

Rules in the Glenn County Air Pollution Control District SIP

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Section 1. Title. (Submitted to the EPA on 6/30/1972)

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

Section 2. Definitions. (Submitted to the EPA on 6/30/1972)

Paragraph y. Multiple-Chamber Incinerator.

Any article, machine, equipment, contrivance, structure, or part of a structure , used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

Paragraph hh. 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 materials or in the conversion of the process material into air contaminants as in the case of combustion fuel; and
- b. is not an air pollutant abatement operation.

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Section 2. DEFINITIONS. Except as otherwise specifically provided in these Regulations and except where the context otherwise indicates, words used in these Regulations are used in exactly the same sense as the same words are used in Chapter 2, Division 20, and Chapter 10, Division 26, of the Health and Safety Code of the State of California.

(a) Agricultural Burning.

1. "Agricultural Burning" means 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.

(a) "Agricultural burning" also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (1).

2. Open Burning in Agricultural Operations means:

(a) The on farm use of open fires to dispose of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls, animals, or bees for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

(b) In connection with operations qualifying under subdivision (2):

(1) The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and

(2) The burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field. Included in the definition are fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field, but such items as tires, petroleum products, and demolition debris are not included.

- 1-10-75
- (b) Agricultural Operations. The growing and harvesting of crops, including timber, or the raising of fowls, animals, fish, or bees, for the primary purpose of earning a living, and any support or processing operation that is seasonal in nature and necessary to the successful starting, growing, harvesting, and preserving of such crop.
 - (c) Air Pollution Control Officer. The Air Pollution Control Officer of the Glenn County Air Pollution Control District.
 - (d) Air Contaminant. Includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.
 - (e) Alteration. Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.

- (f) Atmosphere. The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered to be an emission into the atmosphere.
- (g) Board. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Glenn County. The County Board of Supervisors is ex officio the Air Pollution Control Board of Glenn County.

Yes and No Burn Days. A "No-Burn Day" means any day on which the California Air Resources Board or the Air Pollution Control Officer prohibits agricultural burning. "Burn Day" means any day on which the California Air Resources Board does not prohibit agricultural burning, and the responsible fire agency does not prohibit burning under Section 18 of these Regulations.

11-3-80 (i) Brush Treated. Brush Treated means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides, or is dead.

- (j) Combustible Waste. "Combustible Waste" means any solid or liquid combustible refuse material containing carbon in a free or combined state.
- (k) Combustible Waste of A Single or Two Family Dwelling. Combustible waste produced by one or two families, including such items as lawn clippings; shrub and tree trimmings from around the yard, and the normal accumulation of paper and other items from within the home, but excluding garbage, demolition debris, tires, car bodies and parts thereof, and similar material.
- (l) Combustion Contaminant. Any contaminants discharged into the atmosphere from the burning of any material.
- (m) Condensed Fumes. "Condensed Fumes" are 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.
- (n) Control Officer. "Control Officer" means that Air Pollution Control Officer of the Air Pollution Control District of Glenn County.
- (o) Day of Restricted Burning. A "Day of Restricted Burning" is a day declared by the Control Officer during which agricultural burning must be limited. Restricted burning days are declared on "Burn-Days" when it appears that, because of the volume of expected agricultural burning, smoke emissions will cause the ambient air quality standards to be exceeded.
- (p) District. "District" means the Air Pollution Control District of Glenn County.
- (q) Dust. Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.
- (r) Emission. The act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.
- (s) Emission Point. The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
- (t) Flue. "Flue" means any duct or passage for air, gases, or the like, such as a stack or chimney.
- (u) Forest Management Burning. "Forest Management Burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

11-3-80 (v) Garbage. "Garbage" means all kitchen and table refuse, and also every accumulation of matter that attends the preparation, consumption or storage of meats, fish, fowl, birds, plastic, rubber, metal, or glass.

- (w) Gasoline. "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
- (x) Hearing Board. "Hearing Board" means the Hearing Board of the Air Pollution Control District of Glenn County as appointed by the Glenn County Air Pollution Control Board.
- (y) 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.
- (z) Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

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 (za) Bulk Storage Plant. Any facility where gasoline is stored and delivery vehicles are employed to transport the product to the customer.

- (bb) Open Fires. "Open Fires" means combustion of any combustible waste or other material of any type outdoors in the open air not in any enclosure, where the products of combustion are not directed through a flue.
- (cc) Orchard or Citrus Grove Heater. "Orchard or Citrus Grove Heater" means any article, machine, equipment, bowl burner, or other contrivance, burning any type of fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage in areas not completely enclosed. The word "Orchard" includes plant nurseries.
- (dd) Owner. "Owner" includes but is not limited to any person who leases or supervises equipment, in addition to the normal meaning of ownership.
- (ee) Particulate Matter. Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (ff) Person or Persons. An individual, public or private corporation, political subdivision, agency, board, department or bureau of the State or any municipality, partnership, co-partnership, firm, association, trust, or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.
- (gg) PPM. Parts per million by volume expressed on a dry gas basis.
- (hh) Populated Area. Populated area means any part of the District which contains in excess of 500 people per square mile.
- (ii) Process Weight Per Hour. The total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- (jj) Range Improvement Burning. "Range Improvement Burning" means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- (kk) Reduction. "Reduction" means any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of any animal matter not intended for human consumption.
- (ll) Silvicultural. "Silvicultural" means the establishment, development, care and reproduction of stands of timber.
- (mm) Standard Conditions. As used in these Regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.
- (nn) 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.

- (oo) Timber Operations. "Timber Operations" means cutting or removal of timber or other forest vegetation.
- (pp) Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.
- (qq) Variance. An authorization by the Hearing Board to permit some act contrary to the requirements specified by these Regulations.

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Section 4. Validity. (Submitted to the EPA on 6/30/1972)

If any regulations, rule, subdivision sentence, clause or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Regulations and every 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.

Section 5. Effective Date. (Submitted to the EPA on 6/30/1972)

These Regulations shall take effect immediately upon adoption.

1-10-75

ARTICLE 11 AGRICULTURAL BURNING

Section 10. AGRICULTURAL BURNING PERMITS. No person knowingly shall set or permit agricultural burning unless he has a valid permit from the local agency designated in Section 21 of these Regulations, and conducts such burning under conditions set forth in such permit. An agricultural burning permit shall be valid for the calendar year for which issued, unless cancelled or an earlier date of expiration is specified on the permit.

~~Section 3. ENFORCEMENT. These Regulations shall be enforced by the Air Pollution Control Officer under the direction of the Board and under authority of the Health and Safety Code, Sections 40752, 40702, 42450, 42451, 24703, 40001, 24120, and by all officers named by the Air Pollution Control Board and empowered by Section 40120. Persons authorized to enforce these Regulations are authorized to arrest without warrant as provided in Section 836.5 of the California Penal Code.~~

~~3.1 For the purpose of enforcing or administering these Regulations, the Air Pollution Control Officer or an authorized representative of such officer, upon presentation of his credentials, or if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 15, (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, 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 in connection therewith by the Air Pollution Control District.~~

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~~5. EFFECTIVE DATE. These Regulations shall take effect immediately upon adoption.~~

ARTICLE II AGRICULTURAL BURNING

n 10. AGRICULTURAL BURNING PERMITS. No person knowingly shall set or permit agricultural burning unless he has a valid permit from the local agency designated in Section 21 of these Regulations, and conducts such burning under conditions set forth in such permit. An agricultural burning permit shall be valid for the calendar year for which issued, unless cancelled or an earlier date of expiration is specified on the permit.

Section 11. REPORTING-RECORDING. Each person who holds a valid agricultural burning permit shall record, (report), on the date the kind of waste to be burned, the acres or tons of waste to be burned, and such other information as may be required by the Control Officer prior to burning. In addition to other penalties of law, the Control Officer may order the cancellation of any agricultural burning permit if the permittee fails to report or record as required by this section. The Control Officer may limit the duration of agricultural burning permits of persons who fail to submit their reports as required. The Control Officer may also require that requests for future agricultural burning permits be denied until such time as the report required by this section are submitted. It is unlawful for anyone to submit a false report.

