

WAYNE COUNTY
AIR POLLUTION CONTROL REGULATION

AS ADOPTED AND AMENDED BY WAYNE COUNTY BOARD OF HEALTH
MARCH 20, 1969

WHEREAS there has been an increase in urbanization, industrial and commercial growth, and motor vehicle use which has resulted in the emission of air contaminants within the County of Wayne, and

WHEREAS the detrimental effects of air contaminants on the public health, welfare, and comfort require the adoption of a comprehensive and integrated plan of air pollution control, and

WHEREAS in conjunction with the air pollution control program, it is desirable to adopt appropriate regulations to prevent and reduce air pollution caused by soot, cinders, fly ash, dust, noxious acids, fumes, gases, odors and other contaminants the emission of which is detrimental to the health, welfare or comfort of the residents of Wayne County, and

WHEREAS the Wayne County Board of Health adopted the "Air Pollution Regulation of Wayne County" on August 24, 1955, which authorized a comprehensive air pollution control program to be initiated, now therefore, the Board of Health of the County of Wayne adopts the following regulation.

ARTICLE I
GENERAL PROVISIONS

Section 1.1 Short Title. This regulation shall be known and cited as the Wayne County Air Pollution Control Regulation.

Section 1.2 This regulation is designed to control air pollution by providing for the establishment of the office and prescribing the duties of the director of air pollution control, and empowering investigation and abatement by the director of violations of this regulation; for the establishment and enforcement of rules and regulations; for an air pollution appeals board; for permits for the installation, construction, addition to, alteration, and use of process, fuel-burning, refuse-burning, and control equipment and for fees for the same; for inspections and tests for process, fuel-burning, refuse-burning, and control equipment and for the issuance of certificates of operation and for fees therefor, establishing limitations upon the emission of air contaminants, declaring emissions which do not meet such limitations to be unlawful, prohibiting certain acts causing air pollution, providing for fines and penalties for violation of the provisions of this regulation; and for just and adequate means by which the provisions of this regulation may be executed.

Section 1.3 Definition of Terms. The following words and phrases when used in this regulation shall for the purpose of this regulation have the meanings respectively ascribed to them in this article, unless a different meaning is clearly indicated.

Air Contaminant: Any gaseous, liquid, or solid matter, which when present in the outdoor atmosphere contributes to a condition of air pollution, including, but not limited to, dust, soot, mist, smoke, fumes, fly ash, cinders, gases, vapors, aerosols, and odors.

Air Pollution: The presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration and characteristics which are or may tend to be injurious to human, plant, or animal life, or property, or which interfere with the comfortable enjoyment of life or property or the conduct of business.

Board: The Wayne County Board of Health.

Certificate of Operation: A certificate issued by the director authorizing the use of any process, fuel-burning, refuse-burning, or control equipment for the period indicated after it has been found that it can be operated in compliance with this regulation.

Control Equipment: Any equipment which has the function of controlling a process, fuel-burning, or refuse-burning equipment and thus reduce the creation of, or the emission of air contaminants to the atmosphere, or both.

County: County of Wayne, Michigan.

Department: The Wayne County Department of Health.

Director: The Director of the Wayne County Department of Health or his duly authorized representatives.

Fuel-burning Equipment: Equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, control equipment, fuel-feeding equipment, ash-removal equipment, combustion controls, stacks, chimneys, etc., used principally but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion. Such equipment typically includes that used for heating water to boiling; raising steam, or super-heating steam; heating air as in a warm air furnace; furnishing process heat that is conducted through process vessel walls; and furnishing process heat indirectly through its transfer by fluids.

Installation Permit: A permit issued by the director authorizing the construction, installation or alteration of any process, fuel-burning, refuse-burning, or control equipment in accordance with plans and specifications approved by the director.

Open burning: Any combustion process from which the products of combustion are emitted directly into the outdoor atmosphere without passing through a stack.

Particulate Matter: Material other than uncombined water which is or has been suspended in air or other gases and is a liquid or solid at standard conditions of temperature and pressure.

Person: Any individual natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of Federal, state, or local government, or other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular, or plural is included in any circumstances.

Process Equipment: Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stacks, etc., the use of which may cause any discharge of an air contaminant into the outdoor atmosphere but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment in this regulation.

Refuse-burning Equipment: Any equipment, device, or contrivance used for the destruction of garbage, rubbish, and/or other wastes by burning, and all appurtenances thereto.

Salvage Operations: Any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

Seal for Sealing Equipment or Premises: A device installed by the director so as to prevent use of the process, fuel-burning, refuse-burning, or control equipment or premises causing the violation or from which violations of this regulation originate.

Smoke: Small gas and air-borne particles consisting essentially of carbonaceous material in sufficient number to be observable.

Standard Conditions: A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

Stack: Stack, chimney, flue, conduit, or opening arranged for the emission of solids, liquids, gases or aerosols into the outdoor atmosphere.

ARTICLE II ADMINISTRATIVE ORGANIZATION

Section 2.1 Enforcement Agency: The Wayne County Department of Health is charged with the duty of investigating, preventing, and abating causes of air pollution and enforcing the provisions of this regulation. The responsibility for the enforcement of this regulation shall rest with the Director of the Wayne County Department of Health and through his duly authorized agents.

Section 2.2 Powers and Duties of the Director: The director shall have the power and the duty to:

- a. Supervise the implementation of this regulation.
- b. Institute complaints against all persons violating any provision of this regulation and institute necessary legal proceedings to prosecute violations of this regulation and compel the prevention and abatement of air pollution or nuisances arising therefrom.
- c. Examine and approve or disapprove the plans for fuel and refuse-burning equipment, process equipment, and control equipment to be installed, constructed, reconstructed, added to, or altered, to assure that they are in accordance with the requirements of this regulation.
- d. Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered fuel or refuse-burning equipment, process equipment, and control equipment to determine if there is compliance with the provisions of this regulation.
- e. Investigate complaints of violations of this regulation and make inspections and observations of air pollution conditions. Record such investigations, complaints, inspections, and observations.
- f. Approve or reject applications for permits and administer the issuance of certificates of operation, notices or other matters required under the provisions of this regulation.
- g. Prepare and place before the Board of Health for its consideration proposals for additions or revisions to this regulation, or any other regulation pertaining to air pollution abatement.
- h. Encourage voluntary cooperation by persons or affected groups in air pollution control.
- i. Collect and disseminate information on air pollution control.
- j. Work with planning and zoning agencies for the purpose of coordinating activities under provisions of this regulation and foster the best possible management of the air resources of the County.
- k. Cooperate and work with Federal, interstate, state, county, district, municipal, and other agencies concerned with air pollution with regard to aerometric studies, abatement programs, public complaints and other matter to the end that the air resources of Wayne County shall be best conserved and improved.

1. Subject to the laws of the State of Michigan and Wayne County, and with the approval of the Wayne County Board of Supervisors, accept, receive, and give receipts for monies, for and in behalf of the County, given by the Federal or State governments under any Federal or state law to the County for air pollution control activities, surveys, investigations, research, or programs.
- m. Conduct investigations, studies, and other required work which will lead ultimately to the development of gaseous emission standards on such pollution generating activities as motor vehicles, heat and power generation, incineration, chemical processes, and any other gaseous pollution sources.
- n. Do any and all acts which may be necessary for the successful prosecution of the purposes of this regulation and such other acts as may be specifically enumerated herein as his duties.

Section 2.3 Appeals Board

- a. Power and Duties: An Appeals Board shall be selected by the Board of Health. The Appeals Board shall hear and decide appeals taken from any decision, ruling, or order of the director in accordance with the procedures prescribed in Article IX Variances and in Article X Appeals.
- b. Organization: The Appeals Board shall consist of nine (9) members. One (1) member shall be a representative from the medical profession actively engaged in the practice of medicine, preferably with a background in public health. Two (2) members shall be representatives from the engineering profession and shall be registered professional engineers, preferably these members shall be experienced in the control of air pollution. One (1) of the engineering members shall be a representative from industries or businesses directly affected and subject to the provisions of this regulation. One (1) member shall be a representative from the legal profession actively engaged in the private practice of law. Two (2) members shall be representatives of business or industry, one (1) of which shall be from the industries or businesses directly affected and subject to the provisions of this regulation. Two (2) members shall be citizens, representative of the interests and point of view of the general public, one of whom shall be a woman prominent in community affairs. One (1) member shall be a representative from organized labor. The final composition of the Board shall include no more than two (2) members from the industries or businesses directly affected and subject to the provisions of this regulation, and no more than two (2) members from governmental agencies.

In order that the terms of office of all members of the Board shall not expire at the same time, the initial appointments to the Board shall be as follows:

Three (3) members shall be appointed for a term of one (1) year. Two (2) members shall be appointed for a term of two (2) years, two (2) members shall be appointed for a term of three (3) years, and two (2) members shall be appointed for a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years. Appointments to fill any vacancy on the Appeals Board shall be for the remainder of the unexpired term of office.

The Board of Health shall have the power to remove any member of the Appeals Board from office with cause upon a 3/5 vote of the Board of Health. Any member who fails to attend three (3) successive scheduled meetings without cause shall immediately forfeit his office and the Board of Health shall promptly fill such vacancy.

