

REGULATION VII

2/21/72

ENFORCEMENT

RULE 7.1 Whenever the Hearing Board finds that any person is in violation of any order, rule or regulation of the Board, and that no variance is justified, and that a reasonable time has been allowed for compliance, the Hearing Board shall make a decision setting forth findings of fact and such conclusions of law as are required in view of the issues submitted. The decision shall contain an order for abatement. The order for abatement shall be framed in the manner of a writ of injunction requiring the respondent to refrain from a particular act. The order may be conditional and require a respondent to refrain from a particular act unless certain conditions are met. The order shall not have the effect of permitting a variance unless all the conditions for a variance, including limitation of time, are met.

RULE 7.2 The Hearing Board shall announce its decision in the form of a draft before filing. Copies of the draft shall be mailed to the parties or their attorneys. The hearing Board may direct the prevailing party to prepare a form of decision. Any party may file objections to the draft with the Hearing Board within 10 days after mailing.

RULE 7.3 After objections, if any, have been considered by the Hearing Board, or a hearing has been held thereon, if the Hearing Board finds it necessary, the Hearing Board shall file its decision with its clerk, who shall give notice of such filing to the parties or their attorneys.

RULE 7.4 The decision shall become effective 30 days after it is filed, unless:

- a. A rehearing is granted by the Hearing Board;
- b. The Hearing Board orders that it be made effective sooner.

RULE 7.5 Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of Code of Civil Procedure. Except as otherwise provided in this section, any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the Hearing Board. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the Hearing Board and shall be delivered to the petitioner within 30 days after a request therefor by him, upon payment of the fee specified in Section 69950 of the Government Code, as now or hereinafter amended, for the transcript, the cost of preparation of other portions of the record, and for certification thereof. The complete record includes the pleadings, all notices and orders issued by the Hearing Board, any proposed decision by the Hearing Board, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the Hearing Board to prepare all or any part of the record, the time within which a petition may be filed shall be extended until five days after its delivery to him. The Hearing Board may file with the court the original of any document in the record in lieu of a copy thereof.

RULE 7.6 In any proceeding pursuant to Rule 7.5, the court shall receive in evidence any order, rule or regulation of the Board, any transcript of the

proceedings before the Hearing Board, and such further evidence as the court in its discretion deems proper.

RULE 7.7. A proceeding for mandatory or prohibitory injunction shall be brought by the district in the name of the People of the State of California in the superior court of the county in which the violation occurs to enjoin any person to whom an order for abatement pursuant to Rule 7.1 had directed and who violates such order.

RULE 7.8. Proceedings under Rule 7.7 shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that it shall not be necessary to show each of adequate remedy at law or to show irreparable damage or loss. In any such proceedings, if it shall be shown that an order for abatement has been made, that it has become final, and that its operation has not been stayed, it shall be sufficient proof to warrant the granting of a preliminary injunction. If, in addition, it shall be shown that the respondent continues or threatens to continue to violate such order for abatement, it shall be shown that the respondent continues or threatens to continue to violate such order for abatement, it shall be sufficient proof to warrant the immediate granting of a temporary restraining order.

6/30/72
R6.1, 6.3, 6.4,
7

6. No person shall discharge into the atmosphere from any single source or emission whatsoever any one or more of the contaminants in any state, or combination thereof, exceeding in concentration at the point of discharge.

6.1 Combustion gases which contain more than 200 p.p.m. oxides of nitrogen, including, but not restricted to, nitric oxide, and nitrogen dioxide.

~~6.2 Sulfur Compounds A person shall not discharge into the atmosphere sulfur compounds, which would exist as a liquid or gas at standard conditions, exceeding in concentration at the point of discharge: 0.2 per cent by volume calculated as sulfur dioxide (SO₂).~~

6.3 Fuel Burning Equipment - Combustion Contaminants A person shall not discharge into the atmosphere combustion contaminants exceeding in concentration at the point of discharge, 0.1 grain per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO₂) at standard conditions.

6.4 Fuel Burning Equipment A person shall not build, erect, install, or expand any nonmobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

- a. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO₂);
- b. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);
- c. 10 pounds per hour of combustion contaminants as defined in Rule 2 (e) and derived from the fuel.

For the purpose of this Rule, "Fuel Burning Equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this Rule.

Nothing in this Rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

7. Organic Solvent Rule

No person shall use any photochemical solvents for commercial

purposes without first complying with Regulation 12, below.

~~8. Storage of Petroleum Products~~

~~No person shall place, store, or hold in any tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or other petroleum distillate.~~

~~8.1 The following provisions of the State of California Health and Safety Code and any future amendments thereto, are made a part of these Rules and Regulations by reference: Sec. 39068.2 Et Seg.~~

~~9. Reduction of Animal Matter~~

~~No person shall operate or use any article, equipment, machine, or other contrivance for the reduction of animal matter.~~

~~10. Orchard or Citrus Grove Heaters~~

~~No orchard or citrus grove heater shall be used in the County unless it has first been approved by the California State Air Resources Board.~~

~~11. General Nuisance~~

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

~~11.1 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.~~

~~a. Any violation of the provisions of this article is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500.00), or both and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.~~

~~b. Any violation of any provision of this chapter or of any order, rule, or regulation of the board may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.~~

~~11.2 Exceptions~~

~~Nothing in this chapter shall be construed as limiting the~~

~~authority granted under other provisions of law.~~

a. To any public officer to set or permit a fire 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 fire.

b. To set of cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

c. To abate fires pursuant to Chapter 2 (commencing with Section 13025) of Part 1 of Division 12.

d. Nothing in this chapter shall be construed as prohibiting agricultural burning authorized pursuant to article 4, the California Health Safety Code.

e. Nothing in this chapter shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single or two-family dwelling on its premises.

f. Nothing in this chapter shall be construed to prohibit burning for right-of-way clearing by a public entity or utility or for levee and ditch maintenance.

g. When permitted by the Board, a City, City and County, or County may use open outdoor fires in its operation of a solid waste dump, pursuant to Section 39297.4.

h. Fires used for cooking of food or warming of human beings.

11.3 Multi-Chamber Incinerator A person shall not burn in any incinerator within the County Air Pollution Control District except in a multiple chamber incinerator as described in Rule 2-o, or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. This section shall not apply to single or two family dwellings.

12. Permits Required

No person shall build, alter, or replace any equipment, the use of which may cause the issuance of air contaminants, without first having been issued a special use permit by the Mariposa County Planning-

Commission. The Planning Commission shall not approve an application for a special use permit until it has been proven, by the applicant, that the Air Quality Standards set forth by the California Air Resources Board, or the U.S. Air Quality Board (whichever is more strict) and the Mariposa County Air Pollution Control Board, can, and will be complied with at all times while the equipment is in operation. Whenever specialized testing equipment, laboratory services, recording equipment, or other equipment, services, or devices are required, or deemed to be beneficial to the county, such equipment, services or devices shall be provided, or financed, by the person applying for and receiving the special use permit.

~~13. Appeals~~

~~In the event a special use permit application is denied by the Planning Commission, the applicant may, within ten days apply in writing for an appeal hearing by the Air Pollution Control Hearing Board of the Mariposa Air Pollution Control District.~~

14. Posting of Permit

Every person issued a special use permit under these Rules and Regulations shall post said special use permit in a conspicuous place and manner on the premises on which the equipment, for which the permit was secured, is operating.

15. Altering of Permit

No person shall wilfully deface, alter, or change any permit issued under these Rules and Regulations.

~~16. Revocation of Permit~~

~~Failure to comply with the Air Quality Standards, as set forth in Rule 12 or the conditions defined on the Special Use Permit, will result in the immediate revocation of said permit by the enforcement officer. A person whose permit has been so revoked may appeal for a hearing by the Air Pollution Control Board at its next regularly scheduled meeting. If the revocation is upheld by the Board, the person requesting a permit must re-apply to the Planning Commission as set forth in Rule 12.~~

17. Penalty Every person who violates any provision of these Rules is guilty of a misdemeanor and is subject to a fine not to exceed \$500.00 or imprisonment in the County Jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

JAN 10 1975

REGULATION I

DEFINITIONS

R101,
102

REGULATION I

RULE 101 Title: These rules and regulations shall be known as the Rules and Regulations of the Mariposa County Air Pollution Control District.

RULE 102 Definitions: Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health & Safety Code of the State of California.