Section 11.1 AGRICULTURAL WASTE BURNING RESTRICTIONS.

A. All 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 extreme fire hazards are declared by a public fire protection agency to exist, or where crops are determined not to lend themselves to these techniques.

Section 11.2 Field crop acreage which was harvested prior to September 10th of any calendar year shall not be burned during the period from October 1st through November 15th (dates inclusive), unless written authority is given by the district on a form approved by the Sacramento Basinwide Control Council.

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Section 12.

HOURS OF BURNING. Permits issued for agricultural burning pursuant to Section 10 shall restrict the ignition of fires to the period(s) between 8:00 A.M. local time and 5:00 P.M. local time; except rice straw burning for which said period shall be the period between 10:00 A.M. and 5:00 P. local time. No person shall knowingly ignite, or permit to be ignited, any fire for the purpose of agricultural burning except during these hours.

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Section 13. No-Burn Days. (Submitted to the EPA on 11/3/1980)

No person shall knowingly set or permit agricultural burning on days within a period prohibited by the California Air Resources Board pursuant to Section 41855 of the Health and Safety Code, nor on "No-Burn Days" declared by the Control Officer pursuant to Section 15 of these Regulations.

Section 13.1. Restricted Burn and Quota Burn Day. (Submitted to the EPA on 11/3/1980)

Any agricultural burning permit issued pursuant to these regulations shall not be valid on any quota or restricted burn day, unless approval for the proposed burn is received by the permittee prior to burning from the Air Pollution Control Officer.

Section 14. Preparation of Material to be Burned. (Submitted to the EPA on 11/3/1980)

Materials to be disposed of by open fires in agricultural operations shall be dry enough to assure complete combustion, and shall be free from extraneous materials. The following are minimum standards for the preparation of material to be disposed of by open fires in agricultural operations.

- a. Material to be burned shall be free of extraneous materials including, but not limited to, tires, rubbish, tar paper, and construction debris.
- b. Material to be burned shall be arranged so that it will burn with a minimum of smoke; and, except for large trees and refuse from clover harvesting, only that amount that can reasonably be expected to completely burn within the following twenty-four (24) hours shall be ignited in any one day.
- c. Material to be burned shall be reasonably free of dirt, soil, and visible surface moisture.
- d. To lower the moisture content of material to be burned by open fires in agricultural operations, the elapsed time between cutting and burning shall be:
 1. A minimum of three (3) days for stubble, except rice straw (See 14.3).
 2. A minimum of thirty (30) days for trees, stumps, and large branches greater than six (6) inches in diameter, and such time necessary to assure rapid and complete combustion with a minimum of smoke.
 3. Sufficient time for other material such as orchard prunings, small branches, stubble, vegetable tops and seed screenings to assure rapid and complete combustion with a minimum of smoke.
 4. The Control Officer may by permit authorize open burning in agricultural operations in shorter times if the denial of such permit would threaten imminent and substantial economic loss.

Section 14.1. Range Improvement Burning. (Submitted to the EPA on 11/3/1980)

In addition to the general agricultural burning requirements of this Article, range improvement burning shall be performed in compliance with the following:

- a. Only approved ignition devices shall be used for the ignition of fires used in range improvement burning. The Air Pollution Control Officer shall prepare and publish a list of devices that he has approved for the purpose of igniting fires used in range improvement burning.

- b. Fires used in range improvement burning shall be ignited as rapidly as possible consistent with applicable fire control restrictions.
- c. Range improvement burning shall not be performed when the ground wind speed exceeds eight (8) miles per hour in the direction of any populated area within one mile of the burn.
- d. Brush to be disposed of during a range improvement burn shall be treated at least six months prior to the burn. The Air Pollution Control Officer may, by permit, authorize range improvement burning of brush without the required treatment if he finds that it is not economically and technically feasible.
- e. Unwanted trees over six inches in diameter shall be felled and dried for thirty (30) days prior to a range improvement burn.
- f. No range improvement burning shall be done primarily for improvement of land for wildlife and game habitat unless prior to the burn the permit applicant files with the Air Pollution Control Officer, a statement from the Department of Fish and Game certifying that the burn is desirable and proper.
- g. A total of no more than 3,000 acres may be burned per day for range improvement within the district.

Section 14.2. Forest Management Burning. (Submitted to the EPA on 11/3/1980)

In addition to the general agricultural burning requirements of this Article, forest management burning shall be performed in compliance with the following:

- a. Only approved ignition devices shall be used for the ignition of fires used in forest management burning. The Air Pollution Control Officer shall prepare and publish a list of devices that he has approved for the purpose of igniting fires used in range improvement burning.
- b. Fires used in forest management burning shall be ignited as rapidly as possible consistent with applicable fire control restrictions.
- c. Forest management burning shall not be performed when the ground wind speed exceeds eight (8) miles per hour in the direction of any populated area within one mile of the burn.
- d. Waste to be disposed of during a forest management burn shall not be burned within 30 days of cutting.
- e. Waste to be disposed of by forest management burning shall be free of tires, rubbish, tar paper and construction debris.
- f. Waste to be disposed of by forest management burning shall be windrowed or piled, unless good silvicultural practice dictates otherwise.
- g. Waste to be disposed of by forest management burning shall be reasonably free of dirt and soil, and so piled or prepared that it will burn with a minimum of smoke.
- h. A total of no more than 3,000 acres may be burned per day for forest management within the district.

Section 14.3. Rice Straw Burning. (Submitted to the EPA on 11/3/1980)

In addition to the general agricultural burning requirements of this Article, rice straw burning shall be performed in compliance with the following:

- a. All rice straw harvesters shall employ a mechanical straw spreader to insure even distribution of the straw, except that rice straw may be left in rows providing it meets drying time criteria prior to a burn as described in (c) of this Section.

- b. No spread rice straw shall be burned prior to a three (3) day drying time after harvest.
- c. No rowed rice straw shall be burned prior to a ten (10) day drying time after harvest.
- d. Rice straw rowed or spread may be burned prior to the 10 or 3 day drying period if the straw makes an audible crackle when tested just prior to burning with the testing method described in (f) below of this section.
- e. After a rain exceeding .15 inch (fifteen hundredths of an inch), rice straw shall not be burned unless the straw makes an audible crackle when tested just prior to burning with the testing method described in (f) below of this section.
- f. When testing field for moisture, the person responsible for the fire or his agent shall test a composite sample of straw from under the mat, in the center of the mat and from different areas of the field to insure a representative sample. The composite handful of straw shall be grasped in both hands and bent sharply. If the straw makes an audible crackle when bent sharply the straw has passed the test.
- g. Rice stubble is to be ignited only by stripfiring into the wind or by backfiring except where and when extreme fire hazards are declared to exist by the appropriate fire control agency.

Section 15. Acreage Limitation (Submitted to the EPA on 11/3/1980)

On any day that the Control Officer determines that the volume of expected agricultural burning is such that:

- a. The ambient air quality standards will be exceeded, or
- b. That an acreage equivalent to more than 10% of the District's largest cultivated crop will be burned, or
- c. More than the acreage allotted by the Sacramento Valley Basin-wide Control Council will be burned during the period of October 1st Through November 15 of each year, he may declare a "Day of Restricted Burning". On a day of restricted burning the Control Officer declare it to be a "No Burn Day" in a sufficient portion of the District, or require a call-in before burning takes place, to prevent (a), (b), or (c) above from occurring.

