and all other regionally significant projects expected in the nonattainment area will contribute to reductions in emissions of PM_{10} in a PM_{10} nonattainment area (and transportation-related precursors of PM_{10} in PM_{10} nonattainment areas if the EPA Regional Administrator or the director of the State air agency has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM_{10} nonattainment problem and has so notified the MPO and DOT) and of NO_x in an NO_2 nonattainment area, by performing a regional emissions analysis as follows:

(1) Determine the analysis years for which emissions are to be estimated, according to the requirements of '51.442(b)(1).

(2) Define for each of the analysis years the "Baseline" scenario, as defined in '51.438(c), and the "Action" scenario, as defined in '51.438(d).

(3) Estimate the emissions predicted to result in each analysis year from travel on the transportation systems defined by the "Baseline" and "Action" scenarios as required by '51.442(b)(3), and make the demonstration required by '51.442(b)(4).

(c) Demonstrate that when the projects in the transportation plan and TIP and all other regionally significant projects expected in the area are implemented, the transportation system's total highway and transit emissions of PM_{10} in a PM_{10} nonattainment area (and transportation-related precursors of PM_{10} in PM_{10} nonattainment areas if the EPA Regional Administrator or the director of the State air agency has made a finding that such precursor emissions from within the nonattainment area are a significant contributor to the PM_{10} nonattainment problem and has so notified the MPO and DOT) and of NO_x in an NO_2 nonattainment area will not be greater than baseline levels, by performing a regional emissions analysis as required by '51.442(c)(1)-(3).

' 51.446 Criteria and procedures: Interim period reductions for PM_{10} and NO_2 areas (project not from a plan and TIP).

A transportation project which is not from a conforming transportation plan and TIP must contribute to emission reductions or must not increase emissions in PM_{10} and NO_2 nonattainment areas. This criterion applies during the interim and transitional periods only. This criterion is met if a regional emissions analysis is performed which meets the

requirements of '51.442 and which includes the transportation plan and project in the 'Action' scenario. If the project which is not from a conforming transportation plan and TIP is a modification of a project currently in the transportation plan or TIP, and '51.442(b) is used to demonstrate satisfaction of this criterion, the 'Baseline' scenario must include the project with its original design concept and scope, and the 'Action' scenario must include the project with its new design concept and scope.

' 51.448 Transition from the interim period to the control strategy period.

(a) Areas which submit a control strategy implementation plan revision after November 24, 1993.

(1) The transportation plan and TIP must be demonstrated to conform according to transitional period criteria and procedures by one year from the date the Clean Air Act requires submission of such control strategy implementation plan revision. Otherwise, the conformity status of the transportation plan and TIP will lapse, and no new project-level conformity determinations may be made.

(i) The conformity of new transportation plans and TIPs may be demonstrated according to Phase II interim period criteria and procedures for 90 days following submission of the control strategy implementation plan revision, provided the conformity of such transportation plans and TIPs is redetermined according to transitional period criteria and procedures as required in paragraph (a)(1) of this section.

(ii) Beginning 90 days after submission of the control strategy implementation plan revision, new transportation plans and TIPs shall demonstrate conformity according to transitional period criteria and procedures.

(2) If EPA disapproves the submitted control strategy implementation plan revision and so notifies the State, MPO, and DOT, which initiates the sanction process under Clean Air Act sections 179 or 110(m), the conformity status of the transportation plan and TIP shall lapse 120 days after EPA's disapproval, and no new project-level conformity determinations may be made. No new transportation plan, TIP, or project may be found to conform until another control strategy implementation plan revision is submitted and conformity is demonstrated according to transitional period criteria and procedures.

(3) Notwithstanding paragraph (a)(2) of this section, if EPA disapproves the submitted control strategy implementation plan revision but determines that the control strategy contained in the revision would have been considered approvable with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by Clean Air Act '110(a)(2)(A), the provisions of paragraph (a)(1) of this section shall apply for 12 months following the date of disapproval. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of disapproval unless another control strategy implementation plan revision is submitted to EPA and found to be complete.

(b) Areas which have not submitted a control strategy implementation plan revision.

(1) For areas whose Clean Air Act deadline for submission of the control strategy implementation plan revision is after November 24, 1993 and EPA has notified the State, MPO, and DOT of the State's failure to submit a control strategy implementation plan revision, which initiates the sanction process under Clean Air Act sections 179 or 110(m):

(i) No new transportation plans or TIPs may be found to conform beginning 120 days after the Clean Air Act deadline; and

(ii) The conformity status of the transportation plan and TIP shall lapse one year after the Clean Air Act deadline, and no new project-level conformity determinations may be made.

(2) For areas whose Clean Air Act deadline for submission of the control strategy implementation plan was before November 24, 1993 and EPA has made a finding of failure to submit a control strategy implementation plan revision, which initiates the sanction process under Clean Air Act sections 179 or 110(m), the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:

(i) No new transportation plans or TIPs may be found to conform beginning March 24, 1994; and

(ii) The conformity status of the transportation plan and TIP shall lapse November 25, 1994, and no new project-level conformity determinations may be made.

(c) Areas which have not submitted a complete control strategy implementation plan revision.

(1) For areas where EPA notifies the State, MPO, and DOT after November 24, 1993 that the control

strategy implementation plan revision submitted by the State is incomplete, which initiates the sanction process under Clean Air Act sections 179 or 110(m), the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:

(i) No new transportation plans or TIPs may be found to conform beginning 120 days after EPA's incompleteness finding; and

(ii) The conformity status of the transportation plan and TIP shall lapse one year after the Clean Air Act deadline, and no new project-level conformity determinations may be made.

(iii) Notwithstanding paragraphs (c)(1)(i) and (ii) of this section, if EPA notes in its incompleteness finding that the submittal would have been considered complete with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by Clean Air Act '110(a)(2)(A), the provisions of paragraph (a)(1) of this section shall apply for a period of 12 months following the date of the incompleteness determination. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of the incompleteness determination unless another control strategy implementation plan revision is submitted to EPA and found to be complete.

(2) For areas where EPA has determined before November 24, 1993 that the control strategy implementation plan revision is incomplete, which initiates the sanction process under Clean Air Act sections 179 or 110(m), the following apply unless the failure has been remedied and acknowledged by a letter from the EPA Regional Administrator:

(i) No new transportation plans or TIPs may be found to conform beginning March 24, 1994; and

(ii) The conformity status of the transportation plan and TIP shall lapse November 25, 1994, and no new project-level conformity determinations may be made.

(iii) Notwithstanding paragraphs (c)(2)(i) and (ii) of this section, if EPA notes in its incompleteness finding that the submittal would have been considered complete with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by Clean Air Act '110(a)(2)(A), the provisions of paragraph (d)(1) of this section shall apply for a period of 12 months following the date of the incompleteness determination. The conformity status of the transportation plan and TIP shall lapse 12 months following the date of the incompleteness determination unless another control strategy implementation plan revision is submitted to EPA and found to be complete.

(d) Areas which submitted a control strategy implementation plan before November 24, 1993.

(1) The transportation plan and TIP must be demonstrated to conform according to transitional period criteria and procedures by November 25, 1994. Otherwise, their conformity status will lapse, and no new project-level conformity determinations may be made.

(i) The conformity of new transportation plans and TIPs may be demonstrated according to Phase II interim period criteria and procedures until February 24, 1994, provided the conformity of such transportation plans and TIPs is redetermined according to transitional period criteria and procedures as required in paragraph (d)(1) of this section.

(ii) Beginning February 22, 1994, new transportation plans and TIPs shall demonstrate conformity according to transitional period criteria and procedures.

(2) If EPA has disapproved the most recent control strategy implementation plan submission, the conformity status of the transportation plan and TIP shall lapse March 24, 1994, and no new project-level conformity determinations may be made. No new transportation plans, TIPs, or projects may be found to conform until another control strategy implementation plan revision is submitted and conformity is demonstrated according to transitional period criteria and procedures.

(3) Notwithstanding paragraph (d)(2) of this section, if EPA has disapproved the submitted control strategy implementation plan revision but determines that the control strategy contained in the revision would have been considered approvable with respect to requirements for emission reductions if all committed measures had been submitted in enforceable form as required by Clean Air Act '110(a)(2)(A), the provisions of paragraph (d)(1) of this section shall apply for 12 months following November 24, 1993. The conformity status of the transportation plan and TIP shall lapse 12 months following November 24, 1993 unless another control strategy implementation plan revision is submitted to EPA and found to be complete.

(e) Projects.