A. Air Pollution Control Officer. The Air Pollution Control Officer of the Air Pollution Control District of Mariposa County.

~~B. Agricultural Burning. Any open outdoor fire used in agricultural operations in the growing of crops or raising of fowls or animals, or in forest management or range-improvement; or used in the improvement of land for wildlife and game habitat.~~

C. Agricultural Operation. The growing and harvesting of crops, or raising of fowls or animals for the primary purpose of making a profit; or providing a livelihood, or the conduction of agricultural research or instruction by an educational institution.

D. Agricultural Wastes. Are (a), unwanted or unsealable materials produced wholly from agricultural operations and, (b) materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.

~~E. Air Contaminant or Pollutant. Includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.~~

F. 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.

G. Approved Ignition Devices. Means those instruments or materials that will ignite open fires without the production of black smoke by the ignition device. This would include such items as liquid petroleum (L.P.G.), butane, propane, or diesel oil burners; or flares; or other similar material as approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil, and other similar materials.

H. A.R.B. The State Air Resources Board, or any person authorized to act on it's behalf.

JAN 10 1975

I. 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 emissions into the building shall be an emission into the atmosphere.

J. Board. The Mariposa County Air Pollution Control Board.

K. Brush Treated. The material has been felled, crushed or up-rooted with mechanical equipment, or has been desiccated with herbicides.

L. Combustible or Flammable Waste. Means any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcass of a dead animal, petroleum product waste or any other combustible or flammable refuse material.

M. Combustion Contaminant. Any particulate matter discharged into the atmosphere from the burning of any material which contains carbon in either the free or the combined state.

N. Condensed Fumes. Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, or generated by sublimation, distillation, calcination or chemical reaction; when these processes create airborne particles.

O. Designated Agency. Any agency designated by the ARB and Mariposa County Air Pollution Control District as having authority to issue Agricultural Burn Permits.

P. District. Is the Air Pollution Control District of Mariposa 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, or other similar processes.

R. Emission. The act of releasing or discharging air contaminants into the ambient air from any source.

~~S. Emission Data. Are measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Data used to calculate emission data are not emission data.~~

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

U. Flue. Any duct or passage for air, gases or the like, such as a stack or chimney.

V. 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.

W. Fossil Fuel-fired Steam Generator. Means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

X. Hearing Board. The appellate review board of any county or regional air pollution control district as provided for in the Health and Safety Code of the State of California.

- 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. Incinerator. Means any furnace or other closed fire chamber used to dispose of combustible waste by burning and from which the products of combustion are directed through a flue or chimney.
- AA. Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.
- BB. Institutional Facility. Means any hospital, boarding home, school or like facility.
- CC. 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 employing adequate design parameters necessary for maximum combustion of the material to be burned.
- DD. No-Burn Day. Means any day on which agricultural burning is prohibited by the A.R.B.
- EE. Open Out-Door Fire. As used in this regulation means: Combustion of any combustible material of any type, outdoors in the open air, where the product of combustion is not directed through a flue.
- FF. Operation. Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical properties of a material.
- GG. Orchard or Citrus Heaters. Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.
- HH. Owner or Operator. Means any person who-owns, leases, operates, controls or supervises an affected facility, or a stationary source of which an affected facility is a part.
- ~~II. Particulate Matter. Is any material except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.~~
- JJ. Permissive Burn Day. Means any day on which agricultural burning is not prohibited by the A.R.B.
- KK. Person. Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.
- LL. PPm. Parts per million by Volume expressed on a dried gas basis.
- MM. 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.)
- NN. Public Record. Means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in RULE 409 c, Regulation IV.
- OO. Range Improvement Burning. Means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- PP. Record. Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, drums, and other documents.
- QQ. Residential Rubbish. Rubbish originating from a single or two family dwelling on it's premises, limited to the following material: Wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.
- RR. Source Operation. The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (b) is not an air pollution abatement operation.
- ~~SS. Section. Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.~~
- TT. Silvicultural Practices. Means the establishment, development, care and reproduction of stands of timber.
- UU. Solid Waste Dump. Means any accumulation for the purpose of disposal of any solid waste.
- VV. Standard Conditions. As used in these regulations, "Standard Condition" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.
- WW. 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.
- XX. Tahoe Basin. Means that area within the State of California, as defined by the California Nevada Interstate Compact, Article 11, Paragraph C, as contained in Section 5976 of the State Water Code.
- YY. Timber Operations. Means cutting or removal of timber or other forest vegetation.
- ZZ. Total Reduced Sulfur (TRS). Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimehtyl 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.

REGULATION

1

DEFINITIONS

~~RULE 101 Title. These rules and regulations shall be known as the Rules and Regulations of the Mariposa County Air Pollution Control District.~~

RULE 102 Definitions. Except as otherwise specifically provided in these Rules, and except where the context otherwise indicates, words used in these Rules are used in exactly the same sense as the same words are used in the Health and Safety Code of the State of California.

~~A. Air Pollution Control Officer. The Air Pollution Control Officer of the Air Pollution Control District of Mariposa County.~~

B. Agricultural Burning. (a) Any open outdoor fire used in agricultural operations necessary for the growing of crops or raising of fowl or animals, or in forest management or range improvement; or used in the improvement of land for wildlife and game habitat, or disease or pest prevention. (b) Any open outdoor fire used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision (a) of this definition. Rule 302 D shall not apply to such burning.

~~C. Agricultural Operation. The growing and harvesting of crops, or raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduction of agricultural research or instruction by an educational institution.~~

~~D. Agricultural Wastes. Are (a) unwanted or unsellable materials produced wholly from agricultural operations and (b) materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field. This does not include, however, such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.~~

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

~~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, or other similar processes.~~

~~R. Emission. The act of releasing or discharging air contaminants into the ambient air from any source.~~

S. Emission Data. Are measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Production data used to calculate emission data are not emission data.

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

~~U. Flue. Any duct or passage for air, gases or the like, such as a stack or chimney.~~

~~V. 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.~~

~~W. Fossil Fuel-fired Steam Generator. Means a furnace or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer. "Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.~~

~~X. Hearing Board. The appellate review board of any county or regional air pollution control district as provided for in the Health and Safety Code of the State of California.~~

~~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. Incinerator. Means any furnace or other closed fire chamber used to dispose of combustible waste by burning and from which the products of combustion are directed through a flue or chimney.~~

~~AA. Installation. The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, including all preparatory work at such premises.~~

~~BB. Institutional Facility. Means any hospital, boarding home, school or like facility.~~

~~CC. 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, inter-connected by gas passage ports or ducts employing adequate design parameters necessary for maximum combustion of the material to be burned.~~

DD. No-Burn Day. Means any day on which agricultural burning is prohibited by the A.R.B.

EE. Open Out-Door Fire. As used in this regulation means: Combustion of any combustible material of any type, out-doors in the open air, where the product of combustion is not directed through a flue.

FF. Operation. Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical properties of a material.

GG. Orchard or Citrus Heaters. Any article, machine, equipment, or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

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

II. Particulate Matter. Is any material except uncombined water, which can exist in a finely divided form as a liquid or solid at standard conditions.

~~JJ. Permissive Burn Day. Means any day on which agricultural burning is not prohibited by the A.R.B.~~

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

LL. ppm. Parts per million by volume expressed on a dried gas basis.

MM. 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.)

~~NN. Public Record. Means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used or retained by the District, except "trade secrets" as defined in RULE 409 C, Regulation IV.~~

~~OO. Range Improvement Burning. Means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.~~

~~PP. Record. Means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, drums, and other documents.~~

~~QQ. Residential Rubbish. Rubbish originating from a single or two family dwelling on its premises, limited to the following material: wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.~~

~~RR. Source Operation. The last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminants from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel, and (b) is not an air pollution abatement operation.~~

SS. Section. As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the Health and Safety Code as such code reads on January 1, 1976.

~~TT. Silvicultural Practices. Means the establishment, development, care and reproduction of stands of timber.~~

~~UU. Solid Waste Dump. Means any accumulation for the purpose of disposal of any solid waste.~~

~~VV. Standard Conditions. As used in these regulations, "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.~~

~~WW. 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.~~

JAN 10 1975

REGULATION II

PROHIBITIONS

RULE 201 District-Wide Coverage. Prohibitions, as set forth in this Regulation, shall apply in all portions of the Mariposa County Air Pollution Control District unless otherwise stated.