Section 16. Exceptions. (Submitted to the EPA on 11/3/1980)

The following are exempt from these Regulations:

- a. Agricultural burning above 6,000 feet mean sea level.
- b. Open burning in agricultural operations with LPG or natural gas fired burners designed and used to kill seedling grass and weeds in orchards, field crops, and ditches, when the growth is such that combustion will not continue without the burner.
- c. Open burning in agricultural operations with LPG or natural gas fired burners designed and used to kill seedling grass and weeds in orchards and field crops, and the growth is such that combustion will not continue without the burner.
- d. The open burning of pesticide and fertilizer sacks provided they fall within the definition of open burning in agricultural operations as defined in section 2 (aa) of these regulations.

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Section 17. Tires. (Submitted to the EPA on 1/10/1975)

No person shall use tires for the purpose of igniting open fires used in agricultural burning.

Section 18. Fire Prevention. (Submitted to the EPA on 6/30/1972)

Nothing in these Regulations are intended to permit open burning of agricultural waste on days when such open burning is prohibited by public fire protection agencies for purposes of fire control or prevention.

Section 19. |

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Section 19 BURNING ON NO-BURN DAYS. The Air Pollution Officer, by special permit, may authorize agricultural burning on days designated by the Board as No-Burn Days because the denial of such permit would threaten imminent and substantial economic loss. In authorizing such burning the Air Pollution Officer shall limit the amount of acreage which can be burned in any one day. Districts shall consider the impact on downwind areas and follow Basin criteria when issuing such permits.

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Section 20. ORCHARD HEATERS. The following applies to burning in orchards and citrus groves to prevent frost damage:

(a) No new orchard or citrus grove heater shall be sold for use against frost damage unless it has been approved by the California Air Resources Board.

(b) No person shall use any orchard or citrus grove heater after January 1, 1975, unless it has been approved by the California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(c) Open fires in orchards or citrus groves are prohibited except that the use of commercially prepared charcoal briquettes or similar substances designed for the purpose is permitted.

(d) The use of rubber tires or any rubber products in any combustion process in connection with any orchard or citrus grove heating is prohibited.

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Section 21 FIRE PERMIT DISTRICTS.

(a) The California State Air Resources Board is requested to designate the Glenn County Air Pollution Control District, and its certified agents as the agency to issue agricultural burn permits within the District.

Section 21.1 No person shall issue an agricultural burning permit until he has received instructions from the Glenn County Air Pollution Control District in the regulations of the District, and been certified by the Air Pollution Control District to issue such permits.

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Section 22 PERMIT FORM. Permits issued pursuant to Section 10 shall be in a form approved by the Air Pollution Control District and shall conform to the requirements of Section 41854 of the California Health and Safety Code.

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Section 23. The Air Pollution Control Officer may cancel or alter the conditions on any agricultural burning permit issued when he deems it necessary to prevent excessive air pollution within the District.

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Section 24 Notwithstanding any other provisions of this Article, no agricultural burning is permitted for the purpose of disposing of combustible waste if such waste is the by-product of any process which occurs after harvest.

6-30-72

ARTICLE III

CONSTRUCTION AUTHORIZATION AND REGISTRATION

Section 50. AUTHORIZATION TO CONSTRUCT

(a) Any person building, erecting, altering or replacing 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, shall first obtain a written "authorization to construct" for such construction from the Air Pollution Control Officer.

(b) The Air Pollution Control Officer shall not approve such construction unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the source can be expected to comply with all applicable state and district regulations.

EXHIBIT B

AMENDMENT TO SECTION 51 OF THE REGULATIONS OF THE
GLENN COUNTY AIR POLLUTION CONTROL DISTRICT

PERTAINING TO NEW SOURCE REVIEW

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7 Sec 51. NEW SOURCE REVIEW (NSR)

8 A. Purpose:

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1. The purpose of this rule is to establish pre-construction review requirements for new and modified stationary sources of air pollution for use of Best Available Control Technology (BACT), analysis of air quality impacts, and to insure that the operation of such sources does not interfere with the attainment or maintenance of ambient air quality standards.
 2. This rule shall provide for no net increase in emissions, pursuant to Section 40918 of the California Health & Safety Code, from new or modified stationary sources which emit, or have the potential to emit, 25 tons per year or more of any non-attainment pollutant or its precursors.

B. Applicability:

This rule shall apply to all new and modified stationary sources which are subject to District permit requirements and, after construction, emit or may emit any affected pollutants. This rule shall apply to any application for an Authority to Construct which is deemed complete after the effective date.

C. Effective Date:

This rule shall become effective upon the date of adoption.

D. Definitions:

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

1. Actual Emissions means the measured or estimated emissions which most accurately represent the emissions from an emissions unit.
2. Actual Emissions Reduction (AER) means a reduction in actual emissions from an emissions unit selected for emission offsets or banking. Actual emissions reductions shall be calculated pursuant to Section F. of this rule and meet the following criteria:

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- a. Actual emission reductions shall be real, enforceable, quantifiable, and permanent.
- b. Actual emission reductions shall be in excess of any emission reduction which is:
 - 1. required or encumbered by any laws, rules, regulations, or orders; or
 - 2. attributed to a control measure noticed for workshop, or proposed or contained in a State implementation plan; or
 - 3. contained as near-term measures in the adopted District Air Quality Attainment Plan for attaining annual reductions required for the California Clean Air Act (CCAA).
- c. Actual emission reductions attributed to a proposed control measure may be re-eligible as actual emission reductions in the following circumstances:
 - 1. for control measures identified in the District's Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two (2) years from the scheduled adoption date, provided, however, the Air Pollution Control Officer (APCO) has not extended the scheduled adoption date;
 - 2. for control measures not identified in the District's Air Quality Attainment Plan or State Implementation Plan, no rule has been adopted within two (2) years from the date of the latest public workshop notice.
 - 3. Affected Pollutant means an air pollutant 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), the precursors to such pollutants, and those substances regulated by the EPA or the ARB, or listed under Section E.1. of this rule.
 - 4. Ambient Air Quality Standards means that ambient air quality standards shall be interpreted to include federal and state ambient air quality standards. For purposes of applicability of this rule to the State Implementation Plan (SIP), all references to ambient air quality standards shall be interpreted as National Ambient Air Quality Standards.
 - 5. Best Available Control Technology (BACT) means for any emissions unit, the more stringent of:
 - a. the most effective emission control device, emission limit, or technique which has been required or used for the type of equipment comprising such emissions unit unless the

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applicant demonstrates to the satisfaction of the APCO that such limitations are not achievable; or

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

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

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

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

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

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

- a. contained in the latest Authority to Construct and contained in or enforceable by the latest Permit to Operate for the emissions unit; and
- b. enforceable on a daily basis; and
- c. established pursuant to permitting action occurring after March 2, 1993 and used in the calculation of the net emissions change.

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

1 pollutant directly or as fugitive emissions.

2 11. Fluorides means elemental fluorine and all fluoride compounds.

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

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

9 14. Impact Analysis means an air quality modeling analysis used to estimate the maximum ground
10 level concentration of any pollutant subject to this rule. Maximum ground level concentration
11 added to background levels shall be compared to ambient air quality standards.

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

19 a. Routine maintenance or repair.

20 b. A change in ownership.

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

25 16. Net Air Quality Benefit means a net improvement in air quality resulting from actual emissions
26 reductions impacting the same general area affected by the new or modified source.

27 17. Non-attainment Pollutant means any pollutant, as well as any precursors of such pollutant,
28 which has been designated non-attainment by the EPA in the Federal Register, or which has

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been designated non-attainment by the ARB pursuant to Section 39607 of the California Health & Safety Code.