The members of the Appeals Board shall elect a chairman and such other officers as they deem necessary or desirable, all of whom shall have voting privileges. Six (6) members of the Appeals Board shall constitute a quorum necessary to hold meetings and take any action. Any final order or determination or other final action by the Appeals Board shall be approved by not less than five (5) members of the Appeals Board who shall have been present at the meeting at which such order was adopted.

Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon the approval of the Board of Health within budget limitations. The Chairman may call meetings of the Appeals Board when there is business before the Board and meetings may be called by written notice signed by five (5) members of the Appeals Board. Written minutes shall be kept of all meetings of the Appeals Board, and shall be public. All meetings shall be public.

ARTICLE III STANDARDS AND RECOMMENDED PRACTICES

Section 3.1 Adopted Standards or Recommended Practices: Where reference is made in this regulation to the standards or recommended practices of national technical societies, associations, or other organizations, such information shall form and be considered an integral part of the regulation in the same manner and extent as if fully reproduced herein, provided such standards are fully identified. Not less than two copies of such standards or recommended practices of technical societies, associations, or other organizations shall be kept on file at all times in the office of the director and shall be available for consultation by the public.

ARTICLE IV INSTALLATION PERMIT AND CERTIFICATE OF OPERATION

Section 4.1 Application Required: Except as herein provided, no person shall construct, install, reconstruct, or alter any process, fuel-burning, refuse-burning, or control equipment pertaining thereto, which may be a source of air contaminant, for use within the County until an application, including not less than two sets of plans of specifications, or both, of

the process, fuel-burning, refuse-burning, or control equipment and structures or buildings used in connection therewith, has been filed by the person or his agent in the office of, and has been approved by, the director and until an installation permit has been issued by the director for such construction, installation, or alteration. Upon written request and submission of adequate supplementary data, the director may amend the original installation permit application.

Section 4.2 Information Required: The director may require the submission of such information, evidence, or documentation to satisfy him that the equipment for which an installation permit application has been applied, can be operated within the emission standards and prohibitions of Article VI. Any information relating to secret processes, methods of manufacture, products, or production ascertained or discovered by the Director or the Appeals Board during the conduct of their work shall not be disclosed in whole or in part and shall be held confidential.

Section 4.3 Work Begun: Where work is begun in violation of installation permit requirements, the director may grant such permit, conditional upon removal of all work which is not in accordance with this regulation or any rules and regulations promulgated under this regulation.

Section 4.4 Action on Permits: An application shall be approved or rejected within thirty (30) days after it is filed in the office of the director. The director shall notify the person applying for the permit of the approval or rejection of the application in writing. Upon the approval of the application and upon the payment of the prescribed fees, the director shall issue a permit for the construction, installation or alteration of such process, fuel-burning, refuse-burning, or control equipment.

Section 4.5 Permit Violations: Violation of the installation permit shall be sufficient cause for the director to stop all work, and he is hereby authorized to seal the installation. No further work shall be done until the director is assured that the condition in question will be corrected and that the work will proceed in accordance with the installation permit.

Section 4.6 Time Limit on Permits: The director may cancel a permit if the installation or alteration is not begun within one year from the date of issuance of the permit or if the work involved in the installation or alteration is suspended for one year or more from the date of issuance of the permit.

Section 4.7 Exemptions from the Permit System: The provisions of this permit system shall not apply to:

- a. Maintenance structural changes or minor repair which does not change the capacity of such process, fuel-burning, refuse-burning, or control equipment and which does not involve any change in the quality, nature, or quantity of emission of air contaminants therefrom.
- b. Equipment utilized for all modes of transportation.

- c. Fuel burning and cooking equipment utilized in connection with any structures designed and used exclusively for not more than two families.
- d. Internal combustion engines.
- e. Laboratory equipment used exclusively for chemical or physical analysis or experimentation.
- f. Equipment for inspection of metal products.
- g. Portable brazing, soldering, or welding equipment.
- h. All gas fuel and No. 1 and No. 2 fuel-oil-burning equipment used for space heating, service water heating, and electric power generation.
- i. The following equipment:
 - 1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units of equipment.
 - 2. Cold storage refrigeration equipment.
 - 3. Vacuum pumps in laboratory or pilot plant operations.
 - 4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
 - 5. Equipment used for portable steam cleaning.
 - 6. Grain, metal, or mineral extrusion presses.
 - 7. Porcelain enameling furnaces or porcelain enameling drying ovens.
 - 8. Unheated solvent dispensing containers or unheated solvent rinsing containers of 60 gallons capacity or less.
 - 9. Equipment used for hydraulic or hydrostatic testing.
 - 10. Blacksmith forges.
- j. The following equipment or any exhaust system or collector serving exclusively such equipment:
 - 1. Blast cleaning equipment using a suspension of abrasive in water.
 - 2. Bakery ovens where the products are edible and intended for human consumption.
 - 3. Kilns for firing ceramic ware, heated exclusively by natural gas or liquefied petroleum gas, any combinations thereof or heated electrically.

4. Confection cookers where the products are edible and intended for human consumption.
 5. Drop hammers or hydraulic presses for forging or metal working.
 6. Die casting machines.
 7. Atmosphere generators used in connection with metal heat treating processes.
 8. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.
 9. Equipment used exclusively for the sintering of glass or metals, but not excepting equipment used for sintering metal bearing ores, metal scale, clay, fly ash, or metal compounds.
 10. Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, buffing or polishing of ceramic artwork, leather, metals, plastics or rubber.
 11. Equipment for drilling, carving, cutting, routing, turning, sawing, planing, spindle sanding or disc sanding of wood or wood products.
 12. Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.
 13. Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.
 14. Laundry dryers, extractors or tumblers for fabrics cleaned with only water solutions or bleach or detergents.
 15. Containers, reservoirs, or tanks used exclusively for electrolytic plating with, or electrolytic polishing of, or electrolytic stripping of the following metals: Brass, Bronze, Cadmium, Copper, Iron, Lead, Nickel, Tin, Zinc, Precious Metals.
- k. Natural draft hoods or natural draft ventilators.
- l. Containers, reservoirs or tanks used exclusively for:
1. Dipping operations for coating objects with oils, waxes, or greases.
 2. Dipping operations for applying coating of natural or synthetic resins which contain no organic solvents.
 3. Storage of butane, propane or liquefied petroleum gas.
 4. Storage of lubricating oils.
- m. Natural gas-fired or liquefied petroleum gas-fired or electrically-heated furnaces for heat treating glass or metals, the use of which

does not involve molten materials.

- n. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted, nor any fluxing conducted utilizing free chlorine, chloride and fluoride derivatives and ammonium compounds, and from which only the following metals are poured or in which only the following metals are held in a molten state:
 - 1. Aluminum or any alloy containing over 50 % aluminum.
 - 2. Magnesium or any alloy containing over 50 per cent magnesium.
 - 3. Lead or any alloy containing over 50 per cent lead.
 - 4. Tin or any alloy containing over 50 per cent tin.
 - 5. Zinc or any alloy containing over 50 per cent zinc.
 - 6. Copper.
- o. Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

Section 4.8 Operation of Processes and Equipment: No person shall operate or cause to be operated any new or altered process, fuel-burning, refuse-burning, or control equipment or any equipment pertaining thereto for which an installation permit was required or was issued until an inspection has been made by the director. The person responsible for the installation construction, or alteration of any process, fuel-burning, refuse-burning, or control equipment for which an installation permit is required, shall notify the director when the work is completed and ready for final inspection, which inspection shall be made promptly after such notification.

No equipment shall be operated for any other purpose or in any other manner than that for which the installation permit was approved and for which a certificate of operation has been issued unless otherwise authorized in writing by the department. Such equipment shall also be maintained in a state of good repair.

Section 4.9 Certificate of Operation: After the installation permit has been issued and it is demonstrated to the satisfaction of the director that the process, fuel-burning, refuse-burning, or control equipment can be operated in compliance with this regulation, an initial certificate of operation shall be issued by the director. Emission tests may be required by the director before the issuing of an initial certificate of operation as set forth in Section 8.1, if he has reason to believe that the emissions may exceed the standards established by this regulation. Said certificate of operation shall be kept posted on or near the installation for which it was issued. The certificate of operation shall properly identify the equipment to which it pertains and shall specify the class of fuel, type of refuse, type of raw materials used, if any, for which the equipment and

appurtenances have been designed or which have been successfully used in the operating test. The initial certificate of operation shall remain in force until terminated by any one or more of the following actions:

- a. Implementation and institution of Section 4.10.
- b. Execution of Section 11.1.

Failure to operate successfully under test within the limitations and requirements of this regulation shall constitute sufficient grounds for ordering changes in the process, fuel-burning, refuse-burning, or control equipment or appurtenances before an initial certificate of operation is issued. After ten (10) days' written notice the director is hereby authorized to seal any equipment for which a certificate of operation is required and has not been issued, except an immediate sealing of equipment is authorized if there is a health or safety hazard.

Section 4.10. The director may require the periodic renewal of certificates of operation on those installations for which an installation permit was obtained, and may require the issuance or renewal of certificates of operation on similar equipment existing prior to the adoption of this regulation and collect appropriate fees thereof for such certificates. Such certificates of operation shall not be required more often than once per year, and may be terminated for the same reasons and in the same manner as listed in Section 4.9.

Section 4.11. Prosecution of Regulation Violations: The issuance by the director of any installation permit or certificate of operation shall not be held to exempt the person to whom the permit or certificates was issued or who is in possession of the same, from prosecution for the emission of air contaminants prohibited by this regulation.