RULE 202 Visible Emissions.

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

- (1) as dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- (2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (1) of this section.

RULE 203 Exceptions. The provision of RULE 202 do not apply to:

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

 - (1) for the purpose of the prevention of a fire or health hazard as determined by the Health Officer, which cannot be abated by any other means; or
 - (2) the instruction of public employees and/or volunteer firemen 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) Open outdoor fires used for recreational purposes or for cooking of food for human consumption.~~
- ~~d) The use of an experimental device, system or method to study or research open burning authorized by Chapter 10 of Division 26 of the California Health & Safety Code and these Rules & Regulations.~~
- ~~e) Agricultural Operations. In the growing of crops or raising of fowl or animals.~~
- ~~f) Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.~~
- ~~g) The use of other equipment in agriculture operation in the growing of crops, or the raising of fowl or animals.~~
- ~~h) Orchard or Citrus Grove Heaters that are on the approved list published by the State Air Resources Board (Section 39298.7)~~
- ~~i) The governing board of the district may by rule provide for the issuance by the Air Pollution Control Officer of permits for open burning. The provisions of RULE 202 do not apply to smoke from fires set pursuant to such permit. (Health and Safety Code Section 24245.1).~~
- ~~j) Emissions which results from equipment breakdown. The person responsible for such emissions shall, with all practicable speed, initiate and complete appropriate action to~~

6/6/77
R203

REGULATION

II

PROHIBITIONS

~~RULE 201 District-Wide Coverage. Prohibitions, as set forth in this Regulation, shall apply in all portions of the Mariposa County Air Pollution Control District unless otherwise stated.~~

RULE 202 Visible Emissions.

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

- A. as dark or darker in shade as that designated as No. 1. on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- B. of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this section.

RULE 203 Exceptions. The provisions of RULE 202 do not apply to:

- A. Smoke from fires set or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 - 1. for the purpose of the prevention of a fire hazard, (or health hazard as determined by the Health Officer), which cannot be abated by any other means, or
 - 2. the instruction of public employees and/or volunteer firemen 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. Open outdoor fires used for recreational purposes or for cooking of food for human consumption.
- ~~D. The use of an experimental device, system, or method to study or research open burning authorized by Section 41707 and 41805 (b) of the Health and Safety Code and these Rules and Regulations.~~

- E. Agricultural operations necessary for the growing of crops, or raising of fowl or animals.
- F. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.
- ~~G. The use of other equipment in agricultural operations necessary for the growing of crops, or the raising of fowl or animals.~~
- H. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board.
- I. The governing board of the district may by rule provide for the issuance by the Air Pollution Control Officer of permits for open burning. The provisions of RULE 202 do not apply to smoke from fires set pursuant to such permit.

~~RULE 204 Wet Plumes. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of RULE 202 that rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.~~

~~RULE 205 Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause to have a natural tendency to cause injury or damage to business or property.~~

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

- ~~RULE 206~~
- ~~A. Incinerator Burning. Except for the burning of residential rubbish, as defined in RULE 102 QQ, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Mariposa County Air Pollution Control District except in a multiple-chamber incinerator as defined in RULE 102 CC or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.~~
 - ~~B. Pathological Incineration. A person shall not burn any pathological waste in any incinerator within the boundaries of the Mariposa County Air Pollution Control District unless all gases, vapors and gas-entrained effluents from such an incinerator are:
 - ~~1. Incinerated at temperatures of not less than 1,500 degrees Fahrenheit for a period of not less than 0.5 seconds in an incinerator distributing direct flame to pathological waste on a solid grate, or~~~~

JAN 10 1975

R204,
206

~~correct the condition causing such emissions and reduce the frequency of occurrence of such condition causing such emissions. He shall report such breakdown to the Control Officer within 24 hours of such occurrence.~~

~~k) Smoke or fumes which result from acts of God.~~

RULE 204 Wet Plumes. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of RULE 202 that Rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.

~~RULE 205 Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause to have a natural tendency to cause injury or damage to business or property.~~

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

RULE 206 Incinerator Burning. Except for the burning of Residential Rubbish, as defined in Rule 102QQ a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Mariposa County Air Pollution Control District except in a multiple-chamber incinerator as defined in Rule 102CC or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

~~RULE 207 Particulate Matter. A person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, fumes, or particulate matter emissions in excess of 0.1 grains per cubic foot of gas at standard conditions, except for incinerators and Wood Fired Boilers which shall meet 0.2 grains per cubic foot of gas at standard conditions. Combustion contaminants shall be calculated at 12 percent of carbon dioxide (CO₂) at standard conditions.~~

RULE 208 Orchard or Citrus Heaters.

a) The following Section of the State of California Health Safety Code, and any future amendments thereto, are part of these Rules & Regulations by reference: Section 39298.7 et. seq., Article 4, Chapter 10, Part 1, Division 26.

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

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

RULE 209 Fossil Fuel-Steam Generator Facility. A person shall not build, erect, install or expand any fossil fuel fired steam generating facility unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

6/6/77
(R 206(B),
207,
208

- ~~E. Agricultural operations necessary for the growing of crops, or raising of fowl or animals.~~
- ~~F. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.~~
- ~~G. The use of other equipment in agricultural operations necessary for the growing of crops, or the raising of fowl or animals.~~
- ~~H. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board.~~
- ~~I. The governing board of the district may by rule provide for the issuance by the Air Pollution Control Officer of permits for open burning. The provisions of RULE 202 do not apply to smoke from fires set pursuant to such permit.~~

RULE 204 Wet Plumes. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of RULE 202 that rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.

RULE 205 Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause to have a natural tendency to cause injury or damage to business or property.

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

~~RULE 206 A. Incinerator Burning. Except for the burning of residential rubbish, as defined in RULE 102 QQ, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Mariposa County Air Pollution Control District except in a multiple-chamber incinerator as defined in RULE 102 CC or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.~~

B. Pathological Incineration. A person shall not burn any pathological waste in any incinerator within the boundaries of the Mariposa County Air Pollution Control District unless all gases, vapors and gas-entrained effluents from such an incinerator are:

- 1. Incinerated at temperatures of not less than 1,500 degrees Fahrenheit for a period of not less than 0.5 seconds in an incinerator distributing direct flame to pathological waste on a solid grate, 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 (1) above.

For the purpose of this Rule, "Pathological Waste" is defined as including but not limited to human or animal tissue, or natural constituents thereof, being combusted for reasons of waste reduction, disease control or burial preparation.

RULE 207 Particulate Matter. A person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, dust, condensed fumes, or particulate matter emissions in excess of 0.1 grains per cubic foot of gas at standard conditions, except for incinerators and Wood Fired Boilers which shall meet 0.2 grains per cubic foot of gas at standard conditions. Combustion contaminants shall be calculated at 12 percent of carbon dioxide (CO₂) at standard conditions. "Wood Fired Boiler" is defined as any boiler used for steam generation from which the products of combustion are directed through a flue or chimney and which derives at least 80 percent of its fuel input heat content from wood, or wood associated waste.

RULE 208 Orchard or Citrus Heaters.

- A. No person shall use any orchard or citrus heater unless it has been approved by the A.R.B. or does not produce more than 1 gram per minute of unconsumed solid carbonaceous material.
- B. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.
- C. It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires, or other substance containing rubber, or to burn oil or other combustible substances in drums, pails or other containers except orchard heaters.

~~RULE 209 Fossil Fuel Steam Generator Facility. A person shall not build, erect, install or expand any fossil fuel fired steam generating facility unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:~~

- ~~A. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO₂),~~
- ~~B. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂),~~
- ~~C. 10 pounds per hour of combustion contaminants as defined in RULE 102 (M) and derived from the fuel.~~

- ~~a) 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO₂);~~
- ~~b) 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);~~
- ~~c) 10 pounds per hour of combustion contaminants as defined in RULE 102 (a) and derived from the fuel.~~

RULE 210 Sulfur Emissions. A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any sulfur combination thereof, exceeding in concentration at the point of discharge:

- a) Sulfur compounds calculated as sulfur dioxide (SO₂) 0.2 percent, by volume.
- b) Total reduced sulfur: Pending further investigation into a rule which will be applicable to the Mountain Counties Air Basin.

RULE 211 Process Weight Per Hour. A person shall not discharge into the atmosphere from any source operation particulate matter in excess of that allowed on the table in RULE 212.