- 18. Offset means the use of an emissions decrease to compensate for an emission increase of an affected pollutant from a new or modified source subject to the District's NSR rule.
- 19. PM-10 means particulate matter with aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method, or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).
- 20. Potential to Emit means the maximum daily capacity of an emission unit to emit a pollutant under its physical and operational design. Any physical or operational limitation on the daily capacity of the unit to emit a pollutant, including pollution control equipment and restrictions in hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on daily emissions is incorporated into the applicable permit as an enforceable permit condition.
- 21. Precursor means a directly-emitted pollutant that, when released to the atmosphere, forms, or contributes to the formation of a secondary pollutant for which an ambient air quality standard has been adopted. The following precursor relationships shall be used:

<u>PRECURSOR</u>	<u>SECONDARY AIR</u>
Reactive organic compounds	a. Photochemical oxidants (ozone) b. The organic fraction of PM-10
Nitrogen oxides	a. Nitrogen dioxide b. The nitrate fraction of PM-10 c. Photochemical oxidants (ozone)
Sulfur oxides	a. Sulfur dioxide b. Sulfates c. The sulfate fraction of PM-10

- 22. Reactive Organic Compound (ROC or ROG) means any compound containing carbon, except

1 methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates,
2 ammonium carbonates, and halogenated hydrocarbons.

3 23. Reconstructed Source means any source undergoing physical modification where the fixed capital
4 cost of the new components exceeds 50% of the fixed capital cost of a comparable entirely new
5 stationary source. Fixed capital cost means that capital needed to provide all the depreciable
6 components.

7 24. Reduced Sulfur Compounds means the sulfur compounds hydrogen sulfide, carbon disulfide, and
8 carbonyl sulfide.

9 25. Seasonal Source means any source with more than 75% of its annual emissions occurring
10 within a consecutive 120-day period.

11 26. Shutdown means either the permanent cessation of emissions from an emitting unit or the
12 surrender of that unit's operating permit. If prior to the surrender of that unit's operating permit,
13 the APCO determines that the emission unit(s) has been removed or fallen into an inoperable
14 and unmaintained condition, the APCO may notify the owner of the intent to cancel the permit.
15 If the owner cannot demonstrate to the satisfaction of the APCO, or does not respond within
16 sixty days from the notice of the District's intent to cancel the permit, that the owner intended to
17 operate again, then the APCO may cancel the permit and deem the source shutdown as of the
18 date of the last emissions.

19 27. Stationary Source (Facility) means any building, structure, or emissions unit which emits or
20 may emit any affected pollutant directly or as a fugitive emission. "Emissions unit" includes
21 any operation, article, machine, equipment or other contrivance which emits or may emit any
22 affected pollutant. "Building or structure" includes all pollutant-emitting activities including
23 emissions units which:

24 a. are located on one or more contiguous or adjacent properties, and which may be separated by
25 a public right-of-way; and

26 b. are under the same or common ownership, operation, or control, or which are owned or
27 operated by entities which are under common control and belong to the same industrial
28 grouping, either by virtue of falling within the same two-digit Standard Industrial

Classification (SIC) Code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

28. Total Reduced Sulfur Compounds means the sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide.

E. Requirements:

Any emissions unit subject to this rule shall be subject to the following requirements:

1. Best Available Control Technology (BACT). An applicant shall apply BACT to any new emissions unit or modification of an existing emissions unit which results in an emissions increase and the potential to emit for the emissions unit is equal to or exceeds the following amounts:

<u>Pollutant</u>	<u>Pounds per Day</u>
Asbestos.....	0.030
Beryllium	0.002
Carbon monoxide.....	500.000
Fluorides	15.000
Hydrogen sulfide	50.000
Lead.....	3.200
Mercury.....	0.500
Nitrogen oxides.....	25.000
Particulate matter (PM-10).....	80.000
Reactive organic compounds.....	25.000
Reduced sulfur compounds	50.000
Sulfur oxides.....	80.000
Sulfuric acid mist.....	35.000
Total reduced sulfur compounds.....	50.000
Vinyl chloride.....	5.000

2. Offset Requirements, General. Emission reductions shall be required from existing emission sources, sufficient to offset calendar quarter emission increases of non-attainment pollutants or

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their precursors associated with a new or modified stationary source and shall be determined as follows:

a. Offsets shall be required for a new stationary source with a potential to emit, calculated pursuant to Section F.5. of this rule, non-attainment pollutants or their precursors equal to or exceeding 25 tons per year.

The amount of offsets required shall be at least equal to that portion of the potential to emit which exceeds 25 tons per year.

b. Offsets shall be required for a modified stationary source under the following conditions:

1. An existing stationary source which has a potential to emit less than 25 tons per year as of March 2, 1993, of non-attainment pollutants or their precursors shall offset that portion of the stationary source's potential to emit which, after modification of the stationary source, exceeds 25 tons per year from new or modified emissions units. A stationary source's potential to emit shall be calculated pursuant to Section F.5. of this rule. After the potential to emit for a stationary source has exceeded these levels, and the applicant has provided actual emissions reductions to offset emission increases in excess of these levels, all future increases in potential to emit resulting from the permitting of new or modified emissions units shall be offset.

2. An existing stationary source which has a potential to emit, calculated pursuant to Section F.5. of this rule, non-attainment pollutants or their precursors equal to or exceeding 25 tons per year as of March 2, 1993, shall offset any increases in potential to emit resulting from the permitting of a new or modified emissions unit.

c. Offset requirements for increases in carbon monoxide:

Offsets shall not be required for increases in carbon monoxide if the applicant demonstrates to the satisfaction of the APCO, through an impact analysis, that the ambient air quality standards are not violated in the areas to be affected, and such emissions will not cause or contribute to a violation of ambient air quality standards.

3. Location of Offsets and Offset Ratios:

a. Offset ratios and the corresponding distances from the proposed stationary source shall be:

- 1 1. on-site, at a ratio of 1:1;
- 2 2. within 20 miles, at a ratio of 1.2:1;
- 3 3. from 20 miles to 50 miles, at a ratio of 1.5:1;
- 4 4. over 50 miles, at a ratio of 2:1.

5 Use of offsite offsets must result in a net air quality benefit, as determined by the APCO.

- 6 b. Offsets which are obtained from a source located in another District may be used only if the
- 7 provisions of Health & Safety Code Section 40709.6 are met and the involved Districts
- 8 enter into an agreement formalized by a memorandum of understanding.

- 9 4. Interpollutant Offsets. The APCO may approve interpollutant offsets on a case-by-case basis,
- 10 provided that the applicant demonstrates to the satisfaction of the APCO, through the use of an
- 11 impact analysis, that the emission increases from the new or modified source will result in a net
- 12 air quality benefit and will not cause or contribute to a violation of any air quality standard. In
- 13 such cases, the APCO may, based upon an air quality analysis, impose offset ratios greater than
- 14 the requirements of this rule.

- 15 a. Interpollutant trades between PM-10 and PM-10 precursors may be allowed. PM-10
- 16 emission reductions shall not be allowed to offset NOx or reactive organic compound
- 17 (ROC) emissions increases in ozone nonattainment areas.
- 18 b. The PM-10 emissions from an existing stationary source shall be recalculated from the TSP
- 19 emissions increases and decreases which have occurred since August 20, 1983 using
- 20 applicable PM-10 emission factors. When applicable PM-10 emission factors do not exist,
- 21 assume 50 percent of TSP is PM-10.
- 22 c. If the applicant has provided full offsets for TSP emissions occurring since August 20,
- 23 1983 but before March 2, 1993, those TSP emissions need not be recalculated as PM-10.
- 24 However, any subsequent emissions increase in PM-10 emissions shall be subject to the
- 25 offset requirements of the rule.

- 26 5. Ambient Air Quality Standards. In no case shall the emissions from the new or modified
- 27 stationary source cause or worsen the violation of an ambient air quality standard. An impact
- 28 analysis shall be used to estimate the effects of a new or modified source. In making this

1 determination, the APCO shall take into account the mitigation of emissions through offsets
2 obtained pursuant to this rule.

3 6. Denial, Failure to Meet Standards. The Air Pollution Control shall deny any Authority to
4 Construct or Permit to Operate if the APCO finds that the subject of the application would not
5 comply with the standards set forth in this rule.