If the currently conforming transportation plan and TIP have not been demonstrated to conform according to transitional period criteria and procedures, the requirements of paragraphs (e)(1) and (2) of this section must be met.

(1) Before a FHWA/FTA project which is regionally significant and increases single-occupant vehicle capacity (a new general purpose highway on a new location or adding general purpose lanes) may be found to conform, the State air agency must be consulted on how the emissions which the existing transportation plan and TIP's conformity determination estimates for the "Action" scenario (as required by ''51.436 - 51.446) compare to the motor vehicle emissions budget in the implementation plan submission or the projected motor vehicle emissions budget in the implementation plan under development.

(2) In the event of unresolved disputes on such project-level conformity determinations, the State air agency may escalate the issue to the Governor consistent with the procedure in '51.402(d), which applies for any State air agency comments on a conformity determination.

(f) Redetermination of conformity of the existing transportation plan and TIP according to the transitional period criteria and procedures.

(1) The redetermination of the conformity of the existing transportation plan and TIP according to transitional period criteria and procedures (as required by paragraphs (a)(1) and (d)(1) of this section) does not require new emissions analysis and does not have to satisfy the requirements of ''51.412 and 51.414 if:

(i) The control strategy implementation plan revision submitted to EPA uses the MPO's modeling of the existing transportation plan and TIP for its projections of motor vehicle emissions; and

(ii) The control strategy implementation plan does not include any transportation projects which are not included in the transportation plan and TIP.

(2) A redetermination of conformity as described in paragraph (f)(1) of this section is not considered a conformity determination for the purposes of '51.400(b)(4) or '51.400(c)(4) regarding the maximum intervals between conformity determinations. Conformity must be determined according to all the applicable criteria and procedures of '51.410 within three years of the last determination which did not rely on paragraph (f)(1) of this section.

(g) Ozone nonattainment areas.

(1) The requirements of paragraph (b)(1) of this section apply if a serious or above ozone nonattainment area has not submitted the implementation plan revisions which Clean Air Act ''182(c)(2)(A) and 182(c)(2)(B) require to be submitted to EPA November 15, 1994, even if the area has submitted the implementation plan revision which Clean Air Act '182(b)(1) requires to be submitted to EPA November 15, 1993.

(2) The requirements of paragraph (b)(1) of this section apply if a moderate ozone nonattainment area which is using photochemical dispersion modeling to demonstrate the "specific annual reductions as necessary to attain" required by Clean Air Act '182(b)(1), and which has permission from EPA to delay submission of such demonstration until November 15, 1994, does not submit such demonstration by that date. The requirements of paragraph (b)(1) of this section apply in this case even if the area has submitted the 15% emission reduction demonstration required by Clean Air Act '182(b)(1).

(3) The requirements of paragraph (a) of this section apply when the implementation plan revisions required by Clean Air Act ''182(c)(2)(A) and 182(c)(2)(B) are submitted.

(h) Nonattainment areas which are not required to demonstrate reasonable further progress and attainment. If an area listed in '51.464 submits a control strategy implementation plan revision, the requirements of paragraphs (a) and (e) of this section apply. Because the areas listed in '51.464 are not required to demonstrate reasonable further progress and attainment and therefore have no Clean Air Act deadline, the provisions of paragraph (b) of this section do not apply to these areas at any time.

(i) Maintenance plans. If a control strategy implementation plan revision is not submitted to EPA but a maintenance plan required by Clean Air Act '175A is submitted to EPA, the requirements of paragraph (a) or (d) of this section apply, with the maintenance plan submission treated as a "control strategy implementation plan revision" for the purposes of those requirements.

' 51.450 Requirements for adoption or approval of projects by recipients of funds designated under title 23 U.S.C. or the Federal Transit Act.

No recipient of federal funds designated under title 23 U.S.C. or the Federal Transit Act shall adopt or approve a regionally significant highway or transit project, regardless of funding source, unless there is a currently conforming transportation plan and TIP consistent with the requirements of '51.420 and the requirements of one of the following paragraphs (a) through (e) are met:

(a) The project comes from a conforming plan and program consistent with the requirements of '51.422;

(b) The project is included in the regional emissions analysis supporting the currently conforming TIP's conformity determination, even if the project is not strictly "included" in the TIP for the purposes of MPO project selection or endorsement, and the project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility;

(c) During the control strategy or maintenance period, the project is consistent with the motor vehicle emissions budget(s) in the applicable implementation plan consistent with the requirements of '51.432;

(d) During Phase II of the interim period, the project contributes to emissions reductions or does not increase emissions consistent with the requirements of '51.440 (in ozone and CO nonattainment areas) or '51.446 (in PM_{10} and NO_2 nonattainment areas); or

(e) During the transitional period, the project satisfies the requirements of both paragraphs (c) and (d) of this section.

' 51.452 Procedures for determining regional transportation-related emissions.

(a) General requirements.

(1) The regional emissions analysis for the transportation plan, TIP, or project not from a conforming plan and TIP shall include all regionally significant projects expected in the nonattainment or maintenance area, including FHWA/FTA projects proposed in the transportation plan and TIP and all other regionally significant projects which are disclosed to the MPO as required by '51.402. Projects which are not regionally significant are not required to be explicitly modeled, but VMT from such projects must be estimated in accordance with reasonable professional practice. The effects of TCMs and similar projects that are not regionally significant may also be estimated in accordance with reasonable professional practice.

(2) The emissions analysis may not include for emissions reduction credit any TCMs which have been delayed beyond the scheduled date(s) until such time as implementation has been assured. If the TCM has been partially implemented and it can be demonstrated that it is providing quantifiable emission reduction benefits, the emissions analysis may include that emissions reduction credit.

(3) Emissions reduction credit from projects, programs, or activities which require a regulation in order to be implemented may not be included in the emissions analysis unless the regulation is already adopted by the enforcing jurisdiction. Adopted regulations are required for demand management strategies for reducing emissions which are not specifically identified in the applicable implementation plan, and for control programs which are external to the transportation system itself, such as tailpipe or evaporative emission standards, limits on gasoline volatility, inspection and maintenance programs, and oxygenated or reformulated gasoline or diesel fuel. A regulatory program may also be considered to be adopted if an opt-in to a Federally enforced program has been approved by EPA, if EPA has promulgated the program (if the control program is a Federal responsibility, such as tailpipe standards), or if the Clean Air Act requires the program without need for individual State action and without any discretionary authority for EPA to set its stringency, delay its effective date, or not implement the program.

(4) Notwithstanding paragraph (a)(3) of this section, during the transitional period, control measures or programs which are committed to in an implementation plan submission as described in ''51.428 - 51.432, but which has not received final EPA action in the form of a finding of incompleteness, approval, or disapproval may be assumed for emission reduction credit for the purpose of demonstrating that the requirements of ''51.428 - 51.432 are satisfied.

(5) A regional emissions analysis for the purpose of satisfying the requirements of ''51.436 - 51.440 may account for the programs in paragraph (a)(4) of this section, but the same assumptions about these

programs shall be used for both the "Baseline" and "Action" scenarios.

(b) Serious, severe, and extreme ozone nonattainment areas and serious carbon monoxide areas after January 1, 1995. Estimates of regional transportation-related emissions used to support conformity determinations must be made according to procedures which meet the requirements in paragraphs (b)(1) through (5) of this section.

(1) A network-based transportation demand model or models relating travel demand and transportation system performance to land-use patterns, population demographics, employment, transportation infrastructure, and transportation policies must be used to estimate travel within the metropolitan planning area of the nonattainment area. Such a model shall possess the following attributes:

(i) The modeling methods and the functional relationships used in the model(s) shall in all respects be in accordance with acceptable professional practice, and reasonable for purposes of emission estimation;

(ii) The network-based model(s) must be validated against ground counts for a base year that is not more than 10 years prior to the date of the conformity determination. Land use, population, and other inputs must be based on the best available information and appropriate to the validation base year;

(iii) For peak-hour or peak-period traffic assignments, a capacity sensitive assignment methodology must be used;

(iv) Zone-to-zone travel times used to distribute trips between origin and destination pairs must be in reasonable agreement with the travel times which result from the process of assignment of trips to network links. Where use of transit currently is anticipated to be a significant factor in satisfying transportation demand, these times should also be used for modeling mode splits;

(v) Free-flow speeds on network links shall be based on empirical observations;

(vi) Peak and off-peak travel demand and travel times must be provided;

(vii) Trip distribution and mode choice must be sensitive to pricing, where pricing is a significant factor, if the network model is capable of such determinations and the necessary information is available;

(viii) The model(s) must utilize and document a logical correspondence between the assumed scenario of land development and use and the future transportation system for which emissions are being estimated. Reliance on a formal land-use model is not specifically required but is encouraged;

(ix) A dependence of trip generation on the accessibility of destinations via the transportation system (including pricing) is strongly encouraged but not specifically required, unless the network model is capable of such determinations and the necessary information is available;

(x) A dependence of regional economic and population growth on the accessibility of destinations via the transportation system is strongly encouraged but not specifically required, unless the network model is capable of such determinations and the necessary information is available; and

(xi) Consideration of emissions increases from construction-related congestion is not specifically required.