RULE 212 Process Weight Table.

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate Lbs/Hr.	Emission Rate Lbs/Hr.
50	.4
100	.6
500	1.5
1,000	2.3
5,000	6.3
10,000	9.7
20,000	15.0
60,000	29.6
80,000	31.2
120,000	33.3
160,000	34.9
200,000	36.2
400,000	40.4
1,000,000	46.8

Interpolation of the data for the process weight rates up to 60,000 lbs/hr. shall be accomplished by the use of equation:

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

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

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

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

RULE 213 Storage of Petroleum Products.

a) The following section of the State of California Health and Safety code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 39068.2 et seq., Article 2,

Chapter 3, Part 1, Division 26.

b) A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity, any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with equipment described in Section 39068.4 or Section 39068.5 or other equipment of equal efficiency, provided such equipment is approved by the Air Pollution Control Officer.

RULE 214

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

- a) Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 seconds, or
- b) Processed in 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.

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

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

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

RULE 215

Enforcement. The following section of the State of California Health and Safety Code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 24246, Article 3, Chapter 2, Division 20.

RULE 216

~~Existing Sources. In any case where this Regulation II imposes standards different than the standards applicable to an existing source of emissions on September 15, 1974, and the source of emissions was in compliance, under variance, or permit to construct, with the less restrictive standards applicable on such date, then the source shall remain in compliance with such rule, until modified as described below or until July 1, 1984, whichever is less. In no event shall any modifications cause an increase in emissions over those being emitted prior to such modification.~~

~~"Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a rule applies) emitted by such facility or which results in the emission of any air pollutant (to which a rule applies) not previously emitted, except that:~~

- ~~1. Routine maintenance, repair, and replacement shall not be considered physical changes, and~~
- ~~2. The following shall not be considered a change in the method of~~

MARIPOSA COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 215 Abrasive Blasting. By reference Title 17, Subchapter 6, of the California Administrative Code shall apply.

b) A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity, any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with equipment described in Section 39068.4 or Section 39068.5 or other equipment of equal efficiency, provided such equipment is approved by the Air Pollution Control Officer.

RULE 214

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

- a) Incinerated at temperatures of not less than 1,200 degrees Fahrenheit for a period of not less than 0.3 seconds, or
- b) Processed in 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.

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

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

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

RULE 215

Enforcement. The following section of the State of California Health and Safety Code, and any future amendments thereto, are part of these Rules and Regulations by reference: Section 24246, Article 3, Chapter 2, Division 20.

RULE 216

Existing Sources. In any case where this Regulation II imposes standards different than the standards applicable to an existing source of emissions on September 15, 1974, and the source of emissions was in compliance, under variance, or permit to construct, with the less restrictive standards applicable on such date, then the source shall remain in compliance with such rule, until modified as described below or until July 1, 1984, whichever is less. In no event shall any modifications cause an increase in emissions over those being emitted prior to such modification.

"Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a rule applies) emitted by such facility or which results in the emission of any air pollutant (to which a rule applies) not previously emitted, except that:

- 1. Routine maintenance, repair, and replacement shall not be considered physical changes, and
- 2. The following shall not be considered a change in the method of

JAN 10 1975

operation:

- a) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;
- b) An increase in hours of operation.

REGULATION III

OPEN BURNING

PROHIBITIONS AND EXCEPTIONS

RULE 301 Open Outdoor Fires. No person shall 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.

RULE 302 Exceptions to Rule 301.

A. Except as otherwise provided in Rule 321, nothing in these Rules and Regulations shall be construed as limiting the authority granted under other provisions of law:

1. To any public fire officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

(a) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or:

(b) The instruction of public employees and/or volunteer firemen, in the methods of fighting fire;

(c) Set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fires.

2. To set or cause to be set backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.

B. Except as otherwise provided in Rules 316, 317 and 318, nothing in these Rules and Regulations shall be construed as limiting the use of open fires for agricultural burning, as defined in Rule 102B.

C. Open fires for the disposal of unsellable wood waste from property being developed for commercial or residential purposes. (See Rule 319).

D. Open fires for right-of-way clearing by a public entity or utility or for levee, ditch and reservoir maintenance. (See Rule 320).

E. Open fires for the burning of Residential Rubbish as defined in Rule 102QQ.

F. Open fires for recreational purposes, such as the cooking of food for human consumption.

G. Open fires as authorized by A.R.B. for the operation of a solid waste dump under an extension. (See Section 39297.4).

*approval
should be
1050-10000*

REGULATION
III
OPEN BURNING

[All references in this rule are to Health and Safety Code Sections 39000 thru 41864 and/or Sections 80100 thru 80310 of Title 17, Subchapter 2, Agricultural Burning Guidelines, California Code of Regulations (CCR). (Prior to January 1, 1988, the CCR was known as the California Administrative Code.)]

2-7-89

RULE 300 - General Definitions

- A. Agricultural Operation. The growing and harvesting of crops, or the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation (CCR, Title 17, Sec. 80100 (F) (2) (A), or the raising of fowl or animals for the primary purpose of making a profit, or providing a livelihood, or the conduct of agricultural research or instruction by an educational institution. Agricultural operations do not include forest management, range improvement, improvement of land for wildlife and game habitat, or disease or pest prevention or wildland vegetation management.
- B. Agricultural Waste
1. Unwanted or unsellable material produced wholly from agricultural operations.
 2. Materials not produced wholly from agricultural operations, but which are intimately related to the growing or harvesting of crops and which are used in the fields, such as fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the fields, except as prohibited in this Regulation. This does not include such items as shop wastes, demolition materials, garbage, oil filters, tires, pallets, and the like.
- C. APCD. The Air Pollution Control District of Mariposa County.
- D. APCO. The Air Pollution Control Officer of the Air Pollution Control District of Mariposa County, or designated representative.

- E. Approved Ignition Devices. Those instruments or materials that will ignite open fires without the production of black smoke, including such items as liquid petroleum gas (L.P.G.), butane, propane, or diesel oil burners, flares, or other similar material as approved by the APCO. Tires, tar, tar paper, oil and other similar materials are not approved.
- F. ARB. The California State Air Resources Board, or any person authorized to act on its behalf.
- G. Designated Agency. Any agency designated by the ARB as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Department of Forestry are so designated within their respective areas of jurisdiction.
- H. Forest Management Burning. The use of open fires to remove forest debris or for practices which include timber operations, silvicultural practices, or forest protection practices.
- I. Person. Any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, operator, user or owner, any government agency or public district or any officer or employee thereof.
- J. Range Improvement Burning. The use of open fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- K. Residential Rubbish. Rubbish originating from a single or two family dwelling on its premises, limited to the following material: wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings and dry plants.
- L. Section. As used in these Rules and Regulations, unless some other code is specifically mentioned, all section references are to the California Health and Safety Code.
- M. Silvicultural Practices. Means the establishment, development, care, and reproduction of stands of timber.
- N. Timber Operations. The cutting or removal of timber or other forest vegetation.

RULE 301 - Compliance

- A. Enforcement. These Rules and Regulations shall be enforced by the APCO under authority of Sections 40001, 40702, 40752, and all officers empowered by Section 40120.
- B. Penalty. A violation of the provisions of this Regulation, or of Section 41852 or 41800 is a misdemeanor punishable by imprisonment in the County Jail not exceeding nine (9) months or by fine not exceeding ten thousand dollars (\$10,000.00) or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense. (Section 42400, 42400.1, and 42400.5)

RULE 302 - Burning Permit

302.1 Requirements

- A. No person shall knowingly set or permit open outdoor fires unless that person has been issued a valid permit by the APCO or a designated agency. (Section 41852)
- B. A permit shall not be issued unless information is provided as required by the APCO or a designated agency, including:
1. Name and address of the applicant.
 2. Location of proposed burn.
 3. Acreage or estimated tonnage, and type of material to be burned.
 4. Any other information the APCO or the designated agency may deem pertinent.
- C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT IS VALID ONLY ON THOSE DAYS DURING WHICH AGRICULTURAL BURNING IS NOT PROHIBITED BY THE STATE AIR RESOURCES BOARD OR THE AIR POLLUTION CONTROL DISTRICT PURSUANT TO SECTION 41855 OF THE HEALTH AND SAFETY CODE." (Section 41854).
- D. A permit shall not be valid unless information is provided as required by the designated fire protection agency for fire protection purposes.