6 7. Compliance by Other Owned, Operated, or Controlled Sources. The owner or operator of a
7 proposed new or modified source shall certify to the APCO that all sources having a potential to
8 emit in excess of 25 tons per year that are owned or operated by such person (or by an entity
9 controlling, controlled by, or under common control) in California are in compliance with all
10 applicable emission limitations and standards.

11 F. Calculations:

12 1. Purpose. The following calculations procedures shall be used to determine:

- 13 a. the emissions change for all new or modified emissions units; and
14 b. actual emissions reductions for all shutdowns and modified emissions units; and
15 c. the cumulative emissions increase from all new and modified emissions units for a
16 stationary source.

17 2. Definitions. The following terms are used in the calculations procedure and are defined as
18 follows:

- 19 a. Control Efficiency means the estimated control efficiency of the proposed air pollution
20 control technology which will be incorporated, by means of (an) enforceable permit
21 condition(s), in the Authority to Construct and Permit to Operate. Emission reductions
22 attributed to lowering throughput rates or operating hours shall not be considered in
23 determining control efficiency.
24 b. Historic Actual Emissions means actual emissions from an existing emissions unit
25 averaged over three consecutive year immediately preceding the date of application. Where
26 an emission unit has been in operation for less than three years, a shorter averaging period
27 of at least one year may be used providing it represents the full operational history of the
28 emissions unit.

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c. Historic Emissions means the potential to emit of an existing emissions unit prior to modification. For a new emissions unit, historic emissions are equal to zero.

d. Proposed Emissions means the potential to emit for a new or post-modification emissions unit.

3. Procedure. The calculation procedure shall be performed separately for each pollutant and each emissions unit. Emission increases and decreases shall be calculated separately for each calendar quarter pursuant to the following procedure:

a. Calculate the emissions change for each new or modified emissions unit and for each pollutant using Section F.4. of this rule.

b. If an increase is calculated for a pollutant, follow the procedures in Sections E.2. and E.4. of this rule to determine the amount of offsets required.

1. Section E.1. to determine if BACT is required.

2. Sections E.2. and F.5. to determine the amount of offsets required.

c. If a decrease is calculated for a pollutant, follow the procedures in Section F.4.b. of this rule to determine if emission reduction credits (ERC's) are generated.

d. If no emissions change is calculated for a pollutant, no further calculations are required.

4. Calculating Emissions Changes:

a. Emissions Increase

New or Modified Emissions Unit - The emissions change for a new or modified emissions unit shall be calculated by subtracting historic emissions from proposed emissions:

$$\text{Emissions change} = (\text{Proposed emissions}) - (\text{Historic emissions})$$

b. Actual Emissions Reductions (AER)

1. Shutdown of an Emissions Unit:

$$\text{AER} = \text{Historic actual emissions}$$

2. Modification consisting solely of application of control equipment or implementation of more efficient process:

$$\text{AER} = (\text{Historic actual emissions}) \times (\text{Control efficiency})$$

3. Other Modifications:

AER = (Historic actual emissions) - (Proposed emissions)

5. Determining Potential to Emit for a Stationary Source. The potential to emit for a stationary source shall be equal to the sum of potentials to emit for Permits to Operate (or Authority to Construct for emissions units for which a Permit to Operate has not been issued), issued prior to March 2, 1993 for each emissions unit within a stationary source.

In addition, emissions increases from new or modified emissions units occurring on or after March 2, 1993, shall be added to the sum of potentials to emit for existing emissions units. In no case shall the potential to emit for a stationary source be adjusted for actual emissions reductions which occur after March 2, 1993.

G. Air Quality Impact Analysis:

In no case shall emissions from a new or modified emissions unit cause or worsen the violation of an ambient air quality standard. The APCO may require an applicant to use an air quality model to estimate the effects of a new or modified emissions unit. For the purpose of performing an impact analysis, the following shall apply:

1. Air quality models shall be consistent with the requirements contained in the most recent edition of EPA's "Guidelines on Air Quality Models, OAQPS 1.2-080", unless the APCO finds that such model is inappropriate for use. After making such a finding, the APCO may designate an alternative model only after allowing for public comment and only with the concurrence of the ARB and the EPA. All modeling costs associated with the siting of a new or modified emissions unit shall be borne by the applicant;
2. In performing an impact analysis, if the proposed stack height is higher than is dictated by good engineering practices, the actual height used for the purposes of modeling shall be calculated in accordance with good engineering practices.

H. Administrative Requirements:

The following administrative requirements shall apply to this rule:

1. Complete Application. The APCO shall determine whether the application is complete not later than thirty (30) days after receipt of the application, or after such longer time mutually agreeable to the applicant and the APCO. If the APCO determines that the application is not complete,

1 the applicant shall be notified in writing of the decision and of the required additional
2 information.

3 Upon receipt of any re-submittal of the application, a new thirty (30)-day period to determine the
4 completeness shall begin. Completeness or re-submittal of an application shall be evaluated on
5 the basis of the information requirements set forth in District regulations (adopted pursuant to
6 Article 3, Section 65940 through 65944 of Chapter 4.5, Division 1, Title 7 of the Government
7 Code) as they exist on the date on which the application or re-submitted application was
8 received.

9 Upon determination that the application is complete, the APCO may, during the processing of
10 the application, request an applicant to clarify, amplify, correct, or otherwise supplement the
11 information submitted in the application.

- 12 2. Air Quality Models. Only those models approved by the APCO may be used in the impact
13 analysis.
- 14 3. Preliminary Decision. Following acceptance of an application as complete, the APCO shall
15 perform the evaluations required to determine the compliance with this rule and make a
16 preliminary written decision as to whether an Authority to Construct should be approved,
17 conditionally approved, or disapproved. The decision shall be supported by a written analysis.
- 18 4. Publication and Public Comment. This section shall only apply to an emissions unit subject to
19 the requirements of Section E.2. of this rule. Within ten (10) calendar days following a
20 preliminary decision on the Authority to Construct, the APCO shall publish in at least one (1)
21 newspaper of general circulation in the District, a notice stating the preliminary decision of the
22 APCO noting how pertinent information can be obtained, and inviting written public comment
23 for a thirty (30)-day period following the date of publication. Copies of such notice shall be
24 sent to the ARB and EPA.
- 25 5. Public Inspections. The APCO shall make available at the District's office the information
26 submitted by the applicant and the APCO's analysis no later than the time that the notice of
27 preliminary decision is published. All such information shall also be transmitted, no later than
28 the date of publication, to the ARB and EPA regional office. Information submitted which

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contains trade secrets shall be handled in accordance with Section 6254.7 of the Government Code and relevant sections of the Administrative Code of the State of California. Further, all such information shall be transmitted no later than the date of publication to the ARB and EPA regional office.

6. Authority to Construct, Final Action. Within 180 days after acceptance of an application as complete, the APCO shall take final action on the application after considering all written comments. The APCO shall provide written notification of the final action to the applicant, ARB, and EPA, and shall make the notification and all supporting documents available for public inspection at the District's office for all Authorities to Construct issued for emissions units subject to the requirements of Section E.2. of this rule.

7. Requirements, Permit to Operate. As a condition for the issuance of a Permit to Operate, the APCO shall require that the new source or modification, and any sources which provide offsets will be operated in the manner assumed in making the analysis to determine compliance with this rule.

The Permit to Operate shall include daily emissions limitations, including BACT. As a condition for the issuance of a Permit to Operate, any stationary source which provides emission offsets shall be subject to enforceable permit conditions, containing specific emissions limitations, and/or operational limitations which ensure that the emission reductions will be provided in accordance with the provisions of this rule and shall continue for the reasonably expected life of the proposed source.

Where the source of offsets is a non-permitted source, the District shall require the non-permitted source to obtain an enforceable permit, complete with operational and emission limitations. If the source of offsets is a permit-exempt piece of equipment, that particular source must relinquish its exempt status.

If the District, pursuant to state laws or District regulations, cannot permit the source of offsets, the source creating the offsets shall execute a legally binding contract between the applicant and the owner or operator of such offset source, which contract, by its terms, shall be enforceable by the APCO. A violation of the emission limitation provisions of any such contract shall be

1 chargeable to the applicant.