Section 4.12. This article shall become effective six months after the adoption of this regulation.

ARTICLE V SCHEDULE OF FEES

Section 5.1. Fees for inspections, tests, examinations and the issuance of all licenses, installation permits and certificates of operation required by this regulation and for hearings before the Appeals Board shall be paid to the department, who shall give receipt therefor. The amount of such fees shall be established by the Board and shall be based upon a reasonable approximation of the cost of the supervision, inspections and the conducting of tests or examinations required by this regulation and necessary for the enforcement thereof, but in no case shall the installation permit fee or the hearing fee be more than one hundred dollars (\$100), nor the fee for the certificate of operation, or licenses be more than seventy-five dollars (\$75).

ARTICLE VI EMISSION LIMITATIONS AND PROHIBITIONS -- STANDARDS OF MEASUREMENT

Section 6.1. Smoke: A person shall not discharge into the outdoor

atmosphere from any single source of emission whatsoever any smoke of a density equal to or greater than that density described as No. 2 on the Ringelmann Chart, provided: that the following exceptions to the provisions of this rule shall be permitted.

- a. Smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringelmann Chart, for a period aggregating four minutes in any 30 minutes.
- b. Smoke, the shade or appearance of which is equal to but not darker than No. 3 of the Ringelmann Chart, for a period or periods aggregating three minutes in any 15 minutes when building a new fire.
- c. The provisions of this section shall not apply to smoke resulting from any fire ignited for the purpose of training firemen or for research in fire protection or prevention. However, fires to be ignited for the purpose of training firemen or fire research in fire protection or prevention may only be ignited after consultation with the director and receipt of special permit in writing from him.
- d. Smoke density shall be graded by using Ringelmann Smoke Chart as published by the United States Bureau of Mines in "Information Circular 7718," the Power Microringelmann Chart, or the M.S.A. Smokescope.

Section 6.2. Emission of Particulate Matter from any Source: It shall be unlawful for any person to cause, suffer, or allow the emission of particulate matter from any source whatsoever in excess of the emission schedule listed below:

PARTICULATE MATTER EMISSION SCHEDULE

Source of Emission	Capacity Rating	Maximum Allowable Emission pounds of particulate per thousand pounds of exhaust gas (a), (g)	
	1000# of steam/hr.	Design (b)	Operating (b)
FUEL BURNING			
Pulverized Fuel	0 to 300	0.40 to 0.20 (c)	0.50 to 0.30 (c)
Fired	300 and over	0.20	0.30
All Other Modes of	0 to 100		0.65
Fuel Firing	100 to 300		0.65 to 0.45 (c)
	300 to 800		0.45 to 0.30 (c)
	800 and over		0.30
FERROUS CUPOLAS			
Production			
Jobbing		0.10	0.25
			0.40
STEEL MANUFACTURING			
Open Hearth furnaces		0.10	0.20
Basic Oxygen Furnaces		0.10	0.20
Electric Furnaces (d)		0.10	0.20

Sintering Plants	0.15	0.20
Blast Furnaces		0.20
Blast Furnaces (excess gas bled to atmosphere)		0.50
Heating & Reheating Furnaces		0.30

INCINERATORS (e)

Use	Rating #/hr.	
Residential Apartments	0 to 200	0.65
Residential Apartments	200 and over	0.30
Commercial & Industrial	0 to 400	0.65
Commercial & Industrial	400 and over	0.30
Municipal		0.30

LIMP, KILNS STACK GASES

Rotary Kilns	0.20 (and or 99% by weight collector efficiency whichever is more restric- tive) (h)	0.30 (and/or 98.5% by weight collector efficiency whichever is more restric- tive) (h)
Other Kilns	0.20 (h)	0.30 (h)

ASPHALTIC CONCRETE BATCHING PLANTS

SOURCES NOT SPECIFICALLY NAMED (f)

Combustion Processes	lbs. particulate per 1000 lbs. of exhaust gas @ 150% total air	0.65
Non-combustion Processes	lbs. particulate per 1000 lbs. of exhaust gas	0.65

- a. Fuel-burning and incinerator emission limitations shall be corrected to 150 per cent total air.
- b. The operating limitation allows for gradual deterioration of equipment performance during extended periods of continuous operation where it is impractical to maintain design conditions for these extended periods.
- c. Emission limitations for specific ratings are determined by linear interpolation between the ranges shown.
- d. These emission limitations shall not apply to electric furnaces when the gas collection system needs to be disconnected due to technical infeasibility, as may be encountered during charging, refining in a reducing slag, and pouring.
- e. These emission limitations do not apply to domestic incinerators (defined as having not over five cubic feet of storage capacity).
- f. This is an interim category pending development of emission limitations for other specific processes.
- g. When wet collectors or scrubbers are utilized, that portion of water vapor in the exhaust gases which was added for collector or scrubber requirements shall be deleted from the total exhaust gases in calculating the particulate emission rate.

- h. This emission rate shall be measured at actual stack exhaust gas conditions with no correction for excess air or moisture content, but in no case shall avoid intentions of Section 6.7.

Section 6.2A Design and Operating Emission Limitations: This section clarifies the intent of Section 6.2 for those cases where both design and operating emission limitations are stipulated for a given operation.

The design emission standard shall be met when the system is field operated as close to design conditions as is reasonably feasible. In addition, before a permit is issued for the installation of a collector sufficient data will be required to be submitted to the Department in the form of tests, drawings, calculations, etc., to prove that when the collector is operated at design conditions the particulate loading will not exceed the design emission limitation.

The operating emission limitation is less stringent than the design emission limitation and recognizes that field operating conditions do not always meet design conditions and that this could cause a temporary degradation in over-all equipment performance. The more lenient operating emission standard shall not be used as a basis for reducing design collector efficiency to effectuate savings in operating cost.

Section 6.2B Differentiation Between Jobbing and Production Foundries: Cupolas used in a jobbing foundry are the same as those used in a production foundry and will vary in size only according to the quantity of iron melted per hour.

However, the cupolas in a jobbing foundry will be run intermittently for just long enough at one time to pour the molds that are ready on the foundry floor, job by job. This might be for a two to four hour period per day for any number of days per week.

Whereas the production foundry cupolas will melt continuously to pour a succession of molds that are constantly being prepared to receive this continuous flow of iron. This could become eight hours, sixteen hours, or twenty-four hours per day for any number of days per week.

Section 6.2 C Collector Requirements for Production Cupolas: The intent of the design emission limitation of 0.1#/1000# of gas applying to production ferrous foundry cupolas is to require the installation of high efficiency collectors capable of collecting the fine metallic fume typical of emissions from this source. Presently available equipment suitable for this application is a well-designed baghouse or a high pressure drop Venturi scrubber of equivalent efficiency. Other types of collectors will be considered on their individual merit and upon submission of adequate proof that they are capable of achieving equal efficiencies.

The operating limit of 0.25#/1000# of gas is intended to provide only for short time unavoidable variations from design conditions and for gradual deterioration of equipment during normal continuous operation. Deliberate

or intentional operation of equipment at less than its intended design efficiency is considered to be a violation of this Regulation.

Section 6.2D Collector Requirements for Jobbing Shop Cupolas: This Section is for the purpose of clarifying the intent of the emission limitation of 0.4#/1000# of gas applying to jobbing shop cupolas. High efficiency cyclone type collectors or other types of collectors not less efficient are considered acceptable and capable of meeting this requirement.

Should the operation of this equipment, when properly applied, operated and maintained and served by an adequate stack, meet all Regulation requirements except the applicable emission limitation, this limitation is to be re-evaluated.

Section 6.2E Collector Requirement for Single Retort Stoker-Fired Boilers: New forced draft solid fuel fired boilers of less than 400 H.P. nominal rating and existing boilers in this category when stack or breeching is replaced shall be provided with a low draft loss collector or drop out box approved by the director.

Explanation: While the proposed emission limitations of Section 6.2 would quite possibly make this requirement necessary it is felt that the above statement would simplify permit issuance and reduce the large amount of stack sampling that could be involved if emission limitations were the only requirement. It is intended to apply primarily to new single retort underfeed stoker fired plants and existing installations where practical.

Section 6.2F Lime Kiln Stack Gases: The intent of design emission standard applying to lime kiln stack gases is to require the installation of high efficiency collectors capable of collecting the fine particulate typical of emissions from this source. Presently available equipment for this application is a well designed baghouse, electrostatic precipitator, or a wet scrubber of equivalent efficiency. The operating limits specified are intended to provide only for short time unavoidable variances from design conditions and for gradual deterioration of equipment during normal continuous operation. Deliberate or intentional operation of equipment at less than its intended design efficiency is considered to be a violation of this regulation.

Section 6.3 Stack Emission Test Method: Stack emission tests for particulate matter shall be undertaken as near as practicable to the "A.S.M.E Test Code for Dust Separating Apparatus, PTC 21-1941", the "A.S.M.E. Test Code for Determining Dust Concentrations in Gas Streams, PTC 27-1957", and the "Los Angeles County Source Testing Manual". These methods shall be used as a general guide, but may be modified or adjusted by the director to suit specific sampling conditions or needs based upon good practice, judgment and experience.

Section 6.4 Open Burning:

- a. No person shall cause, suffer, or allow the open burning of refuse except by permit. Such permit may be issued if all the following conditions are met.
 1. A written statement is filed with the director giving the reasons why no method except open burning can be employed to dispose of the refuse involved; the amount and kind of refuse to

be burned; the exact location where the burning will take place, and the dates and times when the open burning will be done and the duration thereof.