- E. The designated agency shall forward the permit information received from applicants to the APCO upon request.

302.2 Exception The APCO may exempt Residential and Recreational Activities as defined.

RULE 303 - No-Burn Day

303.1 Prohibition No Person shall knowingly permit open outdoor fires on days when such burning is prohibited by ARB, the APCO, or the fire agency with appropriate jurisdiction.

303.2 Exception The APCO may issue a permit to authorize the use of open outdoor fires on No-Burn Days, when denial of such a permit would threaten imminent and substantial economic loss.

RULE 304 - Burning Management

304.1 Requirements

- A. Material to be burned shall be arranged so that it will burn with a minimum of smoke.
- B. Except for large trees (diameter of six or more inches), only the amount that can reasonably be expected to completely burn within the following twenty-four hours shall be ignited in any one day.
- C. All outdoor fires shall be ignited only with approved ignition devices.
- D. Material to be burned shall be ignited as rapidly as practicable within applicable fire control restrictions.
- E. Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance.
- F. No material shall be burned unless it is free of tires, rubbish, tar paper, and construction debris; is reasonably free of dirt, soil, and moisture; and is loosely stacked in such a manner to promote drying and insure combustion with a minimum of smoke.

RULE 305 - Minimum Drying Times:

305.1 Requirements To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

- A. A minimum of three days for green straw and stubble.
- B. Sufficient time for agricultural waste such as orchard prunings, small branches, vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.
- C. A minimum of six weeks for trees, stumps, and large branches greater than six inches in diameter.
- D. Under Forest Management Burning the drying time shall be specified by the designated agency.
- E. Under Range Improvement Burning the brush shall be felled, crushed or uprooted with mechanical equipment, or desiccated with herbicides, or dead at least six months prior to the burn if economically and technically feasible.

305.2 Exception The APCO may, by permit, authorize shorter drying times if the denial of such a permit would threaten imminent and substantial economic loss.

~~RULE 306 - Agricultural Burning~~

- ~~A. Agricultural Burning is defined in this rule as any open outdoor fire used in agricultural operations necessary for the growing of crops or raising of fowl or animals, or in Forest Management Burning, Range Improvement Burning, Wildland Vegetation Management Burning, or the improvement of land for wildlife and game habitat, or disease or pest prevention. (Section 39011)~~
- ~~B. Agricultural Burning is also defined in this rule as any open outdoor fire used in the operation or maintenance of a system for the delivery of water for purposes specified in Subdivision A of this rule.~~

JAN 10 1975

R305

RULE 303 Burning Permits

- A. No person shall knowingly set or permit open outdoor fires for:
1. Agricultural burning or hazard reduction burning unless that person has been issued a valid permit from a designated agency.
 2. Levee, ditch, right-of-way or reservoir maintenance burning or the burning of wood waste on property where grown unless the person has been issued a valid permit from the Air Pollution Control Officer..
- B. A permit shall not be issued to an applicant unless information is provided as required by the Mariposa Air Pollution Control District, such as;
1. Name and address of the permittee.
 2. Location of the proposed burn.
 3. Acreage or estimated tonnage of material to be burned.
 4. The type of material to be burned..
 5. Under what category burning will take place, i.e., agricultural, forest management, range improvement, wood waste on property where grown, or hazard reduction.
 6. Distance to nearest residential area (in miles).
 7. Reason for burning.
 8. The permittee shall read the permit and sign same.
- C. Each permit issued shall bear a statement of warning containing the following words or words of like or similar import: "THIS PERMIT IS VALID ONLY FOR THOSE DAYS ON WHICH THE STATE AIR RESOURCES BOARD DOES NOT PROHIBIT AGRICULTURAL BURNING PURSUANT TO SECTION 39298 OF THE HEALTH AND SAFETY CODE"
- D. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.

RULE 304 Exceptions to Rule 303.

- A. Open burning of agricultural waste in the growing of crops or raising of fowls or animals at altitudes above 3,000 feet mean sea level (msl) may be exempted.
- B. Agricultural burning in areas above 6,000 feet (msl) may be exempted.

RULE 305 Permit Validity. No permit shall be construed to authorize open outdoor fires for any day during which:

- A. Agricultural burning is prohibited by the A.R.B.
- B. Open burning is prohibited by public fire control agencies for fire control or prevention.

RULE 306 No Burn Days

~~No person shall knowingly permit agricultural burning, or burning of wood waste on property where grown or hazard reduction burning, or~~

2/7/89

R306,
§07,
308

~~RULE 305 - Minimum Drying Times:~~

~~305.1 Requirements To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:~~

- ~~A. A minimum of three days for green straw and stubble.~~
- ~~B. Sufficient time for agricultural waste such as orchard prunings, small branches, vegetable tops, and seed screenings to assure rapid and complete combustion with a minimum of smoke.~~
- ~~C. A minimum of six weeks for trees, stumps, and large branches greater than six inches in diameter.~~
- ~~D. Under Forest Management Burning the drying time shall be specified by the designated agency.~~
- ~~E. Under Range Improvement Burning the brush shall be felled, crushed or uprooted with mechanical equipment, or desiccated with herbicides, or dead at least six months prior to the burn if economically and technically feasible.~~

~~305.2 Exception The APCO may, by permit, authorize shorter drying times if the denial of such a permit would threaten imminent and substantial economic loss.~~

RULE 306 - Agricultural Burning

- A. Agricultural Burning is defined in this rule as any open outdoor fire used in agricultural operations necessary for the growing of crops or raising of fowl or animals, or in Forest Management Burning, Range Improvement Burning, Wildland Vegetation Management Burning, or the improvement of land for wildlife and game habitat, or disease or pest prevention. (Section 39011)
- B. Agricultural Burning is also defined in this rule as any open outdoor fire used in the operation or maintenance of a system for the delivery of water for purposes specified in Subdivision A of this rule.

C. Permissive-Burn or No Burn Days.

(1) A notice as to whether the following day is a permissive-burn day, or no-burn day, or whether the decision will be announced the following day, shall be provided by the ARB Board by 3:00 p.m. daily for each of the air basins. If the decision is made the following day it shall be announced by 7:45 a.m. Such notices shall be based on the Meteorological Criteria for Regulating Agricultural Burning, Article 3, Section 80290 of the Agricultural Burning Guidelines.

(2) Agricultural burning is prohibited on no-burn days, except as specified in Section 80102, Section 80120, subdivisions (d) and (e), and as may be permitted by a provision in an implementation plan adopted pursuant to Section 89150 (c) (5).

(3) Upon request from a permittee through a designated agency, seven days in advance of a specific range improvement burn, forest management burn, or wildland vegetation management burn, at any elevation below 6,000 ft. (msl), a permissive-burn or no-burn notice will be issued by the State Board up to 48 hours prior to the date scheduled for the burn. Without further request, a daily notice will continue to be issued until a permissive-burn notice is issued.

(4) Notwithstanding subdivision (c) of Section 80110, the ARB may cancel permissive-burn notices that have been issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality.

(5) A permissive-burn or no-burn advisory outlook will be available up to 72 hours in advance of burns specified in Subdivision (c) of Section 80110.

306.1 Agricultural Burning Requirement

A. Agricultural burning is allowed by complying with the following Rules:

1. 302 Burning Permit Requirement
2. 303 Burn Days
3. 304 Burning Management
4. 305 Minimum Drying Time

- B. Burning conducted by a Public Agency or through a cooperative agreement or contract involving a Public Agency, shall comply with Rule 307, instead of this Rule.
- C. No burning shall be conducted for the improvement of land for wildlife or game wildlife or game habitat until the person who desires to conduct the burning files with the APCO a written statement from the Department of Fish and Game that certifies that the burning is desirable and proper. If the Department of Fish and Game wishes to conduct the burn itself, it shall, on its own behalf, issue and file the statement. (Section 41861).
- D. Agricultural waste material shall be windrowed or piled where possible, unless good silviculture practice dictates otherwise.

306.2 Exemptions

- A. The burning of empty sacks or containers which contain pesticides or other toxic substances is exempt from 306.1, provided that the sacks or containers are within the definition of Agricultural Waste - Rule 300 (B).
- B. Open burning of agricultural waste above 3,000 feet and agricultural burning above 6,000 feet shall be exempt from Sections A through C of this Rule.