2 8. Issuance, Permit to Operate. The APCO shall issue a Permit to Operate for any stationary
3 source which meets the requirements of this rule.

4 Any offsets required as a condition of an Authority to Construct or amendment to a Permit to
5 Operate shall commence not later than the initial operation of the new or modified source, and
6 the offsets shall be maintained throughout the operation of the new or modified source which is
7 the beneficiary of the offsets. Further, the APCO shall determine that all conditions specified in
8 the Authority to Construct have been or will be complied with by any dates specified. Where a
9 new or modified stationary source is, in whole or part, a replacement for an existing stationary
10 source on the same property, the APCO may allow a maximum of ninety (90) days as a start-up
11 period for simultaneous operations of the existing stationary source and the new source or
12 replacement.

13 9. Regulations in Force Govern. The granting or denial of an Authority to Construct shall be
14 governed by the requirements of this rule in force on the date the application is deemed complete.
15 In addition, the APCO shall deny an Authority to Construct for any new stationary source or
16 modification, or any portion thereof, unless the new source or modification, or applicable
17 portion thereof, complies with the provisions of this rule and all other applicable District rules
18 and regulations.

19 10. Permit Conditions. The APCO shall have the authority to place conditions on the Authority to
20 Construct and/or Permit to Operate which will ensure that the construction, modification, or
21 operation of such source will comply with all applicable rules and regulations. Such conditions
22 may include, but not be limited to: hours of operation; processing parameters; periods of use;
23 and emission limitations on an hourly, daily, or yearly basis.

24 I. Power Plants:

25 This section shall apply to all power plants proposed to be constructed in the District and for which a
26 Notice of Intention (NOI) or Application for Certification has been accepted by the California Energy
27 Commission (CEC). The APCO may apply for reimbursement of all costs incurred, including lost
28 fees, in order to comply with the provisions of this section.

1 1. Intent to Participate and Preliminary Report. Within fourteen (14) days of receipt of an NOI, the
2 APCO shall notify the ARB and the CEC of the District's intent to participate in the NOI
3 proceeding. If the District chooses to participate in the NOI proceeding, the APCO shall prepare
4 and submit a report to the ARB and the CEC prior to the conclusion of the non-adjudicatory
5 hearing specified in Section 25509.5 of the Public Resources Code. That report shall include, at
6 a minimum:

- 7 a. A preliminary specific definition of BACT for the proposed facility; and
8 b. A preliminary discussion of whether there is a substantial likelihood that the requirements
9 of this rule and all other District regulations can be satisfied by the proposed facility; and
10 c. A preliminary list of conditions which the proposed facility must meet in order to comply
11 with this rule or any other applicable District regulation.

12 The preliminary determinations contained in the report shall be as specific as possible within the
13 constraints of the information contained in the NOI.

14 2. Determination of Compliance Review. Upon receipt of an Application for Certification (AFC)
15 for a power plant, the APCO shall conduct a Determination of Compliance review. This
16 determination shall consist of a review identical to that which would be performed if an
17 application for an Authority to Construct had been received for the power plant. If the
18 information contained in the AFC does not meet the requirements of this rule, the APCO shall,
19 within twenty (20) calendar days of receipt of the AFC, so inform the Commission, and the
20 AFC shall be considered incomplete and returned to the applicant for re-submittal.

21 3. Equivalency of Application. The APCO shall consider the AFC to be equivalent to an
22 application for an Authority to Construct during the Determination of Compliance review, and
23 shall apply all provisions of this rule which apply to an application for an Authority to
24 Construct.

25 4. Need for Additional Information. The APCO may request from the applicant any information
26 necessary for the completion of the Determination of Compliance review. If the APCO is
27 unable to obtain the information, the APCO may petition the presiding Commissioner for an
28 order directing the applicant to supply such information.

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5. Preliminary Determination. Within 180 days of accepting an AFC as complete, the APCO 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 BACT requirements and a description of required mitigation measures. The preliminary written decision under Section H.5. of this rule shall be treated as a preliminary decision under Section H.3. of this rule, and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Sections H.4 through H.6. of this rule. The APCO shall not issue a Determination of Compliance unless all requirements of this rule are met.
6. Determination of Compliance. Within 240 days of the filing date, the APCO shall issue and submit to the Commission a Determination of Compliance or, if such a determination cannot be issued, shall inform the CEC. A Determination of Compliance shall confer the same rights and privileges as an Authority to Construct only when and if the Commission approves the AFC, and the Commission certificate includes all conditions of the Determination of Compliance.
7. Permit to Operate. Any applicant receiving a certificate from the CEC pursuant to this section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the APCO.

Adopt Section 51.1, Standards for Granting Applications, for the Glenn County APCD as follows:

Section 51.1 Standards for Granting Applications

- a. Before an Authorization to Construct or Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide such facilities as 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 described in the Authorization to Construct or Permit to Operate. In the event of such a requirement, the Air Pollution Control Officer is required to notify the applicant in writing of the required size, number, and location of sampling holes; the size and location of the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industry Safety Orders of the State of California.

- b. The fact that an Authorization to Construct or Permit to Operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance nor shall it be deemed or construed to be a warranty,

guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm, or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment, or other contrivance described in the authorization or permit, and the fact of issuance of authorization or permit shall not be defense to or mitigation of any charge of violation.

- c. In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the authorization to construct, he shall deny the permit. The Air Pollution Control Officer shall not accept any further application for permit to operate any article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.

Adopt Section 51.2, Conditional Approval, for the Glenn County APCD as follows:

Section 51.2 Conditional Approval

The Air Pollution Control Officer may issue an authorization to construct or a permit to operate, subject to conditions which will ensure the compliance of the operation of any article, machine, equipment, or other contrivance with the standards of these Regulations, in which case the conditions shall be specified in writing. Commencing work under such an authorization 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 authorization to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the permit standards under the revised conditions.

Section 56. OPERATION

6.30.72

No person shall operate any article, machine, equipment or other contrivance for which an Authorization To Construct is required by Section 50 if such article, machine, equipment or other contrivance is not in fact constructed in accordance with the Construction Authorization.

Glenn 1/10/75

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~~Section 51 (Cont'd) STANDARDS FOR GRANTING AUTHORITY TO CONSTRUCT OR PERMIT TO OPERATE~~

~~(c) The fact that an Authorization To Construct or Permit To Operate an article, machine, equipment or other contrivance described therein shall have been issued by the Air Pollution Control Officer shall not be an endorsement of such article, machine, or other contrivance nor shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards may not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm, or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment, or other contrivance described in the authorization or permit, and the fact of issuance of authorization or permit shall not be a defense to or mitigation of any charge of violation.~~

~~(d) In acting upon a permit to operate where no permit to operate is in force, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has been constructed not in accordance with the authorization to construct, he shall deny the permit. The Air Pollution Control Officer shall not accept any further application for permit to operate any article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the Authorization to Construct.~~

~~Section 52 CONDITIONAL APPROVAL. The Air Pollution Control Officer may issue an authorization to construct or a permit to operate, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Section 51 of these Regulations, in which case the conditions shall be specified in writing. Commencing work under such an authorization 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 Authorization To Construct or a Permit To Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Section 51 of these Regulations under the revised conditions.~~

~~Section 53 DENIAL OF APPLICATIONS. In the event of denial of Authorization 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 acknowledgement of the persons served. The Air Pollution Control Officer shall not accept further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Authorization To Construct or Permit To Operate.~~

~~Section 54 ACTION ON APPLICATIONS. The applicant may deem the Authority To Construct or Permit To Operate approved if the Air Pollution Control Officer fails to act on the application within thirty (30) days after filing.~~

~~Section 55 APPEALS. Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authorization To Construct or Permit To Operate the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) 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.~~