(2) Highway Performance Monitoring System (HPMS) estimates of vehicle miles traveled shall be considered the primary measure of vehicle miles traveled within the portion of the nonattainment or maintenance area and for the functional classes of roadways included in HPMS, for urban areas which are sampled on a separate urban area basis. A factor (or factors) shall be developed to reconcile and calibrate the network-based model estimates of vehicle miles traveled in the base year of its validation to the HPMS estimates for the same period, and these factors shall be applied to model estimates of future vehicle miles traveled. In this factoring process, consideration will be given to differences in the facility coverage of the HPMS and the modeled network description. Departure from these procedures is permitted with the concurrence of DOT and EPA.

(3) Reasonable methods shall be used to estimate nonattainment area vehicle travel on off-network roadways within the urban transportation planning area, and on roadways outside the urban transportation planning area.

(4) Reasonable methods in accordance with good practice must be used to estimate traffic speeds and delays in a manner that is sensitive to the estimated volume of travel on each roadway segment

represented in the network model.

(5) Ambient temperatures shall be consistent with those used to establish the emissions budget in the applicable implementation plan. Factors other than temperatures, for example the fraction of travel in a hot stabilized engine mode, may be modified after interagency consultation according to ' 51.402 if the newer estimates incorporate additional or more geographically specific information or represent a logically estimated trend in such factors beyond the period considered in the applicable implementation plan.

(c) Areas which are not serious, severe, or extreme ozone nonattainment areas or serious carbon monoxide areas, or before January 1, 1995.

(1) Procedures which satisfy some or all of the requirements of paragraph (a) of this section shall be used in all areas not subject to paragraph (a) of this section in which those procedures have been the previous practice of the MPO.

(2) Regional emissions may be estimated by methods which do not explicitly or comprehensively account for the influence of land use and transportation infrastructure on vehicle miles traveled and traffic speeds and congestion. Such methods must account for VMT growth by extrapolating historical VMT or projecting future VMT by considering growth in population and historical growth trends for vehicle miles traveled per person. These methods must also consider future economic activity, transit alternatives, and transportation system policies.

(d) Projects not from a conforming plan and TIP in isolated rural nonattainment and maintenance areas. This paragraph applies to any nonattainment or maintenance area or any portion thereof which does not have a metropolitan transportation plan or TIP and whose projects are not part of the emissions analysis of any MPO's metropolitan transportation plan or TIP (because the nonattainment or maintenance area or portion thereof does not contain a metropolitan planning area or portion of a metropolitan planning area and is not part of a Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area which is or contains a nonattainment or maintenance area).

(1) Conformity demonstrations for projects in these areas may satisfy the requirements of '' 51.432, 51.440, and 51.446 with one regional emissions analysis which includes all the regionally significant projects in the nonattainment or maintenance area (or portion thereof).

(2) The requirements of ' 51.432 shall be satisfied according to the procedures in ' 51.432(c), with references to the "transportation plan" taken to mean the statewide transportation plan.

(3) The requirements of '' 51.440 and 51.446 which reference "transportation plan" or "TIP" shall be taken to mean those projects in the statewide transportation plan or statewide TIP which are in the nonattainment or maintenance area (or portion thereof).

(4) The requirement of ' 51.450(b) shall be satisfied if:

(i) The project is included in the regional emissions analysis which includes all regionally significant highway and transportation projects in the nonattainment or maintenance area (or portion thereof) and supports the most recent conformity determination made according to the requirements of '' 51.432, 51.440, or 51.446 (as modified by paragraphs (d)(2) and (d)(3) of this section), as appropriate for the time period and pollutant; and

(ii) The project's design concept and scope have not changed significantly from those which were included in the regional emissions analysis, or in a manner which would significantly impact use of the facility.

(e) PM_{10} from construction-related fugitive dust.

(1) For areas in which the implementation plan does not identify construction-related fugitive PM_{10} as a contributor to the nonattainment problem, the fugitive PM_{10} emissions associated with highway and transit project construction are not required to be considered in the regional emissions analysis.

(2) In PM_{10} nonattainment and maintenance areas with implementation plans which identify construction-related fugitive PM_{10} as a contributor to the nonattainment problem, the regional PM_{10} emissions analysis shall consider construction-related fugitive PM_{10} and shall account for the level of construction activity, the fugitive PM_{10} control measures in the applicable implementation plan, and the dust-producing capacity of the proposed activities.

' 51.454 Procedures for determining localized CO and PM_{10} concentrations (hot-spot analysis).

(a) In the following cases, CO hot-spot analyses must be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR part 51 Appendix W ("Guideline on Air Quality Models (Revised)" (1988), supplement A (1987) and supplement B (1993), EPA publication no. 450/2-78-027R), unless, after the interagency consultation process described in '51.402 and with the approval of the EPA Regional Administrator, these models, data bases, and other requirements are determined to be inappropriate:

(1) For projects in or affecting locations, areas, or categories of sites which are identified in the applicable implementation plan as sites of current violation or possible current violation;

(2) For those intersections at Level-of-Service D, E, or F, or those that will change to Level-of-Service D, E, or F because of increased traffic volumes related to a new project in the vicinity;

(3) For any project involving or affecting any of the intersections which the applicable implementation plan identifies as the top three intersections in the nonattainment or maintenance area based on the highest traffic volumes;

(4) For any project involving or affecting any of the intersections which the applicable implementation plan identifies as the top three intersections in the nonattainment or maintenance area based on the worst Level-of-Service; and

(5) Where use of the "Guideline" models is practicable and reasonable given the potential for violations.

(b) In cases other than those described in paragraph (a) of this section, other quantitative methods may be used if they represent reasonable and common professional practice.

(c) CO hot-spot analyses must include the entire project, and may be performed only after the major design features which will significantly impact CO concentrations have been identified. The background concentration can be estimated using the ratio of future to current traffic multiplied by the ratio of future to current emission factors.

(d) PM_{10} hot-spot analysis must be performed for projects which are located at sites at which violations have been verified by monitoring, and at sites which have essentially identical vehicle and roadway emission and dispersion characteristics (including sites near one at which a violation has been monitored). The projects which require PM-10 hot-spot analysis shall be determined through the interagency consultation process required in '51.402. In PM-10 nonattainment and maintenance areas, new or expanded bus and rail terminals and transfer points which increase the number of diesel vehicles congregating at a single location require hot-spot analysis. DOT may choose to make a categorical conformity determination on bus and rail terminals or transfer points based on appropriate modeling of various terminal sizes, configurations, and activity levels. The requirements of this paragraph for quantitative hot-spot analysis will not take effect until EPA releases modeling guidance on this subject and announces in the Federal Register that these requirements are in effect.

(e) Hot-spot analysis assumptions must be consistent with those in the regional emissions analysis for those inputs which are required for both analyses.

(f) PM_{10} or CO mitigation or control measures shall be assumed in the hot-spot analysis only where there are written commitments from the project sponsor and/or operator to the implementation of such measures, as required by '51.458(a).

(g) CO and PM_{10} hot-spot analyses are not required to consider construction-related activities which cause temporary increases in emissions. Each site which is affected by construction-related activities shall be considered separately, using established "Guideline" methods. Temporary increases are defined as those which occur only during the construction phase and last five years or less at any individual site.

' 51.456 Using the motor vehicle emissions budget in the applicable implementation plan (or implementation plan submission).

(a) In interpreting an applicable implementation plan (or implementation plan submission) with respect to its motor vehicle emissions budget(s), the MPO and DOT may not infer additions to the budget(s) that are not explicitly intended by the implementation plan (or submission). Unless the implementation plan explicitly quantifies the amount by which motor vehicle emissions could be higher while still allowing a demonstration of compliance with the milestone, attainment, or maintenance requirement and explicitly states an intent that some or all of this additional amount should be available to the MPO and DOT in the emission budget for conformity purposes, the MPO may not interpret the budget to be higher than the implementation plan's estimate of future emissions. This applies in particular to applicable implementation plans (or submissions) which demonstrate that after implementation of control measures in the implementation plan:

(1) Emissions from all sources will be less than the total emissions that would be consistent with a required

demonstration of an emissions reduction milestone;

(2) Emissions from all sources will result in achieving attainment prior to the attainment deadline and/or ambient concentrations in the attainment deadline year will be lower than needed to demonstrate attainment; or

(3) Emissions will be lower than needed to provide for continued maintenance.