RULE 307 - Wildland Vegetation Management Burning

- A. Wildland Vegetation Management Burning
Wildland Vegetation Management Burning is defined in this rule as the use of prescribed burning conducted by a public agency or through a cooperative agreement or contract involving a public agency to burn land predominately covered with chaparral (as defined in the California Administrative Code, Title 14, Section 1561.1), trees, grass or standing brush.

B. Prescribed Burning

Prescribed Burning is defined in this rule as the planned application of fire to vegetation on land selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Section 39011.

307.1 Wildland Vegetation Management Burning Requirements

- A. This rule applies to all burning which meets the definition as stated in Rule 307, regardless of whether such burning also meets another definition within this regulation.
- B. All open outdoor fires shall be ignited only with approved ignition devices as defined in Rule 300.E.
- C. The APCO shall regulate total acreage or tonnage that may be burned each day within the district.
- D. The APCO will regulate burning or require mitigation when the meteorological conditions could otherwise cause smoke to create or contribute to an exceedance of a State or Federal ambient air quality standard or cause a public nuisance.
- E. Vegetation burned under this rule shall be free of tires, rubbish, tar paper or construction debris, and reasonably free of dirt and soil.
- F. Vegetation will be in a condition to facilitate combustion and minimize the amount of smoke emitted during combustion.

307.2 Burn Plan

The following information will be provided to the APCO for review and approval at least 10 days in advance of the proposed burn:

- A. Location and specific objectives of the proposed burn.

- B. Acreage or tonnage, type, and arrangement of vegetation to be burned.
- C. Directions and distance to nearby sensitive receptor areas.
- D. Fuel condition, combustion, and meteorological prescription elements, developed for the project.
- E. Projected schedule and duration of project ignition, combustion and burn down.
- F. Specifications for monitoring and verifying critical project parameters.
- G. Specification for disseminating project information.

307.3 Exemptions

- A. The APCO may exempt project burns smaller in area or tonnage than threshold levels established by the District.
- B. The APCO may exempt projects located in zones as established by the District.
- C. To receive a permissive-burn or no-burn notice, a permittee must submit a request for notice to the ARB at least seven days before the date of the burn. Such a notice will be issued up to 48 hours before the scheduled commencement of the burn project; however, the ARB may cancel permissive-burn notices that have been issued more than 24 hours before project commencement if such cancellation is necessary to maintain suitable air quality.

RULE 308 - Nonagricultural Burning

308.1 Prohibition

Except as otherwise provided in this Regulation, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, tar, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies. (Section 41800)

308.2 Exemptions

A. Land Development Clearing

The APCD finds it more economically desirable to dispose of wood waste from trees, vines, and bushes on property being developed for commercial or residential purposes by burning instead of burying at a sanitary landfill. This material shall be allowed for disposal by burning in compliance with the following Rules:

1. Rule 302 Burning Permit Requirements
2. Rule 303 Burn Days
3. Rule 304 Burning Management
4. Rule 305 Minimum Drying Time

B. Ditch and Road Maintenance

The use of open outdoor fires for right-of-way clearing by a public entity, or utility, or for levee, ditch, or reservoir maintenance shall be allowed in compliance with the following Rules:

1. Rule 302 Burning Permit Requirements
2. Rule 303 Burn Days
3. Rule 304 Burning Management
4. Rule 305 Minimum Drying Time

C. Hazard Reduction

1. The burning of vegetation such as vines, bushes and waste from trees produced by fire safe clearing will be allowed when this burning is done in compliance with State and Local law or ordinance to reduce a fire hazard.
2. The burning shall be done in compliance with the following rules:
 - a. Rule 302 Burning Permit Requirements
 - b. Rule 303 Burn Days
 - c. Rule 304 Burning Management
 - d. Rule 305 Minimum Drying Time

3. If a fire officer with jurisdiction determines that a condition exists in which a fire hazard will have an imminent effect on life, or property, or where other authorized officials determine that a health hazard exists and that there is no alternative to burning, all other provision of this Regulation shall be waived.

D. Fire Suppression and Training

Nothing in these Rules and Regulations shall be construed as limiting the authority of any public fire official granted under provisions of law to:

1. Set or permit a fire when such fire is, in his opinion, necessary for the instruction of public employees, and/or volunteer firemen, or on property used for industrial purposes, when instructing employees in the methods of fighting fires.
2. Set or cause to be set backfires necessary to save life, or valuable property pursuant to Section 4426 of the Public Resource Code. (Section 41801)

E. Residential Maintenance

The burning of Residential Rubbish shall be allowed under the following conditions:

- A. Burning shall be allowed only on the premises where the material originated.
- B. Burning shall be managed in compliance with Rules 304 and 305.

F. Recreational Activity

The use of open outdoor fires in recreational activities shall be allowed under the following conditions.

1. Material to be burned shall be limited to charcoal, untreated wood, or cooking fuels.

2. Burning shall be managed in compliance with Rule 305.
3. Only approved ignition devices will be used as stated in Rule 300.E.

G. Mechanized Burner Requirements

The APCO may authorize, by permit, open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of nonwood materials, in a mechanized burner such that no air contaminant is discharged for a period or periods aggregating more than 30 minutes in any eight hour period which is;

1. As dark or darker in shade as that designated No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection A of these rules.

In authorizing the operation of a mechanized burner, the APCO may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this Regulation. (Section 41812)

~~2. The burning of empty sacks or containers which contained pesticides or other hazardous or toxic materials on the premises where used.~~

- ~~B. Range improvement burning during the period between January 1 and May 31, providing that more than 50 percent of the land has been brush-treated.~~
- ~~C. Open burning of agricultural waste at altitudes above 3,000 feet mean sea level (msl).~~
- ~~D. Agricultural burning in areas above 6,000 feet mean sea level (msl).~~
- ~~E. Upon special request from a permittee through a designated agency seven (7) days in advance of a specific range improvement burn below 6,000 feet (msl) or of a specific forest management burn at elevations between 3,000 to 6,000 feet (msl), the A.R.B. will issue an advisory outlook 72 hours in advance of the proposed burn and a burn or no-burn notice up to 48 hours prior to the date of the proposed burn. The A.R.B. may cancel any notice issued more than twenty-four (24) hours in advance if necessary to maintain suitable air quality.~~

RULE 308 Agricultural Burning Reports.

- A. The name, location, type and amount of material burned daily must be reported to the designated agency within 15 days following completion of the burn.
- B. The designated agency shall forward above information to the Mariposa County Air Pollution Control Officer quarterly.

~~RULE 309 Amount Burned Daily. Agricultural waste and other material shall be arranged so that it will burn with a minimum amount of smoke, and except for large trees, 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.~~

~~RULE 310 Approved Ignition Devices. All open fires as authorized by this Regulation shall be ignited only with approved ignition devices as defined in RULE 102 G and the material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.~~

~~RULE 311 Restricted Burning Days. The Air Pollution Control Officer shall notify the designated agencies that a condition of restricted burning exists, if in his opinion the amounts being burned each day are creating significant degradation of the air quality. On days of restricted burning, the designated agencies shall restrict the acreage or tonnage of material to be burned under permit to the acreage or tonnage allocated to the designated agencies by the Air Pollution Control Officer. The Air Pollution Control Officer shall prorate the amounts to~~

JAN 10 1975

~~right of way clearing and levee, ditch and reservoir maintenance burning, on days when such burning is prohibited by the A.R.B.~~

RULE 307

Exceptions to Rule 306

A. The Air Pollution Control Officer may, by special permit, authorize:

- 1. Agricultural burning on days designated by the A.R.B. as "no-burn days" if the denial of such permit would threaten imminent and substantial economic loss. The granting of an exception does not exempt the applicant from any other district or fire control regulation. The applicant shall submit in writing his reasons for the exception. The Mariposa County Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisory, or other informed sources.
- 2. The burning of empty sacks or containers which contained pesticides or other toxic materials on the premises where used.

B. Range improvement burning during the period between January 1 and May 31, providing that more than 50 percent of the land has been brush-treated.

C. Open burning of agricultural waste at altitudes above 3,000 feet mean sea level (msl) may be exempted.

D. Agricultural burning in areas above 6,000 feet, (msl) may be exempted.

E. Upon special request from a permittee through a designated agency seven (7) days in advance of a specific range improvement burn below 6,000 feet (msl) or of a specific forest management burn at elevations between 3,000 to 6,000 feet (msl), the A.R.B. will issue an advisory outlook 72 hours in advance of the proposed burn, and a burn or no-burn notice up to 48 hours prior to the date of the proposed burn. The A.R.B. may cancel any notice issued more than twenty-four (24) hours in advance if necessary to maintain suitable air quality.