2. The burning will be done only between the hours of 9:00 am. and 4:00 pm.
3. If required by local regulation or ordinance, a permit is obtained from the director of the fire department indicating that no safety hazard will be created by the open burning.
4. Written approval is received from the director.

In no case shall the open burning of garbage be permitted anywhere. No person shall conduct a salvage operation by open burning.

- b. The director may issue a blanket permit for dwellings of three families or less at the request of the governing body of a city, township, or village, provided the following conditions are met in addition to those stipulated in Section 6.4 (a) (2) and 6.4 (a) (3) above:
 1. The city, township, or village shall submit a planned program of refuse disposal acceptable to the director which would ultimately preclude the need for any open burning of refuse.
 2. The permit shall be for a period of one year, but is renewable at the discretion of the director if sufficient evidence is provided to assure him that the planned refuse disposal program is substantially being implemented.

Section 6.5 General Prohibition:

- a. It shall be unlawful for any person to permit or cause the emission of such quantities of air contaminants from whatever source in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort, or safety of any person or the public, or in such manner as to cause injury or damage to property or business. Each day wherein a violation of this section occurs shall constitute a separate offense. Any act or emission of air contaminants from any single or multiple source in violation or excess of the limitations established in or pursuant to 6.1, 6.2 and 6.4 of this regulation shall be unlawful, and may be ordered abated by the director. Such abatement may be in addition to the fines and penalties herein provided.
- b. Nothing in any section of this regulation relating to regulation of emission of air contaminants shall in any manner be construed as authorizing or legalizing the erection or maintenance of a nuisance.

Section 6.6 Breakdown of Equipment: Emissions exceeding any of the limits established in Article VI as a direct result of upset conditions in or breakdown of any process, fuel-burning, refuse-burning or control equipment

or related operating equipment beyond the control of the person owning or operating such equipment shall not be deemed to be in violation of Article VI provided that the owner or operator advises the director of the circumstances and outlines a corrective program acceptable to the director.

Section 6.7 Circumvention: Unless prior written approval is obtained from the director, no person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere. This section shall not apply for the control of odors, provided the limitations of Section 6.5 of this Article are met.

Section 6.8 Domestic Refuse Burning Equipment:

a. The Provisions of this section shall apply to:

- (1) "Type A. Domestic incinerators for burning rubbish and garbage"
- and
- (2) "Type B. Domestic incinerators for burning ordinary paper or similar material only"

Direct-fed incinerators having a furnace volume or charging capacity of not over five (5) cubic feet. Such domestic refuse burning equipment may be installed in other than single and two-family dwellings provided the refuse is of a character for which the incinerator is designed and is not excessive in amount. Excessive amounts shall be defined as a normal day's accumulation in excess of twice the rated capacity of the incinerator.

b. It shall be unlawful for any person or their agents to import, sell, offer for sale, expose for sale, exchange, deliver, or install in the county:

- (1) Any make or model of domestic refuse burning equipment which has not been approved by the department.
- (2) Any make or model domestic refuse burning equipment for the burning of any type of refuse other than the types for which the refuse burning equipment has been approved by the department.
- (3) Provided that the importation, delivery or transportation of such domestic refuse burning equipment by railroad companies and other common carriers in the course of their common carrier business, shall not be deemed to be a violation of the provisions of this section.

c. All domestic refuse burning equipment shall be submitted to the department for approval and be subjected to such tests as may be deemed necessary to establish the performance efficiency, durability minimum installation requirements, air pollution potential and fire hazard potential under ordinary operation. For fire hazard potential and efficiency determinations, nationally recognized

standards such as those of the American Gas Association and the Underwriters Laboratories may be employed.

- (1) Upon approval the department shall designate such domestic refuse burning equipment as being Type A or Type B.
 - (2) Any approved domestic refuse burning equipment that is imported, sold, offered for sale, exposed for sale, exchanged, delivered or installed for use in the county shall bear a plate or tag in accordance with the standards set therefor by the department which identifies the equipment as domestic refuse burning equipment and the type for which it is approved.
 - (3) Any person whose domestic refuse burning equipment is submitted to tests by the department must pay all expenses necessary to the attendant tests, and the department shall furnish the submitter a copy of the results of such tests.
- d. Domestic refuse burning equipment shall be installed only by persons licensed by the department after qualifying for registration, or by a licensed gas or oil contractor when registered as herein provided. Such licensee shall be responsible for determining that adequate safe draft exists for such equipment and have the duty and responsibility to see that adjustments of combustion controls on all gas or oil burners used in connection with space heating equipment shall be made by a licensed gas or oil contractor.
- e. Nothing herein contained shall prohibit a bona fide owner of a one-family dwelling which is, or will be on completion, the owner's place of residence, from personally installing therein domestic refuse burning equipment regulated hereunder, provided, that the said owner shall:
- (1) Sign an affidavit on a form furnished by the department showing the applicant to be a bona fide owner and occupant, or will be the occupant on completion of the residence; and that the applicant will personally install the equipment therein for which the installation permit is requested.
 - (2) Pass an examination showing that the applicant is possessed of the necessary qualifications for installing such equipment in accordance with the applicable provisions thereof. Such examination may be oral or written and may include practical demonstrations.
 - (3) Apply for and secure the required installation permit.
 - (4) Obtain the required inspection within seventy-two (72) hours after the installation has been completed and the equipment placed in operation.
- f. All installer licenses shall expire on the 31st day of March of each current year and shall be renewable within sixty (60) days thereafter.

The license of any person required by this regulation may be suspended or revoked by the Director, after a hearing, for a good cause shown.

It shall be unlawful in the county for any person whose license has been suspended, revoked or not renewed to engage in the business of installing incinerators covered by this section, until such expired license has been renewed or such suspended or revoked license has been reinstated.

- g. Installation permits and certificates of operation shall be obtained in accordance with the requirements of Article IV, of these regulations. Periodic renewal of certificates of operation shall not be required for domestic refuse burning equipment installed in one or two-family dwellings.
- h. The director, with the approval of the Board, shall develop and publish rules or standards for the testing, design and installation requirements governing domestic refuse burning equipment.
- i. The director, with the approval of the Board, may suspend the applicability of this section as to specific cities, townships or villages on the request of the governing body or such city, township or village when he finds that compliance with local ordinances or regulations would effectuate substantial compliance with the requirements of this section. Whenever the Director so suspends the applicability of this section he will, whenever he deems it necessary to assure compliance with this section, reinstate it with full force and effect generally, or for the purposes of a specific application.

ARTICLE VII PROCEDURAL REQUIREMENTS

Section 7.1 Violation Notice: If the director has reason to believe an emission from any source does not meet the provisions of Article VI hereof, a violation notice may be issued to the owner or operator of the source in question.

Section 7.2 Violation Procedures:

- a. Any person who is issued a violation notice may, within thirty (30) days from the date of receipt of said notice, submit data to the director indicating reasons why he does not believe he is in violation of Article VI. The director shall review the data submitted and within fifteen (15) days affirm or withdraw the violation notice by informing, in writing, the person receiving said notice of the decision to affirm or withdraw. To the case where such data is not submitted to the director within the thirty (30) days stipulated, the violation shall be considered still in force and affirmed.
- b. In the case of a violation of Section 6.2, the person cited, within ten (10) days of receipt of the director's decision to affirm the violation notice as provided for in Section 7.2 (a), (or within ten (10) days of a decision of the Appeals Board, should appeal be taken from the director's decision to affirm the violation notice),

may ask that emission tests be performed to determine the extent of emissions from the operation which is the subject of the particulate emission violation notice. If the emission tests indicate that the total amount of particulate matter exceeds the maximum allowable emission standard applicable to the operation under Section 6.2, the violation notice shall be considered substantiated. If the emission tests indicate that the total amount of particulate matter is equal to or less than the emission standard applicable to the operation under Section 6.2, then the violation notice shall be considered void.

ARTICLE VIII
SAMPLING AND TESTING

Section 8.1 Authority to Conduct Tests:

- a. The director is hereby authorized to conduct, or cause to be conducted, any test or tests of any new or existing process, fuel-burning, refuse-burning, or control equipment the operation of which he has reason to believe may result in emissions in excess of the limitations in this regulation, or when he has reason to believe there is evidence that emissions from any such equipment are exceeding any emission limitation prescribed in this regulation. A full written record of test conditions, of test methods, and of test results obtained by the director shall be maintained, kept on file, and made available for study by the owner. Upon notification by the director that emission tests are considered necessary, a person may elect to conduct such tests himself. In this event, the person shall notify the director of this decision and of the time and date of such testing. All tests so conducted shall be in a manner acceptable to the director and in conformity with Section 6.3, and a full written record of conditions in test, of test methods, and of test results obtained by the owner or his authorized test agents shall be maintained, kept off file, and made available for study by the director. The director may stipulate that a representative of his office be present during the conduct of such tests and may stipulate a reasonable time limit for the completion of such tests with consideration for seasonal adverse weather conditions.
- b. Nothing in this section concerning tests conducted by and paid for by any person or his authorized agent shall be deemed to abridge the rights of the director or his representative to conduct separate or additional tests of any process, fuel-burning, refuse-burning, or control equipment on behalf of the county at a reasonable time and at the county's expense except as provided in Section 8.3 below.
- c. When an owner gives written notification to the director that secret and confidential processes are involved in the specific industrial operation in connection with which emission tests are to be made or are being made, the director shall treat and hold any and all information and data collected or made available regardless

of its kind or character as secret and confidential, and it shall not be disclosed or made available in whole or in part at anytime without the written authority of the owner.