(b) If an applicable implementation plan submitted before November 24, 1993 demonstrates that emissions from all sources will be less than the total emissions that would be consistent with attainment and quantifies that "safety margin," the State may submit a SIP revision which assigns some or all of this safety margin to highway and transit mobile sources for the purposes of conformity. Such a SIP revision, once it is endorsed by the Governor and has been subject to a public hearing, may be used for the purposes of transportation conformity before it is approved by EPA.

(c) A conformity demonstration shall not trade emissions among budgets which the applicable implementation plan (or implementation plan submission) allocates for different pollutants or precursors, or among budgets allocated to motor vehicles and other sources, without a SIP revision or a SIP which establishes mechanisms for such trades.

(d) If the applicable implementation plan (or implementation plan submission) estimates future emissions by geographic subarea of the nonattainment area, the MPO and DOT are not required to consider this to establish subarea budgets, unless the applicable implementation plan (or implementation plan submission) explicitly indicates an intent to create such subarea budgets for the purposes of conformity.

(e) If a nonattainment area includes more than one MPO, the SIP may establish motor vehicle emissions budgets for each MPO, or else the MPOs must collectively make a conformity determination for the entire nonattainment area.

' 51.458 Enforceability of design concept and scope and project-level mitigation and control measures.

(a) Prior to determining that a transportation project is in conformity, the MPO, other recipient of funds designated under title 23 U.S.C. or the Federal Transit Act, FHWA, or FTA must obtain from the project sponsor and/or operator written commitments to implement in the construction of the project and operation of the resulting facility or service any project-level mitigation or control measures which are identified as conditions for NEPA process completion with respect to local PM_{10} or CO impacts. Before making conformity determinations written commitments must also be obtained for project-level mitigation or control measures which are conditions for making conformity determinations for a transportation plan or TIP and included in the project design concept and scope which is used in the regional emissions analysis required by '' 51.428 - 51.432 and '' 51.436 - 51.440 or used in the project-level hot-spot analysis required by '' 51.424 and 51.434.

(b) Project sponsors voluntarily committing to mitigation measures to facilitate positive conformity determinations must comply with the obligations of such commitments.

(c) The implementation plan revision required in ' 51.396 shall provide that written commitments to mitigation measures must be obtained prior to a positive conformity determination, and that project sponsors must comply with such commitments.

(d) During the control strategy and maintenance periods, if the MPO or project sponsor believes the mitigation or control measure is no longer necessary for conformity, the project sponsor or operator may be relieved of its obligation to implement the mitigation or control measure if it can demonstrate that the requirements of '' 51.424, 51.428, and 51.430 are satisfied without the mitigation or control measure, and so notifies the agencies involved in the interagency consultation process required under ' 51.402. The MPO and DOT must confirm that the transportation plan and TIP still satisfy the requirements of '' 51.428 and 51.430 and that the project still satisfies the requirements of ' 51.424, and therefore that the conformity determinations for the transportation plan, TIP, and project are still valid.

' 51.460 Exempt projects.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 2 are exempt from the requirement that a conformity determination be made. Such projects may proceed toward implementation even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 2 is not exempt if the MPO in consultation with other agencies (see ' 51.402(c)(1)(iii)), the EPA, and the FHWA (in the case of a

highway project) or the FTA (in the case of a transit project) concur that it has potentially adverse emissions impacts for any reason. States and MPOs must ensure that exempt projects do not interfere with TCM implementation.

[Table 2 begins on the next page]

Table 2. - Exempt Projects

SAFETY

Railroad/highway crossing
Hazard elimination program
Safer non-Federal-aid system roads
Shoulder improvements
Increasing sight distance
Safety improvement program
Traffic control devices and operating assistance other than signalization projects
Railroad/highway crossing warning devices
Guardrails, median barriers, crash cushions
Pavement resurfacing and/or rehabilitation
Pavement marking demonstration
Emergency relief (23 U.S.C. 125)
Fencing
Skid treatments
Safety roadside rest areas
Adding medians
Truck climbing lanes outside the urbanized area
Lighting improvements
Widening narrow pavements or reconstructing bridges (no additional travel lanes)
Emergency truck pullovers

MASS TRANSIT

Operating assistance to transit agencies
Purchase of support vehicles
Rehabilitation of transit vehicles[1]
Purchase of office, shop, and operating equipment for existing facilities
Purchase of operating equipment for vehicles (e.g., radios, fareboxes, lifts, etc.)
Construction or renovation of power, signal, and communications systems
Construction of small passenger shelters and information kiosks
Reconstruction or renovation of transit buildings and structures (e.g., rail or bus buildings, storage and maintenance facilities, stations, terminals, and ancillary structures)
Rehabilitation or reconstruction of track structures, track, and trackbed in existing rights-of-way
Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet[1]
Construction of new bus or rail storage/maintenance facilities categorically excluded in 23 CFR 771

Table 2 (con't)

AIR QUALITY

Continuation of ride-sharing and van-pooling promotion activities at current levels
Bicycle and pedestrian facilities

OTHER

Specific activities which do not involve or lead directly to construction, such as:
- Planning and technical studies
- Grants for training and research programs
- Planning activities conducted pursuant to titles 23 and 49 U.S.C
- Federal-aid systems revisions

Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action
Noise attenuation
Advance land acquisitions (23 CFR 712 or 23 CFR 771)
Acquisition of scenic easements
Plantings, landscaping, etc.
Sign removal
Directional and informational signs
Transportation enhancement activities (except rehabilitation and operation of historic transportation buildings, structures, or facilities)
Repair of damage caused by natural disasters, civil unrest, or terrorist acts, except projects involving substantial functional, locational or capacity changes

[1] In PM_{10} nonattainment or maintenance areas, such projects are exempt only if they are in compliance with control measures in the applicable implementation plan.

' 51.462 Projects exempt from regional emissions analyses.

Notwithstanding the other requirements of this subpart, highway and transit projects of the types listed in Table 3 are exempt from regional emissions analysis requirements. The local effects of these projects with respect to CO or PM_{10} concentrations must be considered to determine if a hot-spot analysis is required prior to making a project-level conformity determination. These projects may then proceed to the project development process even in the absence of a conforming transportation plan and TIP. A particular action of the type listed in Table 3 is not exempt from regional emissions analysis if the MPO in consultation with other agencies (see ' 51.402(c)(1)(iii)), the EPA, and the FHWA (in the case of a highway project) or the FTA (in the case of a transit project) concur that it has potential regional impacts for any reason.

Table 3. - Projects Exempt From Regional Emissions Analyses

Intersection channelization projects
Intersection signalization projects at individual intersections
Interchange reconfiguration projects
Changes in vertical and horizontal alignment
Truck size and weight inspection stations
Bus terminals and transfer points

' 51.464 Special provisions for nonattainment areas which are not required to demonstrate reasonable further progress and attainment.

(a) Application.

This section applies in the following areas:

(1) Rural transport ozone nonattainment areas;

(2) Marginal ozone areas;

(3) Submarginal ozone areas;

(4) Transitional ozone areas;

(5) Incomplete data ozone areas;

(6) Moderate CO areas with a design value of 12.7 ppm or less; and

(7) Not classified CO areas.

(b) Default conformity procedures.

The criteria and procedures in ''51.436 - 51.440 will remain in effect throughout the control strategy period for transportation plans, TIPs, and projects (not from a conforming plan and TIP) in lieu of the procedures in ''51.428 - 51.432, except as otherwise provided in paragraph (c) of this section.

(c) Optional conformity procedures.