RULE 308

Burning Reports

A. The name, location, type and amount of waste material burned daily must be reported to the designated agency within 5 days following completion of the burn.

B. The designated agency shall forward above information to the Mariposa County Air Pollution Control Officer monthly.

RULE 309

Amount Burned Daily. Agricultural waste and other material shall be arranged so that it will burn with a minimum amount of smoke, and except for large trees, 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.

RULE 310

Approved Ignition Devices. All open fires as authorized by this Regulation shall be ignited only with approved ignition devices as defined in Rule 102G and the material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

RULE 311

Restricted Burning Days. The Air Pollution Control Officer shall notify the designated agencies that a condition of restricted burning exists, if in his opinion the amounts being burned each day are creating significant degradation of the air quality. On days of restricted burning, the designated agencies shall restrict the acreage or tonnage of material to be burned under permit to the acreage or

1-10-75

REGULATION IV
PERMIT SYSTEMS CONDITIONS

All permits issued pursuant to these Rules and Regulations are subject to the following rules:

RULE 401 Responsibility

The fact that an authorization to construct or modify, or a 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 neither shall it be deemed or construed to be a warranty, guarantee or representation on the part of the Air Pollution Control Officer that emission standards would not be exceeded by such article, machine, equipment or other contrivance. In every instance the person, firm or corporation to whom such authorization or permit is issued shall be and remain responsible under these regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the permit, and the fact of issuance or authorization shall not be a defense to or mitigation of any charge of violation.

1-10-75

RULE 403

Responsibility of Permittee .

Issuance of a permit pursuant to these Rules and Regulations does not release permittee of the responsibility of any and all other applicable permits and authorizations issued by other governmental agencies.

1-10-75

RULE 405

Separation of Emissions. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of air contaminants cannot exceed the quantity which would be allowable through a single emission point.

The total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume through all emission points, unless the person responsible for the Source Operation establishes, to the Air Pollution Control Officer's satisfaction, the correct total emitted quantity.

1-10-75

RULE 406

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 for confirmation and use by the Air Pollution Control District in establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, the Rules and Regulations shall apply to each such source operation separately.
- b. If air contaminants from two or more source operations are combined prior to emission and the combined emissions cannot be separated according to the requirements of Rule 406 (a), the Rules and Regulations shall be applied to the combined emission as if it originated in a single source operation subject to the most stringent limitations and requirements placed by the Rules and Regulations on any of the source operations whose air contaminants are so combined.

6.6-77

RULE 407 Circumvention. A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in an actual reduction in the total release of air contaminants to the atmosphere, superficially reduces or conceals an emission which would otherwise constitute a violation of Division 26 of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violations involved are of Section 41700, or of RULE 205 of these Rules and Regulations.

RULE 409Public Records

- a. All information, analysis, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce which the District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.
- b. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.
- c. Except as otherwise provided in (d), trade secrets are not public records under this Regulation. Trade secrets, as used in this Regulation may include, but are not limited to any formula, plan, pattern, process, tool, mechanism, compounds, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it. The owner or operator shall state in writing his justification for claiming material is a trade secret. The Air Pollution Control Officer shall rule on the validity of trade secrecy claims.
- d. Notwithstanding any other provisions of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in (c), are public records. Data used to calculate emission data are not emission data for purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

6/6/77
R507

~~F. Steam generators, steam superheaters, water boilers, water heaters and closed heat transfer systems that have a maximum heat input rate of less than 250,000,000 British Thermal Units (BTU) per hour (gross), and are fired exclusively with one of the following:~~

- ~~1. Natural gas.~~
- ~~2. Liquified petroleum gas.~~
- ~~3. A combination of natural gas and liquified petroleum gas.~~

~~G. Self-propelled mobile construction equipment, other than pavement burners.~~

~~H. Agricultural implements used in agricultural operations.~~

~~I. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.~~

~~J. Identical replacements in whole or in part of any equipment where a Permit to Operate has previously been granted for such equipment.~~

~~K. Other sources of minor significance which may be specified by the Air Pollution Control Officer.~~

RULE 503 Transfer. A permit shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

RULE 504 Applications. Every application for a permit required under RULE 501 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by RULE 508 thereof.

RULE 505 Cancellation of Authority to Construct. An Authority to Construct shall be cancelled one year from the date of filing of the application unless reasonable progress can be demonstrated.

RULE 506 Action on Applications. The Air Pollution Control Officer shall act, within a reasonable time, on a permit application and shall notify the applicant in writing of his approval, conditional approval or denial.

RULE 507 Provision of Sampling and Testing Facilities. The Air Pollution Control Officer may, upon reasonable written notice, require the owner or operator of any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants, to:

- A. Provide to the Air Pollution Control Officer data on process and production rates and techniques, flow diagrams, descriptions of basic equipment and control equipment, rates of emissions and other information which the Air Pollution Control Officer may require.
- B. Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes, the size and location of the sampling platform, and the utilities shall be constructed in accordance with the general industry safety orders of the State of California.
- C.
 1. Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants when the Air Pollution Control Officer has determined that such apparatus is available and should be installed.
 2. A person installing, operating or using any of the following equipment shall provide, properly install, maintain in good working order, and in operation, continuous stack monitoring systems as described below:
 - a. Oxides of nitrogen (NO_x) and carbon dioxide (CO_2) or oxygen (O_2) from steam generators with a heat input of 63 million kilogram calories (250 million British Thermal Units) or more per hour and with a use factor of at least 30 percent.
 - b. NO_x from all new nitric acid plants.
 - c. Sulfur dioxide (SO_2) from sulfuric acid plants, sulfur recovery plants, carbon monoxide (CO) boilers of regenerators of fluid catalytic cracking units, new fluid cokers and existing fluid cokers with a feed rate greater than 1,590,000 liters (10,000 barrels) per day.
 3. A person operating or using a stack-monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and the manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District.

Records from the monitoring equipment shall be kept by the owner for a period of two years, during which time they shall be available to the Air Pollution Control Officer in such form as he directs.

4. A violation of emission standards of these Rules, as shown by the stack-monitoring system, shall be reported by such person to the Air Pollution Control Officer within 96 hours.
 5. In the event of a breakdown of monitoring equipment, the owner shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner shall inform the Air Pollution Control Officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event.
 6. The Air Pollution Control Officer shall inspect, as he determines to be necessary, the monitoring devices required by this Rule to ensure that such devices are functioning properly.
- D. The Air Pollution Control District may require that disclosures required by this Rule be certified by a professional engineer registered in the State. Studies necessary to provide such information shall be at the expense of the person causing the emissions.

~~RULE 508 Standards for Granting Applications.~~

- ~~A. The Air Pollution Control Officer shall deny a permit except as provided in RULE 509, if the applicant does not show that the use of any equipment, which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled or equipped with such air pollution control equipment, that it may be expected to operate without emitting, or without causing to be emitted air contaminants in violation of applicable Sections of the Health and Safety Code, or of these Rules and Regulations.~~
- ~~B. In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the equipment has been constructed not in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the equipment so constructed until he finds that the equipment has been constructed in accordance with the Permit to Construct.~~

Rule 513 Emissions Statements
(Adopted 5/15/2018)

RULE 513 CONTENTS

- 1 PURPOSE
- 2 APPLICABILITY
- 3 REQUIREMENTS
- 4 ADMINISTRATIVE REQUIREMENTS

Rule 513

- 1 PURPOSE:** This Rule establishes the requirements for the submittal from specified stationary sources in accordance with the requirements of the 1990 Clean Air Act [Section 182(a)(3)(B)].
- 2 APPLICABILITY:** The requirements of this Rule are applicable to any stationary source which emits or may emit criteria pollutants including, but not limited to, oxides of nitrogen (NO_x) or reactive organic compounds (ROCs).
- 3 REQUIREMENTS**
 - 31** The owner or operator of any stationary source that is subject to this Rule shall provide the Mariposa County Air Pollution Control District (DISTRICT) with a written emissions statement showing actual emissions or operational data allowing the DISTRICT to estimate actual emissions from that source.
 - 32** The emissions statement shall be on a form or in a format specified by the APCO and shall contain emissions data for the time period specified by the APCO. Emissions statements shall be submitted annually.
- 4 ADMINISTRATIVE REQUIREMENTS**
 - 41** The APCO may waive the requirements of Section 3 of this Rule to any class or category of stationary sources which emit less than 25 tons per year of NO_x or ROCs if the DISTRICT provides the California Air Resources Board with an emissions inventory of sources emitting greater than 10 (ten) tons per year of NO_x or ROCs. Emissions calculations shall be based on emission factors approved by the Air Pollution Control Officer (APCO) and established by the EPA or other methods acceptable to the EPA.
 - 42** All official documents submitted to the DISTRICT shall contain a certification signed and dated by a responsible official of the company attesting that the information contained in the submitted documents is accurate to the best knowledge of the individual certifying the submission. The requirements of this Section apply to, but are not limited to, the emissions statement required in Section 3 of this Rule.