~~Section 56 OPERATION. If the Air Pollution Control Officer finds that any article, machine, equipment or other contrivance is emitting emissions in excess of the standards established by these Regulations, he may petition the Hearing Board for a revocation of the operating permit. The Hearing Board, after notice and a public hearing held within thirty days (30) after filing of the petition, may issue an order revoking the operating permit, or the Hearing Board may require such article, machine, equipment or other contrivance to be modified or operated in such a manner that the emission standards will not be exceeded.~~

~~Section 57 PUBLIC INFORMATION. The Air Pollution Control Officer shall, when requested, make available to the public for examination all information and data compiled by or submitted to him in the performance of his duties except data deemed to be "trade secrets" by application of Section 6254.7 (d) of the Government Code.~~

~~Section 58 EXEMPTIONS.
An Authorization To Construct or a Permit To Operate shall not be required for:
(a) Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require an Authorization To Construct under the provisions of these Regulations.
(b) Vehicles used to transport passengers or freight.
(c) Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two (2) families.~~

- (d) The following equipment:
 - (1) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
 - (2) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
 - (3) Piston-type internal combustion engines.
 - (4) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
 - (5) Equipment used exclusively for steam cleaning.
 - (6) Presses used exclusively for extruding metals, minerals, plastics or wood.
 - (7) Incinerators when used for burning of combustible waste of a single or two family dwelling.
 - (8) Brazing, soldering, or welding equipment.
- (e) Space Heaters.
- (f) Equipment used in eating establishments for the purpose of preparing food for human consumption.
- (g) Steam heated by natural gas or LPG, or both.
- (h) Self-propelled mobile construction equipment other than pavement burners.
- (i) The on farm use of implements of husbandry.
- (j) Containers, reservoirs, or tanks used exclusively for:
 - (1) Storage of liquefied gases.
 - (2) The storage of fuel oils with a gravity of 40° API or lower.
 - (3) The storage of lubricating oils.
 - (4) The storage of gasoline having a capacity of less than 250 gallons.
- (k) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.
- (l) Identical replacements in whole or in part of any article, machine, equipment or other contrivance.
- (m) Repairs or maintenance not involving structural changes to any article, machine, equipment or other contrivance.
- (n) Other sources of minor significance specified by the Air Pollution Control Officer.

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ARTICLE IV PROHIBITIONS

Section 75 PROHIBITIONS UNDER STATE LAW. The provisions of Division 26, Part 4, Chapter 3, of the State of California Health and Safety Code, entitled "Emission Limitations", are applicable within the boundaries of the Glenn County Air Pollution Control District.

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Section 76. Visible Emissions. (Submitted to the EPA on 6/30/1972)

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

- a. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, 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.

Section 77. Exceptions. (Submitted to the EPA on 6/30/1972)

The provisions of Section 76 do not apply:

- a. Smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 1. For the purposes of the prevention of a fire hazard which cannot be abated by any other means, or
 2. For the instruction of public employees in the methods of fighting fires.
- b. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.
- c. Agricultural operations.
- d. Orchard or citrus grove heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.
- e. **REDACTED.**
- f. Smoke from fires set for the disposal of solid waste at dump sites operating under permit from the Air Resources Board pursuant to Section 39297.4 of the Health & Safety Code.

Section 80. Open Fires. (Submitted to the EPA on 6/30/1972)

No person shall, after December 31, 1971, use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile bodies.

Section 81. Exceptions. (Submitted to the EPA on 6/30/1972)

The provisions of Section 80 do not apply to:

- a. Fires set or permitted by any public officer when such fire is, in his opinion, necessary for any of the following purposes:
 1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
 2. the instruction of public employees in the methods of fighting fire,
 3. set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.

- b. The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- c. Abatement of fires pursuant to Chapter 2, (commencing with Section 41704), of Part 1 of Division 12 of the California Health and Safety Code.
- d. The burning for disposal of combustible waste, except garbage, of a single or two family dwelling on the premises of the dwelling.
- e. Burning for right-of-way clearing by a public entity or utility or for levee, reservoir and ditch maintenance, except that a permit must be obtained and all the requirements for Agricultural Burning in Article II, must be followed just as if the burning was open burning in agricultural operations.
- f. Agricultural burning for which a permit has been issued pursuant to Section 10 of these Regulations.
- g. Fires used to dispose of unusable wood waste from trees, vines, or shrubs only upon the property where grown may be authorized by the Air Pollution Control Officer under the following minimum conditions, and under any more stringent conditions which he may specify to maintain the ambient air quality in the district:
 - 1. There has been a general finding by the Glenn County Health Officer that it is more beneficial, in terms of the general public health, to burn such waste on location, than to dispose of it by other means.
 - 2. A permit for such burning shall be issued by the Air Pollution Control Officer prior to time of ignition. No such permit shall be issued unless satisfactory evidence has been submitted by the applicant to prove the following:
 - a. That the proposed burn shall not create a nuisance.
 - b. That the proposed burn is approved by the Fire Protection Agency having jurisdiction.
 - c. That the moisture content of the wood waste is low enough to insure a clean burn.
 - 3. The wood waste shall be prepared and burned so as to minimize emissions to the atmosphere. This shall include but not necessarily be limited to the following:
 - a. The wood waste shall be reasonably free of dirt, mud and soil.
 - b. The wood waste shall be free of extraneous materials including, but not limited to tires, tar paper, plastics, and demolition debris.
 - c. The wood waste shall be stacked or piled so as to insure quick ignition and clean, efficient burning.
 - d. Only approved ignition devices, as published by the Air Pollution Control Officer, shall be used for ignition of fires.
 - e. If economically and technically feasible, brush shall be treated at least six months prior to burning.
 - f. Unwanted trees over six (6) inches in diameter at the base shall be felled and dried for thirty (30) days prior to burning.
 - 4. The burning shall be done only on permissive burn days as declared by the State Air Resources Board.

5. If either condition (a) or (b) of Section 15 of these Regulations is expected, to occur, the Air Pollution Control Officer may declare a "No Burn Day" under the provisions of Section 15.
 6. It is unlawful to dispose of food waste by open burning on a "No Burn Day" as declared by either the Air Resources Board or the Control Officer.
- h. Fires used only for the cooking of food for human consumption or set and used wholly for recreational purposes.
 - i. Fires set for the disposal of solid waste at dump sites operating under permit from the Air Resources Board pursuant to Section 41808 of the Health and Safety Code.

Section 82.

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BURNING OF GARBAGE. Notwithstanding any other provisions of these Regulations, the open burning of garbage is prohibited within the boundaries of the District at any time

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~~n 81. (Cont'd) EXCEPTIONS.~~

~~(h) Fires used only for the cooking of food for human consumption or set and used wholly for recreational purposes.~~

~~(i) Fires set for the disposal of solid waste at dump sites operating under permit from the Air Resources Board pursuant to Section 41808 of the Health and Safety Code.~~

~~REPEAL OF ARTICLE. Notwithstanding any other provisions of these Regulations, the open burning of garbage is prohibited within the boundaries of the District at any time.~~

Section 83 PETROLEUM STORAGE AND DISPENSING. No new gasoline storage tank with a capacity of 250 gallons or more shall be installed unless it is equipped with a permanent submerged fill pipe as described in Section 41950, Health and Safety Code or unless such tank is a pressure tank as described in Section 42400, Health and Safety Code, or is equipped with a vapor recovery system as described in Section 41952, Health and Safety Code, or with a floating roof as described in Section 41953, Health and Safety Code.

Section 83.1 SERVICE STATIONS AND BULK STORAGE PLANTS. When filling bulk storage tanks at service stations and bulk plant facilities, a 90% (or greater) vapor balance system shall be utilized during filling. Service stations with through-puts of less than 300,000 gallons per year are ~~except~~ when receiving shipments from local distributors with facilities not equipped to handle returning vapors. (Listing of efficiencies for vapor recovery units may be obtained through the California Air Resources Board. (Full compliance to be completed by November 1, 1980.)