The State or MPO may voluntarily develop an attainment demonstration and corresponding motor vehicle emissions budget like those required in areas with higher nonattainment classifications. In this case, the State must submit an implementation plan revision which contains that budget and attainment demonstration. Once EPA has approved this implementation plan revision, the procedures in ''51.428 - 51.432 apply in lieu of the procedures in ''51.436 - 51.440.

tcon_reg

EPA Summary of the

Transportation Conformity Rule

Section 176 of the Clean Air Act as Amended in 1990

Requirements for Conformity

APPENDIX C

RESERVED

APPENDIX D

MANUAL OF PROCEDURES

To Be Used in Conjunction with Placer County's Rule 506 -
Biomass Emission Reduction Credit and Banking

1. INTRODUCTION AND CONTENTS

This Manual of Procedures sets forth procedures relating to the application, calculation, review, registration, tracking and use of emission reduction credits arising from the reduction in open burning of biomass material as provided in Rule 506 - Biomass Emission Reduction Credit and Banking. The Emission Reduction Credit (ERC) application, calculation, and banking system contains the following requirements and elements:

A. STANDARD APPLICATION FORM

The application must contain sufficient information on the legal trail from landowner to applicant (if applicant is not landowner) to input into the database and confirm legal authority for an ERC application. Also the database will have the: landowner's name, lessee/farmer, applicant, current ERC owner, and end user (offsets) if known.

B. SPECIFIC APPLICATION PROCEDURES

The parcel ID will be Assessors Parcel # from the county, farmers field ID, Section, Township, Range location, nearest crossroads, and include a map of the parcel. The application will also contain burn records or other verifiable documentation on parcel(s), and a calculation sheet with the emission reductions for each parcel.

C. STANDARD CALCULATION TEMPLATE WITH EXAMPLE

This manual provides a standardized calculation template and examples for various crops and scenarios.

D. SAMPLE ERC CERTIFICATE

The certificate lists specific parcel(s) location(s), pollutants, amount of credits per quarter, and ownership of ERCs.

E. SPECIFICS OF ENFORCEABILITY FOR BIOMASS ERC/OFFSETS

Ownership of ERCs will go into a ledger database which will also contain information regarding the landowner and farmer. The biomass ERC list will become a no burn list and no APCD burn permit will be issued for those parcels. The database will cross-check the no burn list with the ready to burn list for verification and will be used throughout the year.

F. METHODS OF ADDRESSING POSSIBLE DOUBLE COUNTING PROBLEMS

Existing biomass plants that require offsets will need to report open biomass burning reduction credits claimed pursuant to Health & Safety Code Section 41605.5. These credits will be incorporated into the banking system register within a two year period. This will strengthen the central ledger approach and will work as outlined in Section 1.E. above.

G. SPECIFIC PROCEDURES FOR USE AND CHANGE OF CREDITS
Changes can be made in ownership of credits or quantity of credits. Amendment forms are provided to facilitate the quick re-issuance of certificates with changes. For temporary use of credits as offsets the database will specify the duration of transfer and the current ownership.

H. IDENTIFY VALID SURROGATE RECORDS

Burn records would be the most valid records, however, fire district records, written certification of the ASCS office or certification from the Placer County Agricultural Commissioner Department and Placer County Air Pollution Control District (APCD) may also be used.

I. DESCRIBE THE TRACKING SYSTEM

A comprehensive ERC banking database will be developed which has matching fields with the ready to burn database for cross-checking. A no burn list will be generated from the ERC banking database for biomass credits. The no burn list will be provided to the Dry Creek Fire Protection District and the California Department of Forestry and Fire Protection (CDF) so that they can keep from issuing fire agency burn permits for parcels with ERCs. This would not preclude a grower from obtaining a burn permit for other parcels without ERC's.

J. AN OUTLINE OF THE ISSUANCE OF AGRICULTURAL BURN PERMITS AND BURN DECISIONS

Growers come into the APCD for an annual APCD burning permit. Growers bring maps of the fields that they want to burn or for pesticide applications. After growers harvest fields or prune orchards and there is a residue to be burned they notify the APCD to get that specific parcel on the ready to burn list. When there is a burn day with sufficient acreage to allocate and the grower is available on the ready to burn list, the grower is authorized to burn that specific parcel on that day.

K. STANDARD INTER-DISTRICT AGREEMENT ON USE OF ERCS

Districts within the Sacramento Valley Air Basin agree to accept the ERC certificates issued by other districts within the Basin for use by sources required to obtain emission offsets pursuant to Rule 502, NEW SOURCE REVIEW. The district with the new or modified facility requiring offsets need only adjust those emission reductions based on specified distance ratios from the new facility.

L. MANUAL OF PROCEDURE FORMS

This Manual contains the forms that are necessary for the ERC application process including a transfer of ownership form, designation of authority form from the landowner, ERC certificate amendment form, and a release form for the designated owner of an ERC to donate the credits to the APCD.

2. ERC APPLICATION PROCEDURES

A. APPLICATION FORMS

Applications for ERCs for open biomass burning shall be submitted on the following forms:

- Application cover page

- Parcel identification page

- Designation of authority page

Other information must also be submitted with the application package, such as a map(s) of the parcel(s) and the data sheet(s) used to calculate the ERCs.

APPLICATION FOR:
OPEN BIOMASS BURNING EMISSION REDUCTION CREDIT CERTIFICATE

Please provide the appropriate information below, it must include authorization to apply from the landowner if the landowner is not the applicant. Please indicate if any section is not applicable (N/A).

This application covers ___ parcel(s). Attach additional sheets for each additional parcel if information is not consistent with that presented below. Attach a map of each parcel covered by this application. Please print or type the requested information.

APPLICANT _____
(name)
_____
(address)
_____
(phone number)

LANDOWNER _____
(name)
_____
(address)
_____
(phone number)

AUTHORIZED _____
(name)
DESIGNEE _____
(address)
_____
(phone number)

ERCs are requested to be issued in the following name(s):

_____
(name)
_____
(address)
_____
(phone number)

APPLICANT _____ _____
(signature) (date)

The applicant acknowledges that, upon issuance of an ERC, no APCD burn permit will be issued for the parcel(s) covered by the ERC certificate(s).

PARCEL IDENTIFICATION

Data relating to the quantity of emission reduction credits requested must be included on the attached ERC calculation worksheet(s) for each parcel.

Parcel ID:
Acres: _____

Field ID & AP# _____
Sec Twn Rge _____
Crossroads _____
Lessee/Grower _____

Biomass type _____
Disposition of biomass _____

Parcel ID:
Acres: _____

Field ID & AP# _____
Sec Twn Rge _____
Crossroads _____
Lessee/Grower _____

Biomass type _____
Disposition of biomass _____

Parcel ID:
Acres: _____

Field ID & AP# _____
Sec Twn Rge _____
Crossroads _____
Lessee/Grower _____

Biomass type _____
Disposition of biomass _____

Parcel ID:
Acres: _____

Field ID & AP# _____
Sec Twn Rge _____
Crossroads _____
Lessee/Grower _____

Biomass type _____
Disposition of biomass _____

Parcel ID:
Acres: _____

Field ID & AP# _____
Sec Twn Rge _____
Crossroads _____
Lessee/Grower _____

Biomass type _____
Disposition of biomass _____

DESIGNATION OF AUTHORITY

TO APPLY FOR, TRANSFER, MODIFY, OR TERMINATE AN ERC

I _____ certify that I, or _____ for which I am authorized to act, am the owner of the parcel of land identified below. I hereby appoint _____ as my (our) agent solely for purposes of applying for, transferring, or modifying an emission reduction credit (ERC) pursuant to Rule 506 - Emission Reduction Credit and Banking of the Placer County Air Pollution Control District on my behalf for the following identified parcel. This authorization supersedes any prior such authorization for the parcel.

Parcel Identification:

Tax Assessor Number _____

Field ID _____

Sec. Twn. Rge. _____

Nearest Crossroads _____

Map (indicate location on map with nearest road and crossroad)

Name (print): _____

Signature: _____

Address: _____

City, State, ZIP:_____

Telephone: _____

Date: _____

The applicant acknowledges that, upon issuance of an ERC, no APCD burn permit will be issued for the parcel(s) covered by the ERC certificate(s).

3. OPEN BURNING ERC CALCULATION PROCEDURES

Default HBFs and QBFs shall be used to calculate the ERCs. An alternative use of the parcel specific HBFs and QBFs may be used after a methodology is developed and receives written California Air Resources Board (ARB) concurrence. The alternative method is to address specific geographic areas with specific air quality problems. In the event that a specific crop factor (i.e. FL or EF) is not found in Table 3 then factors from other sources (e.g. Darley, Jenkins, or AP42) may be used.

A. EMISSION REDUCTION CREDITS CALCULATION FORMULA

The APCD will calculate, for each parcel, the ERC amount based on the following calculation equation:

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

These ERCs will be specific for each pollutant and stated in pounds per quarter.

B. FORMULA DEFINITIONS

Open biomass burning ERCs shall be calculated separately for each crop type, for each pollutant and for each quarter according to the above formula:

Where:

ERC = Emission reduction credit for each pollutant in pounds per quarter.