Section 8.2 Test Facilities and Access: It shall be the responsibility of the owner or operator of the operation tested to provide, at his expense, reasonable and necessary openings in the system or stack, and safe and easy access thereto, to permit technically valid samples and measurements to be taken. All new sources of air contaminants erected after the effective date of this regulation may be required by the director to provide adequate openings in the system or stack, and safe and easy access thereto, to permit technically valid measurements and samples to be taken. If a person refuses to supply test openings, access scaffolding, and other pertinent facilities requested for the purpose of conducting valid emission tests by the director, the director shall notify such person to show cause before the director on a day certain, not less than ten (10) nor more than twenty (20) days from the date of notice, why the equipment should not be sealed.

Section 8.3 Test Costs: If emission tests conducted as a result of procedures outlined in Section 7.2 (b) substantiate the violation notice, the person or persons liable for the violation shall be responsible for paying all attendant costs for conducting said tests. If said tests do not substantiate the violation notice, issued, then the county shall be responsible for paying all attendant costs for conducting said tests. This latter condition shall not obviate the owners' or operators' responsibilities set forth in Section 8.2. Provided, however, if the person liable elects to conduct his own stack emission tests as stipulated in Section 7.2 (b) and Section 8.1, the person so electing shall pay for these tests irrespective of their outcome. The data obtained during stack emission tests shall be made available to the director and the owner of the equipment being tested at their request.

ARTICLE IX VARIANCES

Section 9.1 Variance Clauses: Where emission sources in existence prior to adoption of this regulation do not meet the particulate matter emission limitations noted in Section 6.2 above, then a program to meet the particulate matter emission limitations stipulated in Section 6.2 shall be developed and offered to the director by the owner of the equipment causing the emission. This program shall be submitted upon the request of and within such times as shall be reasonably determined by the director, and after said program has been approved by the director, the owner of the equipment causing the emission shall not be in violation of Section 6.2 of this regulation so long as said program is observed. In evaluating such a program of improvement, the director shall take into consideration the following factors:

- a. Action taken to control atmospheric pollution within emission limitations in effect prior to this regulation.
- b. Efficiency of any existing control equipment relative to that which would be required to meet emission limitations of this regulation.

- c. Temporary interim control measures intended to minimize existing pollution levels.
- d. The effect the source of emission has on air pollution generally or in the immediate vicinity of the source.
- e. The degree of control in relation to other similar facilities which produce air pollution.
- f. The age and prospective life of the facility in question.

Reports indicating the progress of these programs shall be submitted semi-annually to the director by the owner of the equipment causing the emission in question. If progress of the program is deemed by the director to be unsatisfactory, the director may suspend the program and issue a violation notice.

In the event the owner of the equipment causing the emission and the director cannot evolve a mutually acceptable program of improvement, the matter shall be referred to the Appeals Board for resolution and determination of an acceptable program, which shall be binding upon both the owner and the director. In making their determination, the Appeals Board shall also take into consideration the factors noted in (a) through (f) above.

ARTICLE X APPEALS

Section 10.1 Appeals: Any person taking exception to any decision, ruling, regulation, violation notice, or order issued by the director may appeal to the Appeals Board. Such appeal shall be taken within ten (10) days after the decision, ruling, regulation, violation notice, or order complained of, by filing with the director a notice of appeal directed to the Appeals Board specifying the grounds thereof and the relief sought. A filing fee of \$25.00 shall be posted by the appellant at the time of filing of the appeal to cover the cost of the hearing. The director shall forthwith furnish to the Appeals Board all papers relating to the decision, ruling, regulation, or order which is appealed. The Appeals Board shall set a date not less than five days and not more than thirty (30) days after the date of filing of the appeal for the hearing and shall give notice thereof by registered mail to all interested parties. Such an appeal shall act as a stay of the decision, ruling, regulation, or order in question until the decision of the Appeals Board is rendered, except that this shall not be construed to abridge the rights of the director to summarily abate a health or safety hazard. The Appeals Board shall, within a period of thirty (30) days after the hearing, affirm, modify, or set aside in writing the decision, ruling, regulation, or order of the director.

The decision of the Appeals Board shall be final unless reversed by a court of competent jurisdiction. Appeals from the decision of the Appeals Board shall conform to the rules applicable to appeals from state administrative agencies.

ARTICLE XI SEALING

Section 11.1 Sealing: After previous notification of three or more

violations of this regulation within a twelve-month period, in respect to the emission of air contaminants, a violator may be notified by registered mail to show cause before the director within ten (10) days why the offending equipment shall not be sealed. The notice shall be directed to the last address of the person to be notified or if the person or his whereabouts is unknown, then the notice shall be posted on or near the premises at which the violations have occurred. If upon the hearing, at which the violator or his agent or attorney may appear and be heard, the director finds that adequate corrective measures have not been taken, he shall seal the equipment until such time as corrective measures are taken. The decision may be appealed to the Appeals Board, and such appeal shall stay the sealing until the Appeals Board renders a decision. It shall be unlawful for any person to break a seal that has been duly affixed by the director or his authorized representative unless authorized in writing by the director to do so.

ARTICLE XII REGISTRATION OF EMISSIONS

Section 12.1 When required: The director may require the written registration of points of emission of air contaminants, whether by stack, duct, flue, equipment or by any other means when such information is necessary for the conduct of the work of the department. A period of sixty (60) days shall be allowed for the filing of such registration. However, in cases of emergency, the director may designate any lesser time which he believes to be justified.

Section 12.2 Content of Registration: The written registration of points of emission may include the following information: the location of the source of emission, size of outlets, height of outlets, estimated rate and composition of emission, nature of the equipment creating the emissions, and any other pertinent information specified by the director.

Section 12.3 Use of Information: The information furnished in such registration shall not be used as evidence in any action brought for violation of this regulation.

ARTICLE XIII RIGHT OF ENTRY

Section 13.1 Right of Entry for Inspection: Any person who in any manner, hinders, obstructs, delays, resists, prevents, or in any manner interferences or attempts to interfere with the director, or police officers in the performance of any duty enjoined, or shall refuse to permit the director or such officers to perform their duty by refusing them, or either of them, entrance at reasonable hours to any premises in which the provisions of this regulation are being violated or are suspected of being violated, or refuse to permit the inspection or examination of such premises for the purposes of the enforcement of this regulation, shall be subject to the fines and penalties hereinafter provided.

ARTICLE XIV
PENALTIES FOR VIOLATIONS

Section 14.1 Penalties: Any person violating any of the provisions of this regulation shall upon conviction be subject to a fine not to exceed one hundred dollars (\$100), or imprisonment in the county jail for a period not to exceed ninety days, or both such fine and imprisonment in the discretion of the court, and every day such violation continues shall be deemed a separate offense.

Section 14.2 Multiple Sources: The unlawful emission of air contaminants from each stack shall constitute a separate offense.

Section 14.3 Injunctive Proceedings: Whenever any person has been found to have repeatedly violated provisions of Article VI of this regulation, the director may upon written approval of the Board of Health commence appropriate civil legal action in a court of competent jurisdiction in the name of the county to enjoin and restrain further continuance of such violation.

ARTICLE XV
SEVERABILITY

Section 15.1 Severability: It is declared that this regulation is enacted in the interests of the public health and welfare of the residents of the county. If any part of this regulation shall be declared to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this regulation, the Board of Health hereby declaring that it would have passed such remaining portions of this regulation notwithstanding such invalidity.

ARTICLE XVI
PUBLIC HEARING

Section 16.1 Public Hearing: No rule of the Board shall be adopted, amended or repealed except after a public hearing held upon at least ten days' prior notice.

ARTICLE XVII
REPEAL CLAUSE

Section 17.1 Repeal Clause: All previous regulations or portions of regulations adopted by the Wayne County Board of Health that are inconsistent with or in conflict with this regulation are hereby repealed.

July 22, 1971

ADOPTED AMENDMENTS & REVISIONS TO
THE WAYNE COUNTY AIR POLLUTION CONTROL REGULATION

Key: Solid Caps - New or revised wording
Dashed Out - Deletion of existing wording
Lower Case - Retention of existing wording except as specifically
noted otherwise

Article I Section 1.3 Definition of Terms.

Add the following definitions:

DIVISION: WAYNE COUNTY DEPARTMENT OF HEALTH, AIR POLLUTION CONTROL
DIVISION.

HYDROGEN SULFIDE (H₂S): A COLORLESS GAS AT STANDARD CONDITIONS
WHICH HAS THE MOLECULAR FORMULA H₂S.

OPACITY: A STATE WHICH RENDERS MATERIAL PARTIALLY OR WHOLLY IMPERVIOUS
TO RAYS OF LIGHT AND CAUSES OBSTRUCTION OF AN OBSERVER'S VIEW.

PROCESS WEIGHT: "PROCESS WEIGHT" MEANS THE TOTAL WEIGHT OF ALL
MATERIALS INTRODUCED INTO A SOURCE OPERATION, INCLUDING SOLID
FUELS, BUT EXCLUDING LIQUIDS AND GASES USED SOLELY AS FUELS,
AND EXCLUDING AIR INTRODUCED FOR PURPOSES OF COMBUSTION.