Section 83.2 PETROLEUM SOLVENTS. When it is determined by emission inventory that petroleum solvent degreasing operations amounts to 1 ton per day, the District shall notify in writing, each distributor in the county that the following statement is required on all such solvent containers holding 49 gallons or more. "Keep contents in a closed container".

~~EXCEPTION. Section 83 shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 of the Vehicle Code.~~

~~PARTICULATE MATTER CONCENTRATION. Except for emissions from agricultural operations constructed prior to the enactment of these Regulations, no person shall discharge into the atmosphere from any source particulate matter in excess of 0.5 grains per cubic foot of gas at standard conditions. When the source involves a combustion process, the concentration must be calculated to 12 per cent carbon dioxide (CO₂). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO₂).~~

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Section 84. EXCEPTION. Section 83 shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 of the Vehicle Code.

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~~on 81. (Cont'd) EXCEPTIONS.~~

- ~~(h) Fires used only for the cooking of food for human consumption or set and used wholly for recreational purposes.~~
- ~~(i) Fires set for the disposal of solid waste at dump sites operating under permit from the Air Resources Board pursuant to Section 39297.4 of the Health and Safety Code.~~

~~on 82. BURNING OF GARBAGE. Notwithstanding any other provisions of these Regulations, the open burning of garbage is prohibited within the boundaries of the District at any time unless such burning is authorized by the Glenn County Health Officer for public health protection, or is done at a dump site operating under permit from the Air Resources Board pursuant to Section 39297.4 of the Health and Safety Code.~~

~~on 83. GASOLINE STORAGE TANKS. No new gasoline storage tank with a capacity of 250 gallons or more shall be installed unless it is equipped with a permanent submerged fill pipe as described in Section 39068.2, Health and Safety Code, or unless such tank is a pressure tank as described in Section 39068.3, Health & Safety Code, or is equipped with a vapor recovery system as described in Section 39068.4, Health & Safety Code, or with a floating roof as described in Section 39068.5, Health & Safety Code.~~

~~on 84. EXCEPTION. Section 83 shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 of the Vehicle Code.~~

on 85. PARTICULATE MATTER CONCENTRATION. Except for emissions from agricultural operations constructed prior to the enactment of these Regulations, no person shall discharge into the atmosphere from any source particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions. When the source involves a combustion process, the concentration must be calculated to 12 per cent carbon dioxide (CO₂). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO₂).

on 86. DUST AND FUMES TOTAL EMISSIONS. Except for emissions from agricultural operations constructed prior to the enactment of these Regulations, no person shall discharge in any one hour from any source dust or fumes in total quantities in excess of the amounts shown in the following table:

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

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	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.90
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	5.96	100,000	50.	44.60
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	8.560	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	1,000.0	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

To use the table, take the process weight per hour as such is defined in Section 2 of these Regulations. Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere

Section 86. (Cont'd) DUST AND FUMES TOTAL EMISSIONS

and which process takes 4 hours to complete, he will divide the weight of all materials in the specific process, in this example, 2,400 lbs. by 4 giving a process weight per hour of 600 lbs. The table shows that A may not discharge more than 1.83 lbs. in any one hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds/hour 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 pounds/hour shall be accomplished by use of the equation:

$$E = 55.0 P^{0.11} - 40$$

E = Rate of emission in pounds/hour

P = Process weight rate in tons/hour.

~~Section 87. REDUCTION OF ANIMAL MATTER.~~

~~(a) No person shall operate or use any article, machine, equipment, or other contrivance for the reduction of animal matter unless all gases, vapor and gas-entrained effluents from such an article, machine, equipment, or other contrivance are:~~

- ~~1. incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second; or~~
- ~~2. processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.~~

~~(b) A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Regulation shall provide, properly install and maintain in calibration, in good working order and in operation devices for indicating temperature, pressure or other operating conditions.~~

~~Section 88. EXCEPTIONS. The provisions of Section 87 shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption. Dead animals on farm are considered agricultural waste.~~

~~Section 89. SULFUR OXIDES. No person shall discharge into the atmosphere from any single source of emission whatsoever, any sulfur oxides in excess of 0.2 percent by volume (2000 ppm) collectively calculated as sulfur dioxide (SO₂).~~

~~Section 90. REDUCED SULFUR EMISSION STANDARDS. No person shall cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a period of 60 minutes.~~

~~Section 91. INCINERATOR BURNING. Except as otherwise provided by Sections 80 and 81 of these Regulations, no person shall burn any combustible waste within the boundaries of the Glenn County Air Pollution Control District unless the burning is performed in an incinerator from which the combustion products pass through a flue or chimney. The smoke or other emissions from such incinerator burning must meet the visible emissions requirements as provided in Section 76 of these Regulations.~~

~~Section 92. LEAD. (Standards for lead emissions will be adopted at a later date.)~~

~~Section 93. CIRCUMVENTION.~~

~~(a) No person shall build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Regulations. This Regulation shall not apply to cases in which the only violation involved is of Section 78 of these Regulations.~~

~~(b) When the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Section 76, that Regulation shall not apply. The burden of proof which establishes the application of the Regulation, shall be upon the person seeking to come within its provisions.~~

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Section 87. REDUCTION OF ANIMAL MATTER.

(a) No person shall operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapor and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

1. incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second; or
2. processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

(b) A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this Regulation shall provide, properly install and maintain in calibration, in good working order and in operation devices for indicating temperature, pressure or other operating conditions.

Section 88. EXCEPTIONS. The provisions of Section 87 shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption. Dead animals on farm are considered agricultural waste.

Section 89. SULFUR OXIDES. No person shall discharge into the atmosphere from any single source of emission whatsoever, any sulfur oxides in excess of 0.2 percent by volume (2000 ppm) collectively calculated as sulfur dioxide (SO₂).

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- Section 90. REDUCED SULFUR EMISSION STANDARDS. No person shall cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a period of 60 minutes.
- Section 91. INCINERATOR BURNING. Except as otherwise provided by Sections 80 and 81 of these Regulations, no person shall burn any combustible waste within the boundaries of the Glenn County Air Pollution Control District unless the burning is performed in an incinerator from which the combustion products pass through a flue or chimney. The smoke or other emissions from such incinerator burning must meet the visible emissions requirements as provided in Section 76 of these Regulations.
- Section 92. CIRCUMVENTION.
- (a) No person shall build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Regulations. This Regulation shall not apply to cases in which the only violation involved is of Section 78 of these Regulations.
- (b) When the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Section 76, that Regulation shall not apply. The burden of proof which establishes the application of the Regulation, shall be upon the person seeking to come within its provisions.
- Section 94. SEPARATION OF EMISSIONS. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant limited in this Regulation cannot exceed the quantity which would be the allowable emission through a single emission point, the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

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Section 94.1 COMBINATION OF EMISSIONS

- (a) If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Official for establishing a separation of the components of the combined emissions to indicate the nature, extent, quantity and degree of emission arising from each such source operation, then all of the applicable prohibitions 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 Part A of the prohibition, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined.

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Section 95. ANALYSIS REQUIRED. The Board at any time may require from any person such information or analysis as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and may require that such disclosures be certified by

a professional engineer registered in the State. In the event the findings show that no excess contaminants are in fact being discharged, then the Air Pollution Control District shall be responsible for the entire cost of the investigation.

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Section 95.1

(A) Except for agricultural operations constructed prior to the enactment of these Regulations, the owner or operator of any stationary source causing emissions in excess of 100 tons per year of any pollutant for which there is a national air quality standard, or which causes emissions in any amount from those sources listed in Appendix C of 40 Code of Federal Regulations, Part 51, shall maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether such source is in compliance with these Regulations.

(B) The information recorded shall be summarized and reported to the Air Pollution Control Officer on forms furnished by the District, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 through June 30, and July 1 through December 31.

(C) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Air Pollution Control Officer shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.