AB = Acreage burned is specific to a parcel, for which open burning is to be restricted upon issuance of the ERC.

FL = Fuel loading factor in dry tons per acre. The fuel loading factor shall be determined for each crop type from the fuel loading factors in Table 3.

EF = Emission factor in pounds per dry ton. The emission factor for each crop type and each pollutant shall be determined from the open field biomass burning emission factors listed in Table 3.

HBF = Historical burn fraction or the fraction of actual harvested acreage for each crop type which was historically open burned. The historical burn fraction shall be determined on a county-by-county basis from the default HBFs listed in Table 1.

QBF =Quarterly burn fraction is the fraction of the total historically burned acreage which was burned during each calendar quarter. The quarterly burn fraction shall be determined on a county-by-county basis for each calendar quarter from t he default QBFs listed in Table 2.

DA = Discount acreage is the specified acres the applicant wishes to allow for continued burning on a portion of the parcel which is the subject of an ERC application. The portion of the parcel that is covered by the discount acreage (i.e. the acreage eligible for an APCD burn permit) must be clearly identified. This portion will not be allowed to change without prior APCD notification and approval.

C. METHODS OF CALCULATION

The method used for calculating emission reductions which can qualify for open biomass burning ERCs uses several factors. The ERC calculation worksheet in Table 4 below provides

an example of the calculation method. The method allows the applicant to use preset factors required for the ERC calculation for the historical burn fraction, quarterly burn fraction, fuel loading factor, and the emission factors for each pollutant.

D. BURN INFORMATION SOURCES AND AVAILABILITY

The following sources or combination of information of sources may be used to verify the burn history of a specific crop on a specific parcel of land.

The APCD receives applications to burn, issues APCD burn permits allocates acres for burning and maintains lists of growers requesting authorization to burn. Fire Districts also receives and issues fire agency burn permits for agricultural burning. These records are preferred hard data used to determine the historical information that specific crop residues were burned on specific parcels of land during specific calendar quarters of the year. The ERC applicant should identify the records available, attach copies, and identify the public agency source(s) with contacts and phone numbers for verification as needed.

Where the public agency burn records are missing or inadequate, a certification by the respective public agency representative, based on his or her first hand knowledge that the identified crop residue burning occurred during specific quarters of specific years, may be accepted by the Air Pollution Control Officer, at her or his discretion, to meet the ERC application requirements.

E. APPLICATION COMPLETENESS

To be considered a complete application for ERCs, specific parcel information to verify burning during at least one year of the baseline years (1988-92), acreage burned, and crop type as a minimum must be included. An application for an ERC for open biomass burning will not be deemed incomplete due to burn history data not provided for each of the five baseline years of 1988 to 1992. However, the application must provide whatever data are reasonably available from the sources described Section 3.D. above.

F. HISTORICAL BURN FRACTIONS (HBF):

The default HBFs listed in Table 1 shall be used for the crops indicated.

G. QUARTERLY BURN FRACTION (QBF):

The default QBFs listed in Table 2 shall be used for the crops indicated.

H. FUEL LOADING (FL) AND EMISSION FACTORS (EF):

The biomass fuel loading (FL) and emission factors (EF) listed in Table 3 shall be used for the crops indicated.

I. CALCULATION FORM

The Sacramento Valley Air Basin Biomass ERC Calculation Worksheet form shall be completed for each parcel for which an ERC application is made.

4. PROCEDURES FOR USE AND MODIFICATION OF OPEN BIOMASS BURNING ERCS

A. Procedures for the application and registration of ERCs are set forth in Rule 506 - Biomass Emission Reduction Credit and Banking ERCs may be used as air emission offsets. Such offsets may be required under the Rule 502, NEW SOURCE REVIEW of the APCD or by other

regulatory or land use authorities. ERCs may be used as offsets for emissions on the same parcel on which open biomass burning reductions have occurred or to offset emissions of sources of air emissions off the parcel site but generally within the same air basin (the Sacramento Valley Air Basin). In order to be used off site by another party the ERC must be transferred to such party by the registered owner of the ERC. Alternatively, the ERC may be applied for in the first instance by the party intending to use the ERC if the landowner, or the landowner's authorized agent, authorizes the user to make such an application on behalf of the landowner or the landowner's authorized agent.

B. ERC's may be transferred by the registered owner upon application and payment of a transfer fee as required by the APCD. Applications for transfers shall be made by submission of an Application to Transfer ERC form as follows:

APPLICATION TO TRANSFER ERC

I, _____ hereby transfer to _____ the Emissions Reduction Certificate number _____. I understand that the new registered owner of the ERC is entitled to all rights and privileges and will be subject to all the requirements and limitations related thereto. This transfer is (please initial one of the two following choices):

1. Permanent _____

2. Will expire on _____

Previous registered owner:_____ Date: _____

New registered owner:_____ Date: _____

Address and telephone:_____

C. ERC's may be canceled upon surrender of the ERC certificate by the registered owner. Applications for cancellation shall be made by submission of an Application to Cancel ERC form as follows:

APPLICATION TO CANCEL ERC

I, _____ hereby surrender for cancellation the Emissions Reduction Certificate number _____ (attached). I understand that in the event this ERC has been previously used to offset

air emissions of another source that cancellation of this ERC certificate may require such emitting source to curtail or cease operations or obtain a substitute offset.

Furthermore, if the ERCs pertain to open biomass burning I understand that burning may only be undertaken on the parcel subject to this ERC if permitted under applicable agricultural burning provisions set forth in the Health & Safety Code, in APCD regulations and in the current Sacramento Valley Annual Agricultural Burning Plan.

Registered Owner:_____ Date: _____

Address and telephone: _____

D. Rule 506 - Biomass Emission Reduction Credit and Banking provides that the District may claim emission reductions neither banked nor used as emission reduction credits from any source, after expiration of the application period stated in the rule, and use such emission reductions toward attainment of air quality standards or deposit the emission reductions into the community bank. Before making such a claim for emission reductions the APCD shall provide notice to the landowner or source that the APCD intends to claim the emissions reduction unless the landowner or source, or their authorized designee, makes an application for an ERC within 90 days of the notice. Ninety days following such notice, the District may claim the emission reductions.

5. APPLICATION REVIEW PROCEDURES

A. The time periods stated in the rule for determining application completeness, doing calculations, processing the application, and making a final decision are the maximum timeframe allowed. Every effort will be made to complete the analysis and make a decision as quickly as possible consistent with APCD workload. Time periods in this section may be extended by mutual agreement of both the applicant and APCO. The District shall determine whether an ERC application is complete not later than thirty (30) calendar days following receipt of the application. If the application is not deemed incomplete within the specified time period, the APCD shall deem it complete.

If the APCD determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying in writing the additional information is required. The applicant shall have sixty (60) days to submit the requested information. Upon receipt of the information, the APCO shall have another fifteen (15) days to determine completeness. If no information is submitted and/or the application is still incomplete, the APCO may cancel the application with written notification to applicant.

Upon determination that the application is complete, the APCO shall notify the applicant in writing. Thereafter, only information to clarify, correct, or otherwise supplement the information submitted in the application may be requested by the District. No such notification need be made if the District determines that the ERC will be issued within fifteen (15) calendar days of receipt of the original or a revised application.

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

For open biomass burning applications, not requiring a public comment period, final action will be taken within 30 days of the APCD receiving a complete application. For open biomass burning applications, requiring a public comment period, final action will be taken within 60 days of the APCD receiving a complete application.

For applications for open biomass burning ERCs for parcels of 500 acres or larger the APCO shall provide written notice to the applicant upon completion and transmittal to the applicant of the initial assessment. The District shall also provide written notice to the ARB and shall publish the notice in a local newspaper of general circulation. The notice shall specify the applicant, the quantity of emission reduction credits requested and a copy of the initial assessment.

The notice requirements related to issuance of ERCs may be waived by the APCD if the emission reduction credits applied for are less than 10,000 pounds per quarter per pollutant (or less than 20,000 pounds per quarter of CO), and for open field biomass burning credits or modifications thereof for a parcel less than 500 acres.

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

The applicant may appeal the APCD's decision following provisions specified in the APCD regulations.