PROCESS WEIGHT RATE: "PROCESS WEIGHT RATE" MEANS A RATE
ESTABLISHED AS FOLLOWS:

- (a) FOR CONTINUOUS OR LONG-RUN STEADY-STATE SOURCE OPERATIONS,
THE TOTAL PROCESS WEIGHT FOR THE ENTIRE PERIOD OF
CONTINUOUS OPERATION OR FOR A TYPICAL PORTION THEREOF,

DIVIDED BY THE NUMBER OF HOURS OF SUCH PERIOD OR PORTION THEREOF.

(b) FOR CYCLICAL OR BATCH SOURCE OPERATIONS, THE TOTAL PROCESS WEIGHT FOR A PERIOD THAT COVERS A COMPLETE OPERATION OR AN INTEGRAL NUMBER OF CYCLES, DIVIDED BY THE HOURS OF ACTUAL PROCESS OPERATION DURING SUCH A PERIOD.

(c) WHEN THE NATURE OF ANY PROCESS OR OPERATION OR THE DESIGN OF ANY EQUIPMENT IS SUCH AS TO PERMIT MORE THAN ONE (1) INTERPRETATION OF THIS DEFINITION THE INTERPRETATION THAT RESULTS IN THE MINIMUM VALUE FOR ALLOWABLE EMISSION APPLIES.

PUBLIC HEALTH DIRECTOR: DIRECTOR OR ACTING DIRECTOR OF THE DEPARTMENT.

RINGELMANN CHART: THE CHART PUBLISHED AND DESCRIBED IN THE BUREAU OF MINES, U. S. DEPARTMENT OF INTERIOR, INFORMATION CIRCULAR 8333, WHICH ILLUSTRATES GRADUATED SHADES OF GRAY TO BLACK BY WHICH THE DENSITY OF SMOKE MAY BE SCALED, OR ANY CHART, RECORDER, INDICATOR OR DEVICE FOR THE MEASUREMENT OF GRAY TO BLACK SMOKE DENSITY WHICH IS APPROVED BY THE BOARD AS THE EQUIVALENT OF THE RINGELMANN SCALE.

SOURCE OPERATION: "SOURCE OPERATION" MEANS THE LAST OPERATION PRECEDING THE EMISSION OF AN AIR CONTAMINANT, WHICH OPERATION (a) RESULTS IN THE SEPARATION OF THE AIR CONTAMINANT FROM THE PROCESS MATERIAL OR IN THE CONVERSION OF THE PROCESS MATERIALS INTO AIR CONTAMINANTS, AS IN THE CASE OF COMBUSTION FUEL; AND (b) IS NOT AN AIR POLLUTION ABATEMENT OPERATION.

SULFUR DIOXIDE (SO₂): A COLORLESS GAS AT STANDARD CONDITIONS WHICH HAS THE MOLECULAR FORMULA SO₂.

SULFUR TRIOXIDE (SO₃): A COMPOUND WHICH HAS THE MOLECULAR FORMULA SO₃.

SULFURIC ACID (H₂SO₄): A COMPOUND WHICH HAS THE MOLECULAR FORMULA H₂SO₄.

Article II Section 2.2 Powers and Duties of the Director:

Add new Section 2.2A EMERGENCY POWERS OF THE PUBLIC HEALTH DIRECTOR:

NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS REGULATION, THE PUBLIC HEALTH DIRECTOR, UPON RECEIPT OF EVIDENCE THAT A POLLUTION SOURCE OR COMBINATION OF SOURCES (INCLUDING MOVING SOURCES) IS PRESENTING AN IMMINENT AND SUBSTANTIAL ENDANGERMENT TO THE HEALTH OF PERSONS, MAY ORDER COMPLETE SHUTDOWN, CURTAILMENT, OR MODIFICATION OF ANY OPERATION OR ACTIVITY CAUSING OR CONTRIBUTING TO THE ALLEGED POLLUTION AND MAY BRING SUIT ON BEHALF OF THE DEPARTMENT IN THE WAYNE COUNTY CIRCUIT COURT TO IMMEDIATELY RESTRAIN ANY PERSON WHO FAILS TO FOLLOW HIS ORDERS.

Article IV Section 4.4 ACTION ON PERMITS.

(add to existing section after last sentence)

THE DIRECTOR MAY ISSUE CONDITIONAL PERMITS.

Article VI Section 6.1 EMISSION OF VISIBLE AIR CONTAMINANTS:

NO PERSON SHALL CAUSE OR PERMIT A DISCHARGE INTO THE ATMOSPHERE FROM ANY SINGLE SOURCE OF EMISSION WHATSOEVER ANY VISIBLE AIR CONTAMINANT WHICH IS OF A SHADE EQUAL TO OR DARKER THAN NUMBER 1.5 ON THE RINGELMANN CHART OR OF A DENSITY EQUAL TO OR GREATER THAN 30% OPACITY.

Section 6.1A GRADING VISIBLE EMISSIONS:

OBSERVATIONS SHALL BE MADE BY OBSERVERS TRAINED TO EVALUATE VISIBLE EMISSIONS BASED UPON THE RINGELMANN CHART AND/OR OPACITY MEASUREMENTS.

Section 6.1B EXCEPTIONS:

- (1) EMISSIONS EQUAL TO 1.5 RINGELMANN OR 30% OPACITY FOR THREE MINUTES IN ANY 30 MINUTE PERIOD.
- (2) WHERE THE PRESENCE OF UNCOMBINED WATER IS THE ONLY REASON FOR FAILURE OF AN EMISSION TO MEET THE REQUIREMENTS.
- (3) ANY OPEN FIRE IGNITED FOR THE PURPOSE OF TRAINING FIREMEN OR FOR RESEARCH IN FIRE PREVENTION, PROVIDED THE DIVISION HAS ISSUED A PERMIT THEREFOR.

Article VI Section 6.2 Emission of Particulate Matter from any Source: ~~It~~ NO

PERSON shall ~~be-unlawful-for-any-person-to~~ cause, suffer, or allow the emission INTO THE ATMOSPHERE ~~of-particulate-matter~~ from any SINGLE source OF EMISSION whatsoever PARTICULATE MATTER in excess of the PARTICULATE MATTER Emission Schedule listed below:

(Substitute the following Particulate Matter Emission Schedule for current schedule:)

PARTICULATE MATTER EMISSION SCHEDULE			
Source of Emission		Maximum Allowable Emission pounds of particulate per thousand pounds of exhaust gas (a), (g) (E)	
	Capacity Rating 1000# of steam/hr.	Design (b)	Operating (b)
Fuel Burning			
Pulverized Fuel Fired (INCLUDING CYCLONE FURNACE)	0 to 300	0.40 to 0.20 (c)	0.50 to 0.30 (c)
	300 and over	0.20	0.30
All Other Modes of Fuel Firing	0 to 100		0.65
	100 to 300		0.65 to 0.45 (c)
	300 to 800		0.45 to 0.30 (c)
	800 and over		0.30
Ferrous-Cupolas FOUNDRY OPERATIONS			
Production CUPOLA		0.10	0.25
Jobbing CUPOLA			0.40
ELECTRIC FURNACE		0.10	0.15
SAND HANDLING			0.10
Steel Manufacturing			
Open Hearth Furnaces		0.10	0.20
Basic Oxygen Furnaces		0.10	0.20
Electric Furnaces (d)		0.10	0.20
Sintering Plants		0.15	0.20
Blast Furnaces			0.15
Blast-Furnaces-(excess-gas-bleed-to-atmosphere)			0.50
Heating & Reheating Furnaces			0.30
Inclinerators (e) (D)			
Use	Rating #/hr.		
Residential Apartments	0 to 200		0.65
Residential Apartments	200 and over		0.30
Commercial & Industrial	0 to 400		0.65
Commercial & Industrial	400 and over		0.30
Municipal		0.20	0.30
PATHOLOGICAL			0.20
SEWAGE SLUDGE			0.20
LIQUID WASTE			0.10
SURFACE FINISHING, CLEANING, AND GRINDING OPERATIONS			0.10

(cont'd)

Line Kiln Stack Gases
Rotary Kilns

0.20 (and/or 99% by weight collector efficiency whichever is more restric- tive) (h) (F)	0.30 (and/or 98.5% by weight collector efficiency whichever is more restric- tive) (h) (F)
0.20 (h) (F)	0.30 (h) (F)

Other Kilns

CEMENT MANUFACTURE

(UP TO 15,000 BARRELS PER DAY
KILN CAPACITY)

KILN - WET OR DRY PROCESS

0.10

0.25

CLINKER COOLER

0.30

GRINDING, CRUSHING AND OTHER

MATERIAL HANDLING

0.10

NOTE: IT IS REQUIRED THAT A MAXIMUM ALLOWABLE EMISSION LISTING BE APPLIED FOR TO THE WAYNE COUNTY BOARD OF HEALTH FOR ALL KILN INSTALLATIONS WHICH WILL RESULT IN A TOTAL PLANT KILN CAPACITY IN EXCESS OF 15,000 BARRELS OF CEMENT PER DAY.