6. ENFORCEMENT

A. OPEN BIOMASS BURNING ERCS AND THE AGRICULTURAL BURNING PROGRAM

A parcel for which an ERC has been issued is not eligible for issuance of an APCD burn permit. Prior to issuance of an ERC, the APCD shall determine whether an APCD burn permit has been issued for the parcel. If such a permit has been issued, the application for the ERC shall be denied unless the applicant surrenders the APCD burn permit for cancellation or modification within fifteen (15) days of notice by the APCD of its intention to deny the ERC application. Prior to issuance of an APCD burn permit, the APCD shall determine whether the parcel has already been issued an ERC. If an ERC has been issued, the application for an APCD burn permit shall be denied.

B. THE BIOMASS ERC BANKING RULE AND THE RICE STRAW BURNING PHASEDOWN LAW

The Biomass ERC banking rule and the rice burning phasedown law are separate programs and have separate requirements even though there is some connection and overlap. Section 41865 (p)(1) of the Health & Safety Code provides that emission reductions achieved in compliance with the required phasedown shall not affect emission reduction credits which would otherwise accrue from reductions in rice straw burning.

Growers are responsible for meeting the requirements related to both the phasedown and requirements that are associated with the registration and use, transfer or modification of ERCs. An individual parcel may be barred from burning both because of the phasedown and because an ERC has been issued for the parcel.

C. A COMPUTERIZED TRACKING SYSTEM WILL BE DEVELOPED FOR RULE 506 - BIOMASS EMISSION REDUCTION CREDIT AND BANKING

All ERCs which are granted will be entered into a computer database to keep track of pertinent information. Health & Safety Code Sections 41605.5 and 42314.5 provide that emission reduction credits shall be allowed to sources which utilize biomass waste material that would otherwise be open burned as a fuel for electrical generation or digester facilities. Rule 506 - Biomass Emission Reduction Credit and Banking contains procedures for the recording of credits allowed for by such facilities and ERCs in a single emission banking register. Information regarding the claiming of credits by electrical generation or digester facilities is required to be maintained in the central register. Prior to issuance of an ERC the APCD will cross-check its emission banking register to assure that credit is not being given both for an ERC and under Sections 41605.5 and 42314.5.

7. INTERDISTRICT AGREEMENTS REGARDING ERCS

APCDs/AQMDs within the Sacramento Valley Air Basin agree to accept the ERC certificates issued by other districts within the Basin for use by sources required to obtain emission offsets pursuant to Rule 502, NEW SOURCE REVIEW.

8. A sample of an open biomass burning ERC certificate follows:

PLACER COUNTY AIR POLLUTION CONTROL DISTRICT
11464 "B" Avenue, Auburn, CA 95603
(916) 889-7130

EMISSION REDUCTION CREDIT AND BANKING CERTIFICATE

Certificate Number:_____

Registered Owner: _____
Name

_____
Address

Parcel Identification Number:_____
Parcel Location:
Assessor's Parcel Number: _____
Field ID: _____
Sec. Twn. Rge.: _____
Crossroads: _____

District seal:

ERC Pollutant Amounts (Pounds/Quarter)		Quarter 1	2	3	4
NO_x	as NO2	X	X	X	X
VOC		X	X	X	X
PM10		X	X	X	X
SO_x	as SO2	X	X	X	X
CO		X	X	X	X

Date Issued:_____ _____
District representative (Title)

This ERC certificate shall terminate on transfer of ownership of the parcel unless the landowner complies with Rule 506 - Biomass Emission Reduction Credit and Banking provisions concerning transfers.

TABLE 3

OPEN BIOMASS BURNING FUEL LOADING AND EMISSION FACTORS

	(lb/ton)					(ton/acre)
CROP	**NO_2**	**SO_2**	**CO**	**ROG**	**PM_{10}**	**FUEL LOADING**
Rice	6.72	1.85	83	8	9	3.0
Wheat	4,48	7.10	108	9	13	1.9
Safflower	5.50	3.21	144	20	18	1.3
Sorghum	5.66	1.08	77	9	18	2.9
Barley	5.55	5.07	157	7	22	1.7
Corn	4.86	0.49	108	12	14	4.2
Alfalfa	5.50	3.21	119	29	29	0.8
Oats	5.50	3.21	136	14	21	1.6
Grape	5.83	1.42	39	3	3	2.5
Orchard	4.92	0.69	37	2	3	2.5
Almond	4.05	0.32	46	6	6	1.6
Apple	4.92	0.69	42	3	4	2.3
Apricot	4.92	0.69	49	6	6	1.8
Cherry	4.92	0.69	44	8	8	1.0
Olive	4.92	0.69	114	14	12	1.2
Peach	5.48	0.12	42	4	6	2.5
Pear	4.92	0.69	57	7	9	2.6
Prune	4.92	0.69	47	6	3	1.2
Walnut	4.92	0.69	47	6	6	1.2
Wildland	4.00		140	25	17	70

Factors based on Darley and AP42.

PLACER COUNTY
AIR POLLUTION CONTROL DISTRICT

FEE SCHEDULE

Adopted June 14, 2001

The Fee Tables of this schedule are those fees that are subject to annual adjustment to reflect increases in the California Consumer Price Index (CPI). The Table designations reflect the Rule number and Rule Section where the fee is required. Fees from the following Rules are included:

Rule 601, Permit Fees
Rule 602, Hearing Board Fees
Rule 607, Burn Permit Fees

Air Pollution Control District Fee Schedule				
TABLE 601 - A.1				
Fee Type				
		Fee	**Units**	
Permit, permit revision, emission reduction		$181.50	per application	
TABLE 601 - A.2				
Fee Type				
		Fee	**Units**	
Title V Initial Permit filing		$829.50	per application	
Permit re-opening, modification, or renewal		$518.50	per permit	
TABLE 601 - A.3				
Fee Type				
		Fee	**Units**	
Synthetic Minor Source Status filing		$357.50	per application	
TABLE 601 - B: EMISSION REDUCTION ANALYSIS FEE				
Fee Type				

		Fee	Units	
Emission reduction analysis fee		$2.60	per pound	
TABLE 601 - D: ANNUAL PERMIT FEE BASED ON EMISSIONS				
Fee Type				
		Fee	**Units**	
Organic gases		$72.00	per ton	
Carbon monoxide		$6.00	per ton	
Oxides of nitrogen (expressed as nitrogen dioxide)		$13.50	per ton	
Gaseous sulfur compounds (expressed as		$3.00	per ton	
sulfur dioxide)				
Particulate matter		$54.00	per ton	
TABLE 601 - E.1: HORSEPOWER				
		Engineering	**Operating**	
Part	**Rating**	**Analysis Fee**	**Fee**	**Units**
(A)	Less than 50	$361.00	$181.50	Horsepower
(B)	50 or greater but less than 100	$578.50	$361.00	Horsepower
(C)	100 or greater but less than 200	$1,083.00	$540.00	Horsepower
(D)	200 or greater but less than 300	$1,442.50	$721.00	Horsepower
(E)	300 or greater but less than 400	$1,803.50	$901.00	Horsepower
(F)	400 or greater but less than 500	$2,165.50	$1,083.00	Horsepower
(G)	500 or greater but less than 600	$2,525.00	$1,263.00	Horsepower
(H)	600 or greater	$2,886.00	$1,442.50	Horsepower
TABLE 601 - E.2: 1000 BRITISH THERMAL UNITS PER HOUR				
		Engineering	**Operating**	

Part	Rating	Analysis Fee	Fee	Units
(A)	Less than 1,500	$901.00	$181.50	1000 BTU
(B)	1,500 or greater but less than 5,000	$1,442.50	$540.00	1000 BTU
(C)	5,000 or greater but less than 15,000	$1,984.00	$721.00	1000 BTU
(D)	15,000 or greater but less than 50,000	$2,525.00	$1,263.00	1000 BTU
(E)	50,000 or greater but less than 100,000	$2,886.00	$2,165.00	1000 BTU
(F)	100,000 or greater but less than 200,000	$3,608.00	$3,246.00	1000 BTU
(G)	200,000 or greater	$5,411.00	$4,148.00	1000 BTU
TABLE 601 - E.3: ELECTRICAL ENERGY				
		Engineering	**Operating**	
Part	**Rating**	**Analysis Fee**	**Fee**	**Units**
(A)	Less than 150	$361.00	$181.50	Kilovolt Amperes
(B)	50 or greater but less than 450	$901.00	$361.00	Kilovolt Amperes
(C)	450 or greater but less than 4,500	$1,442.50	$540.00	Kilovolt Amperes
(D)	4,500 or greater but less than 14,500	$1,984.00	$721.00	Kilovolt Amperes
(E)	14,500 or greater but less than 45,000	$2,799.00	$901.00	Kilovolt Amperes
(F)	45,000 or greater	$3,608.00	$1,083.00	Kilovolt Amperes
TABLE 601 - E.4: INCINERATOR				
		Engineering	**Operating**	
Part	**Rating**	**Analysis Fee**	**Fee**	**Units**
(A)	Less than 10	$721.00	$181.50	Square Feet Area
(B)	10 or greater but less than 15	$1,083.00	$361.00	Square Feet Area
(C)	15 or greater but less than 25	$1,442.50	$540.00	Square Feet Area

(D)	25 or greater but less than 40	$1,803.50	$721.00	Square Feet Area
(E)	40 or greater but less than 100	$2,165.00	$1,083.00	Square Feet Area
(F)	100 or greater	$2,704.50	$1,623.00	Square Feet Area
TABLE 601 - E.5: STATIONARY CONTAINER				
		Engineering	**Operating**	
Part	**Rating**	**Analysis Fee**	**Fee**	**Units**
(A)	Less than 40,000	$361.00	$181.50	Gallons
(B)	40,000 or greater but less than 100,000	$901.00	$361.00	Gallons
(C)	100,000 or greater but less than 400,000	$1,442.50	$540.00	Gallons
(D)	400,000 or greater but less than 1,000,000	$1,984.00	$721.00	Gallons
(E)	1,000,000 or greater but less than 1,500,000	$2,525.00	$901.00	Gallons
(F)	1,500,000 or greater	$3,608.00	$1,083.00	Gallons
TABLE 601 - E.6: GASOLINE FUELING EQUIPMENT				
		Engineering	**Operating**	
Part	**Rating**	**Analysis Fee**	**Fee**	**Units**
(A)	Gasoline dispensing nozzles	$49.00	$24.50	No. of Nozzles
TABLE 601 - E.7: PERMIT FEE				

EXCEPTIONS				
		Engineering	Operating	
Part	Rating	Analysis Fee	Fee	Units
(A)	Per exception equipment unit	$328.00	$181.50	No. of Exceptions

TABLE 601 - E.8: ENGINEERING ANALYSIS TIME AND MATERIALS RATE			
Fee Type	Hourly Rate	Minimum Assessment	
Engineering Analysis labor Rate	$76.90	$192.25	

TABLE 601- F: CHANGE OF OWNERSHIP OR NAME			
Fee Type	Per Permit	Maximum Assessment	
Change of ownership or name	$161.50	$518.50	

TABLE 601 - G: DUPLICATE PERMITS			
Fee Type	Per Permit		
Issuance of duplicate permit	$14.50		

TABLE 601 - L: MINOR SOURCE PERMIT LIMITATION FEE				
Fee Type		**Per Source**		
Minor source limitation fee		$44.50		
TABLE 601 - M.1: GENERAL TIME AND MATERIALS RATE				
Fee Type		**Hourly Rate**		
General labor rate		$74.50		
TABLE 601 - M.2: TITLE V TIME AND MATERIALS RATE				
Fee Type		**Hourly Rate**		
Title V permitting labor rate		$84.00		
TABLE 601 - M.3: EXPEDITED PERMIT PROCESSING LABOR RATE				
Fee Type		**Hourly Rate**		
Expedited permitting labor rate		$91.00		
TABLE 602: HEARING BOARD FEES				

Petition Type	Initial Petition Fee	Staff Time Included In Initial Fee	Charges for Additional Staff Time
Regular or Product Variance, or Order Request	$2,644.00	8.0	$91.00
Appeal of Authority to Construct or Permit to Operate	$1,089.00	N/A	N/A
Modification of Increments of Progress or Final Compliance Date	$2,359.00	6.0	$91.00
Short or Interim Variance	$1,322.00	5.0	$91.00
Emergency Variance	$1,115.00	4.0	$91.00

TABLE 604: SOURCE TEST OBSERVATION AND REPORT EVALUATION*

Fee Type	Fee	Units
Source Test observation and report evaluation	$220.00	Per test series

* Rule 604 fees are not subject to annual CPI adjustment

TABLE 607-302.1: AGRICULTURAL BURNING OF FIELD CROP WASTE

Fee Type	Fee	Units

Burn Permit Fee	$52.00	Per permit		
Additional Acreage Fee:				
0-25 Acres	$19.50	Acres in range		
26-50 Acres	$39.00	Acres in range		
51-100 Acres	$78.00	Acres in range		
101-150 Acres	$116.50	Acres in range		
151-200 Acres	$155.50	Acres in range		
201-300 Acres	$233.50	Acres in range		
301-400 Acres	$311.00	Acres in range		
401-500 Acres	$389.00	Acres in range		
500+ Acres	$0.80	Acres in range		
TABLE 607-302.2: AGRICULTURAL BURNING OF NON-FIELD CROP WASTE				
Fee Type				
	Fee	**Units**		
Burn Permit Fee	$52.00	Per permit		
Additional Acreage Fee:				
Pruned Acre Burned	$1.00	Per acre		
Orchard / Tree Removal	$3.50	Per acre		
TABLE 607-302.3: FOREST MANAGEMENT BURNING				
Fee Type				
	Fee	**Units**		

Burn Permit Fee	$52.00	Per permit		
Application/Plan Review	$62.00	Per hour		
(If applicable, up to a maximum of three hours)				
Additional Acreage Fee:				
(based on acreage permitted to be burned)				
0 - 500 acres	$1.60/acre	Per acre		
501+ acres	No additional fee	Per acre		

TABLE 607-302.4: HAZARD REDUCTION BURNING

Fee Type	**Fee**	**Units**		
Burn Permit Fee	$52.00	Per permit		
Application/Plan Review	$62.00	Per hour		
(If applicable, up to a maximum of three hours)				
Additional Acreage Fee:				
(based on acreage permitted to be burned)				
0 - 500 acres	$1.60/acre	Per acre		
501+ acres	No additional fee	Per acre		

TABLE 607-302.5: LAND DEVELOPMENT BURNING				
Fee Type	**Fee**	**Units**		
Burn Permit Fee	$52.00	Per permit		
Supplemental Fee	$10.50	Per permit		
Additional Acreage Fee:	$1.60	Per acre		
(based on acreage permitted to be burned)				
TABLE 607-302.6: MECHANIZED BURNING				
Fee Type	**Fee**	**Units**		
Burn Permit Fee	$52.00	Per permit		
Additional Acreage Fee:	$1.60	Per acre		
(based on acreage permitted to be burned)				
TABLE 607-302.7: DESIGNATED LANDFILL BURNING				
Fee Type	**Fee**	**Units**		

Burn Permit Fee	$52.00	Per permit		
Supplemental Fee	$104.00	Per permit		
No Additional Acreage Fee				
TABLE 607-302.8: APPLICATION TO BURN ON A NO BURN DAY				
Fee Type				
	Fee	**Units**		
Application Fee	$52.00	Per permit		
Supplemental Fee	$72.50	Per permit		
TABLE 607-302.9: RANGE IMPROVEMENT BURNING				
Fee Type				
	Fee	**Units**		
Burn Permit Fee	$52.00	Per permit		
Additional Acreage Fee:	$1.60	Per acre		
(based on acreage permitted to be burned)				
TABLE 607-302.10: RIGHT OF WAY, LEVEE, DITCH, RESERVOIR BURNING				

Fee Type	Fee	Units
Burn Permit Fee	$52.00	Per permit
Additional Acreage Fee:	$1.60	Per acre
(based on acreage permitted to be burned)		

TABLE 607-302.11: WILD LAND VEGETATION MANAGEMENT BURNING

Fee Type	Fee	Units
Burn Permit Fee	$52.00	Per permit
Application/Plan Review	$62.00	Per hour
(If applicable, up to a maximum of three hours)		
Additional Acreage Fee:		
(based on acreage permitted to be burned)		
0 - 500 acres	$1.60/acre	Per acre
501+ acres	No additional fee	Per acre

TABLE 607-306: BURN PERMIT EXTENSION FEE

Fee Type		

	Fee	Units		
Burn Permit Fee Extension	$31.00	Per permit		
(Forest Management Burning and Wildland				
Vegetation Burning may be granted a one				
time extension for up to 12 months duration)				
TABLE 607-307: RICE GROWER TRANSFER FEE				
Fee Type				
	Fee	**Units**		
Annual allowable burn acre transfer	$31.00	Per transaction		
TABLE 607-308: INSPECTION FEE				
Fee Type				
	Fee	**Units**		
Inspection of conduct of burning or materials	$62.00	Per hour		
(If applicable, up to a maximum of three hours)				