AGGREGATE SINTERING

0.15

0.20

IRON ORE PELLETIZING

GAS FLOW RATE
(SCFM)

GRATE KILN AND

TRAVELING GRATE

600,000

0.10

300,000

0.15

100,000 OR LESS

0.20

PELLETIZING (OTHER

THAN IRON ORE)

0.10

CHEMICAL AND MINERAL KILNS

ROTARY

0.20

OTHER

0.20

Asphaltic Concrete Batching Plants

0.20

Sources Not Specifically Named (#)

Combustion-Processes

1bsr-particulate-per

0.65

1000-lbsr-of-exhaust

gas-at-150%-total-air

Non-combustion-Processes

1bsr-particulate-per

0.65

1000-lbsr-of-exhaust-gas

THE MAXIMUM ALLOWABLE EMISSION OF PARTICULATE MATTER FROM ANY SOURCE EXCEPT THOSE SPECIFIED IN THE PARTICULATE MATTER EMISSION SCHEDULE SHALL BE DETERMINED FROM THE ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE SCHEDULE UNLESS A SPECIFIC EMISSION LEVEL FOR THE PROCESS IS DEVELOPED AND LISTED BY THE WAYNE COUNTY BOARD OF HEALTH ON ITS OWN INITIATIVE OR BY APPLICATION. ALL NEW LISTED VALUES SHALL BE BASED UPON THE CONTROL RESULTS ACHIEVABLE WITH THE APPLICATION OF THE BEST, TECHNICALLY FEASIBLE, PRACTICAL EQUIPMENT AVAILABLE.

- a. Fuel-burning and incinerator emission limitations shall be corrected to 150 per cent total air.
- b. The operating limitation allows for gradual deterioration of equipment performance during extended periods of continuous operation where it is impractical to maintain design conditions for these extended periods.
- c. Emission limitations for specific ratings are determined by linear interpolation between the ranges shown.
- d. ~~These emission limitations shall not apply to electric furnaces when the gas collection system needs to be disconnected due to technical infeasibility, as may be encountered during charging, refining in a reducing slag, and pouring.~~
- d. e. These emission limitations do not apply to domestic incinerators (defined as having not over five cubic feet of storage capacity).
- f. ~~This is an interim category pending development of emission limitations for other specific processes.~~
- e. g. When wet collectors or scrubbers are utilized, that portion of water vapor in the exhaust gases which was added for collector or scrubber requirements shall be deleted from the total exhaust gases in calculating the particulate emission rate.
- f. h. This emission rate shall be measured at actual stack exhaust gas conditions with no correction for excess air or moisture content, but in no case shall avoid intentions of Section 6.7.

(Note: Sections 6.2A, B, C, D, E, and F to remain as currently written.)

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE ^a

PROCESS WEIGHT RATE		RATE OF EMISSION	PROCESS WEIGHT RATE		RATE OF EMISSION
LB/HR	TONS/HR	LB/HR	LB/HR	TONS/HR	LB/HR
100	0.05	0.55	16,000	8.00	16.5
200	0.10	0.88	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.95	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

^aINTERPOLATION OF THE DATA IN THIS TABLE FOR PROCESS WEIGHT RATES UP TO 60,000 LB/HR SHALL BE ACCOMPLISHED BY USE OF THE EQUATION $E = 4.10 P^{0.67}$ AND INTERPOLATION AND EXTRAPOLATION OF THE DATA FOR PROCESS WEIGHT RATES IN EXCESS OF 60,000 LB/HR SHALL BE ACCOMPLISHED BY USE OF THE EQUATION $E = 55.0 P^{0.11} - 40$, WHERE E = RATE OF EMISSION IN LB/HR AND P = PROCESS WEIGHT IN TONS/HR.

Article VI Section 6.3 26 Stack Emission Test Method:

Stack emission tests for particulate matter shall be undertaken as near as practicable to the "A.S.M.E. Test Code for Dust Separating Apparatus, PTC 21-1941", the "A.S.M.E. Test Code for Determining Dust Concentrations in Gas Streams, PTC 27-1957", and the "Los Angeles County Source Testing Manual". These methods shall be used as a general guide, but may be modified or adjusted by the director to suit specific sampling conditions or needs based upon good practice, judgment and experience.

Article VI Section 6.4 Open Burning:

a. **OPEN BURNING PROHIBITED:** NO PERSON SHALL IGNITE, CAUSE OR PERMIT TO BE IGNITED, ALLOW OR MAINTAIN ANY OPEN FIRE.

b. **EXCEPTIONS:**

(1) OPEN FIRES FOR THE COOKING OF FOOD FOR HUMAN CONSUMPTION ON OTHER THAN COMMERCIAL PREMISES PROVIDING, HOWEVER, SUCH OPEN FIRES WILL BE SUBJECT TO SECTIONS 6.1 AND 6.5 HEREOF.

(2) OPEN FIRES IGNITED FOR THE PURPOSE OF TRAINING FIREMEN OR FOR RESEARCH IN FIRE PREVENTION PROVIDING THE DIVISION HAS ISSUED A FIREMEN TRAINING PERMIT UNDER TERMS AND CONDITIONS ACCEPTABLE TO THE DIVISION.

7/22/71

Article VI Section 6.5 General Prohibition:

- a. It shall be unlawful for any person to permit or cause the emission of such quantities of air contaminants from whatever source in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort, or safety of any person or the public, or in such manner as to cause injury or damage to property or business. Each day wherein a violation of this section occurs shall constitute a separate offense. Any act or emission of air contaminants from any single or multiple source in violation or excess of the limitations established in or pursuant to 6.1, 6.2, 6.3, and 6.4 of this regulation shall be unlawful, and may be ordered abated by the director. Such abatement may be in addition to the fines and penalties herein provided.

- b. Nothing in any section of this regulation relating to regulation of emission of air contaminants shall in any manner be construed as authorizing or legalizing the erection or maintenance of a nuisance.

NOTE: In the third sentence of the existing Section (a), we have added 6.3 to the listing of the sections noted.

Article VI Section 6.6 Breakdown-of-Equipment: Emissions-exceeding-any-of-the limits-established-in-Article-VI-as-a-direct-result-of-upset-conditions-in or-breakdown-of-any-process; -fuel-burning; -refuse-burning-or-control equipment-or-related-operating-equipment-beyond-the-control-of-the-person owning-or-operating-such-equipment-shall-not-be-deemed-to-be-in-violation of-Article-VI-provided-that-the-owner-or-operator-advises-the-director-of the-circumstances-and-outlines-a-corrective-program-acceptable-to-the director.

WIND-BORNE POLLUTANTS:

IT SHALL BE UNLAWFUL FOR ANY PERSON TO OPERATE OR MAINTAIN, OR CAUSE TO BE OPERATED OR MAINTAINED, ANY PREMISE, OPEN AREA, RIGHT-OF-WAY, STORAGE PILE OF MATERIALS, OR VEHICLE, OR CONSTRUCTION, ALTERATION, DEMOLITION, OR WRECKING OPERATION OR ANY OTHER ENTERPRISE THAT INVOLVES ANY HANDLING, TRANSPORTING, OR DISPOSITION OF ANY MATERIAL OR SUBSTANCE LIKELY TO BE SCATTERED BY THE WIND, OR SUSCEPTIBLE TO BEING WIND-BORNE, WITHOUT TAKING PRECAUTIONS OR MEASURES THAT WILL ELIMINATE THE ESCAPE OF AIR CONTAMINANTS. NO PERSON SHALL MAINTAIN OR CONDUCT, OR CAUSE TO BE MAINTAINED OR CONDUCTED ANY PARKING LOT, OR AUTOMOBILE AND/OR TRUCK SALES LOT, OR CAUSE OR PERMIT THE USE OF ANY ROADWAY UNDER HIS CONTROL UNLESS SUCH LOT OR ROADWAY IS MAINTAINED IN SUCH MANNER AS TO ELIMINATE THE ESCAPE OF AIR CONTAMINANTS.

Article VI Section 6.9

IF ANY SINGLE SOURCE OF EMISSION OR COMBINATION OF SOURCES OF EMISSION BE FOUND TO COMPROMISE THE AMBIENT AIR QUALITY IN THE COUNTY, BEYOND THE LIMITATIONS SET FORTH IN ANY NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS NOW OR HEREAFTER ESTABLISHED BY THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE CLEAN AIR ACT AS AMENDED DECEMBER 31, 1970 (PUBLIC LAW 91-640), NOT WITHSTANDING COMPLIANCE WITH ANY MAXIMUM ALLOWABLE EMISSION RATE ALLOWED BY THIS REGULATION, THE DIRECTOR MAY REQUIRE SUCH FURTHER REDUCTION IN EMISSIONS FROM THIS OR THESE SOURCES AS IS NECESSARY TO OBTAIN COMPLIANCE WITH SAID NATIONAL PRIMARY AND SECONDARY AMBIENT AIR QUALITY STANDARDS.

Article VI Section 6.10 EMISSION RECORDING MONITORING DEVICES:

THE DIRECTOR MAY REQUIRE THE OWNERS OF FUEL BURNING, REFUSE BURNING OR PROCESS EQUIPMENT TO INSTALL, MAINTAIN AND USE EMISSION RECORDING MONITORING DEVICES AND TO MAKE PERIODIC REPORTS TO THE DIVISION ON THE NATURE AND AMOUNTS OF SUCH EMISSIONS AND SUCH REPORTS SHALL BECOME A PUBLIC RECORD. FAILURE TO COMPLY WITH THE DIRECTOR'S REQUEST SHALL BE DEEMED TO BE A VIOLATION OF THIS REGULATION.

Article VI Section 6.11

ALL SECTIONS AND SUBSECTIONS OF THIS ARTICLE ARE INDEPENDENT AND MUTUALLY EXCLUSIVE OF ONE ANOTHER EXCEPT WHERE OTHERWISE INDICATED, AND IN THE CASE WHERE THERE IS CONFLICT IN INTERPRETATION, THE MORE RESTRICTIVE REQUIREMENTS WILL GOVERN.

Article VII Section 7.2 Violation Procedures:

- a. Any person who is issued a violation notice OF SECTION 6.2 OR 6.3 may, within thirty (30) days from the date of receipt of said notice, submit data to the director indicating reasons why he does not believe he is in violation of Article-VI, THESE SECTIONS. The director shall review the data submitted and within fifteen (15) days affirm or withdraw the violation notice by informing, in writing, the person receiving said notice of the decision to affirm or withdraw. To the case where such data is not submitted to the director within the thirty (30) days stipulated, the violation shall be considered still in force and affirmed.

- b. In the case of a violation of Section 6.2 AND/OR SECTION 6.3, the person cited, within ten (10) days of receipt of the director's decision to affirm the violation notice as provided for in Section 7.2(a), (or within ten (10) days of a decision of the Appeals Board, should appeal be taken from the director's decision to affirm the violation notice), may ask that emission tests be performed to determine the extent of emissions from the operation which is the subject of the particulate emission violation notice. ~~If the emission tests indicate that the total amount of particulate matter exceeds the maximum allowable emission standard applicable to the operation under Section 6.2, the violation notice shall be considered substantiated. If the emission tests indicate that the total amount of particulate matter is equal to or less than the emission standard applicable~~

~~to the operation under section 6.2, then the violation notice shall be considered void.~~ IF THE TESTS INDICATE THAT THE EMISSION EXCEEDS THE MAXIMUM ALLOWABLE EMISSION STANDARD APPLICABLE TO THE PROVISIONS UNDER SECTION 6.2 OR 6.3, THE VIOLATION NOTICE SHALL BE CONSIDERED SUBSTANTIATED. IF THE TESTS INDICATE THAT THE EMISSION IS EQUAL TO OR LESS THAN THE EMISSION STANDARD APPLICABLE TO THE PROVISIONS UNDER SECTION 6.2 OR 6.3, THEN THE VIOLATION NOTICE SHALL BE CONSIDERED VOID.

Article VIII Section 8.1 Authority to Conduct Tests:

- a. The director is hereby authorized to conduct, or cause to be conducted, any test or tests of any new or existing process, fuel-burning, refuse-burning, or control equipment the operation of which he has reason to believe may result in emissions in excess of the limitations in this regulation, or when he has reason to believe there is evidence that emissions from any such equipment are exceeding any emission limitation prescribed in this regulation. A full written record of test conditions, of test methods, and of test results obtained by the director shall be maintained, kept on file, and made available for study by the owner. Upon notification by the director that emission tests are considered necessary, a person may elect to conduct such tests himself. In this event, the person shall notify the director of this decision and of the time and date of such testing. All tests so conducted shall be in a manner acceptable to the director and in conformity with Section 6.2 AND/OR 6.3H, and a full written record of conditions in test, of test methods, and of test results obtained by the owner or his authorized test agents shall be maintained, kept on file, and made available for study by the director. The director may stipulate that a representative of his office be present during the conduct of such tests and may stipulate a reasonable time limit for the completion of such tests with consideration for seasonal adverse weather conditions.

NOTE: Changed fifth sentence to reflect modification of existing Section 6.3 to new 6.2G and added new Section 6.3H to provisions.

- b. Nothing in this section concerning tests conducted by and paid for by any person or his authorized agent shall be deemed to abridge the rights of the director or his representatives to conduct separate or additional tests of any process, fuel-burning, refuse-burning, or control equipment on behalf of the county at a reasonable time and at the county's expense except as provided in Section 8.3 below.
- c. When an owner gives written notification to the director that secret and confidential processes are involved in the specific industrial operation in connection with which emission tests are to be made or are being made, the director shall treat and hold any and all information and data collected or made available regardless of its kind or character as secret and confidential, and it shall not be disclosed or made available in whole or in part at anytime without the written authority of the owner.

Article VIII Section 8.3 Test Costs:

(Add following as new paragraph at end of present provisions:)

**TO THE CONTRARY NOTWITHSTANDING, EMISSION TESTS PERFORMED ON
INSTALLATIONS WHERE SUCH TESTS ARE A CONDITION OF THE INSTALLATION
PERMIT, SHALL BE AT THE EXPENSE OF THE OWNER REGARDLESS OF THE
OUTCOME OF THE TESTS.**

Article VIII Section 8.4 AUTHORITY TO OBTAIN SAMPLES:

THE DIRECTOR IS HEREBY AUTHORIZED TO OBTAIN ANY SAMPLE OF FUELS, REFUSE, OR PROCESS MATERIALS FOR EXAMINATION AND ANALYSIS. A COPY OF THE RESULTS OF THE ANALYSIS SHALL BE MADE AVAILABLE TO THE OWNER UPON HIS REQUEST. FAILURE OF THE OWNER TO PROVIDE SUCH SAMPLE UPON REQUEST OF THE DIRECTOR SHALL BE A VIOLATION OF THIS REGULATION. UPON WRITTEN REQUEST OF THE OWNER, ANY INFORMATION RELATING TO SECRET PROCESSES, METHODS OF MANUFACTURE, PRODUCTS, OR PRODUCTION ASCERTAINED OR DISCOVERED BY THE DIRECTOR OR THE APPEALS BOARD DURING THE CONDUCT OF THEIR WORK SHALL NOT BE DISCLOSED IN WHOLE OR IN PART AND SHALL BE HELD CONFIDENTIAL.

Article IX, Section 9.1 Variance Clauses: Where emission sources in existence prior to adoption of this regulation do not meet the particulate-matter emission limitations noted in Section 6.2 AND/OR 6.3 above, then a program to meet the particulate-matter emission limitations stipulated in Section 6.2 AND/OR 6.3 shall be developed and offered to the director by the owner of the equipment causing the emission. This program shall be submitted upon the request of and within such times as shall be reasonably determined by the director, and after said program has been approved by the director, the owner of the equipment causing the emission shall not be in violation of Section 6.2 AND/OR 6.3 of this regulation so long as said program is observed. In evaluating such a program of improvement, the director shall take into consideration the following factors:

- a. Action taken to control atmospheric pollution within emission limitations in effect prior to this regulation.
- b. Efficiency of any existing control equipment relative to that which would be required to meet emission limitations of this regulation.
- c. Temporary interim control measures intended to minimize existing pollution levels.
- d. The effect the source of emission has on air pollution generally or in the immediate vicinity of the source.
- e. The degree of control in relation to other similar facilities which produce air pollution.
- f. The age and prospective life of the facility in question.

NOTE: In the third, fifth, and tenth lines above, we have added 6.3 to the listing of the sections noted.

Reports indicating the progress of these programs shall be submitted semi-annually to the director by the owner of the equipment causing the emission in question. If progress of the program is deemed by the director to be unsatisfactory, the director may suspend the program and issue a violation notice.

In the event the owner of the equipment causing the emission and the director cannot evolve a mutually acceptable program of improvement, the matter shall be referred to the Appeals Board for resolution and determination of an acceptable program, which shall be binding upon both the owner and the director. In making their determination, the Appeals Board shall also take into consideration the factors noted in (a) through (f) above.

Article XII Section 12.4 FAILURE TO PROVIDE INFORMATION:

**ANY PERSON WHO FAILS TO REGISTER INFORMATION AS REQUIRED BY THE
DIRECTOR SHALL BE CONSIDERED IN VIOLATION OF THIS REGULATION.**

Article XIV Section 14.1 Penalties: Any person violating any of the provisions of this regulation shall upon conviction be subject to a fine not to exceed one hundred dollars (\$100), or imprisonment in the county jail for a period not to exceed ninety days, or both such fine and imprisonment in the discretion of the court, and every day such violation continues shall be deemed a separate offense. ANY PERSON OR ANY PERSON ACTING IN BEHALF OF SAID PERSON IN AN EMPLOYEE, AGENCY, OR CONTRACTUAL RELATIONSHIP VIOLATING ANY OF THE PROVISIONS OF THIS REGULATION SHALL UPON CONVICTION BE SUBJECT TO A FINE OR IMPRISONMENT OR BOTH AS PROVIDED BY LAW.

Article XVIII Section 18.1 SAVINGS CLAUSE:

ANY PROSECUTION ARISING FROM A VIOLATION OF THE WAYNE COUNTY AIR POLLUTION CONTROL REGULATION OF 1965 AND AS AMENDED MARCH 20, 1969, WHICH PROSECUTION MAY BE PENDING AT THE TIME THIS AMENDMENT BECOMES EFFECTIVE, OR ANY PROSECUTION WHICH MAY BE STARTED WITHIN ONE (1) YEAR AFTER THE DATE OF EFFECT OF THIS AMENDMENT IN CONSEQUENCE OF ANY VIOLATION OF ANY REGULATION REPEALED OR MODIFIED HEREIN WHICH VIOLATION WAS COMMITTED PREVIOUS TO THE DATE OF EFFECT OF THIS AMENDMENT, SHALL BE TRIED AND DETERMINED EXACTLY AS IF SUCH REGULATION HAD NOT BEEN REPEALED OR MODIFIED.