REGULATION XI – NSR REQUIREMENTS FOR NEW AND MODIFIED MAJOR SOURCES IN THE MARIPOSA COUNTY AIR POLLUTION CONTROL DISTRICT
(ADOPTED ON MARCH 12, 2019)

1 APPLICABILITY PROCEDURES..... 1

1.1 Preconstruction Review Requirements..... 1

1.2 Authority to Construct Requirement..... 1

1.3 Emission Calculation Requirements to Determine NSR Applicability..... 1

1.4 Major Sources with Plant-wide Applicability Limitations (PAL)..... 2

1.5 Projects That Rely On a Projected Actual Emissions Test..... 2

1.6 Secondary Emissions 4

1.7 Stationary Sources 4

1.8 Environmental Protection Agency Determination 4

2 DEFINITIONS..... 5

3 APPLICATION REQUIREMENTS 7

3.1 Application Submittal..... 7

3.2 Application Content..... 7

3.3 Lowest Achievable Emission Rate (LAER) 8

3.4 Statewide Compliance 8

3.5 Analysis of Alternatives..... 8

3.6 Sources Impacting Class I Areas 8

3.7 Application Fees 9

4 EMISSIONS OFFSETS 9

4.1 Offset Requirements 9

4.2 Timing 9

4.3 Quantity 9

4.4 Emission Reduction Requirements 10

4.5 Restrictions on Trading Pollutants..... 11

5 ADMINISTRATIVE REQUIREMENTS 11

5.1 Visibility..... 11

5.2 Ambient Air Quality Standards 11

5.3 Air Quality Models 12

5.4	Stack Height Procedures	12
6	AUTHORITY TO CONSTRUCT – DECISION	12
6.1	Preliminary Decision	12
6.2	Authority to Construct – Preliminary Decision	13
6.3	Authority to Construct Contents.....	13
6.4	Authority to Construct – Final Decision	14
6.5	Permit To Operate	14
7	SOURCE OBLIGATIONS	14
7.1	Enforcement	14
7.2	Termination	15
7.3	Compliance	15
7.4	Relaxation in Enforceable Limitations	15
8	PUBLIC PARTICIPATION	15
9	PLANT-WIDE APPLICABILITY LIMITS (PAL)	16
9.1	Transition Requirements.....	16
10	INVALIDATION	16
11	EFFECTIVE DATE FOR REFERENCED FEDERAL REGULATIONS	16

1 APPLICABILITY PROCEDURES

1.1 PRECONSTRUCTION REVIEW REQUIREMENTS

- (a) The preconstruction review requirements of this rule apply to the proposed construction of any new major stationary source or major modification in the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere in the designated nonattainment area, except as provided in Section 9 of this rule.
- (b) Sources subject to this rule may also be subject to other District Rules and Regulations. For purposes of the implementation and enforcement of this rule, the provisions and requirements of this rule, including but not limited to the requirements for obtaining an Authority to Construct, application submittal and content, conditional approval, public participation, and granting an Authority to Construct, shall take precedence over any other such provisions and requirements in other District Rules and Regulations. To the extent that other District Rules or Regulations may affect the stringency or applicability of this rule, such other Rules and Regulations shall not apply for purposes of the implementation or enforcement of this rule.

1.2 AUTHORITY TO CONSTRUCT REQUIREMENT

No new major stationary source or major modification to which the requirements of this rule apply shall begin actual construction without first obtaining an Authority to Construct from the reviewing authority, pursuant to this rule.

1.3 EMISSION CALCULATION REQUIREMENTS TO DETERMINE NSR APPLICABILITY

1.3.1 New Major Stationary Sources

The definition of Major Stationary Source as incorporated by reference in Section 2 shall be used to determine if a new or modified stationary source is a new major stationary source.

1.3.2 Major Modifications

The provisions set out in paragraphs (a) through (e) below shall be used to determine if a proposed project will result in a major modification. These provisions shall not be used to determine the quantity of offsets required for a project subject to the requirements of this rule.

- (a) Except as otherwise provided in Section 1.4, a project is a major modification for a nonattainment pollutant if it causes two types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

- (b) The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs (c) through (e) of this Section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of *Net Emissions Increase*. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.
- (c) **Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.
- (d) **Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s).** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.
- (e) **Hybrid Test for Projects that Involve Multiple Types of Emissions Units.** A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (c) or (d) of this Section, as applicable, with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

1.4 MAJOR SOURCES WITH PLANT-WIDE APPLICABILITY LIMITATIONS (PAL)

For any major stationary source with a PAL permit for a nonattainment pollutant, the major stationary source shall comply with the requirements in Section 9 of this rule.

1.5 PROJECTS THAT RELY ON A PROJECTED ACTUAL EMISSIONS TEST

Except as otherwise provided in paragraph (g)(iii) of this Section, the provisions of this Section shall apply with respect to any nonattainment pollutant that is emitted from projects at existing emissions units located at a major stationary source, other than a source with a PAL permit, when there is a reasonable possibility, within the meaning of paragraph (g) of this Section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (B)(1) through (B)(3) of the definition of *Projected Actual Emissions* to calculate projected actual emissions.

- (a) Before beginning actual construction of the project the owner or operator shall document and maintain a record of the following information:
 - (i) A description of the project;

- (ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and
 - (iii) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions* and an explanation for why such amount was excluded, and any netting calculations, if applicable.
- (b) If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (a) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Regulation XI before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulation II (Prohibitions) and Regulation IV (Authority to Construct Regulations), or other applicable requirements.
 - (c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that are emitted by any emissions unit identified in paragraph (a)(ii) of this Section; and calculate and maintain a record of the annual emissions, in tons per year (tpy), on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.
 - (d) If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (c) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.
 - (e) If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (a)(ii) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of *Projected Actual Emissions*) as documented and maintained pursuant to paragraph (a)(iii) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:
 - (i) The name, address, and telephone number of the major stationary source;
 - (ii) The annual emissions, as calculated pursuant to paragraph (c) of this Section; and

- (iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).
- (f) The owner or operator of the source shall make the information required to be documented and maintained pursuant to this Section available for review upon a request for inspection by the APCO or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).
- (g) A “reasonable possibility” under this Section occurs when the owner or operator calculates the project to result in either:
 - (i) A projected actual emissions increase of at least 50 percent of the amount that is a “significant emissions increase,” as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or
 - (ii) A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions*, sums to at least 50 percent of the amount that is a “significant emissions increase,” as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.
 - (iii) For a project in which a reasonable possibility occurs only within the meaning of paragraph (g)(ii), and not also within the meaning of (g)(i), the provisions of paragraphs (b) through (e) of this Section do not apply to the project.

1.6 SECONDARY EMISSIONS

Secondary emissions shall not be considered in determining whether a stationary source would qualify as a major stationary source. If a stationary source is subject to this rule on the basis of direct emissions from the stationary source, the requirements of Section 4 must also be met for secondary emissions.

1.7 STATIONARY SOURCES

For purposes of this rule, the term stationary source does not refer to the source of emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the Clean Air Act.

1.8 ENVIRONMENTAL PROTECTION AGENCY DETERMINATION

Notwithstanding any other requirements of this rule governing the issuance of an Authority to Construct, the APCO shall not issue an Authority to Construct to a new major stationary source or major modification subject to the requirements of this rule if the federal Environmental Protection Agency has determined that the SIP is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Clean Air Act.

2 DEFINITIONS

For the purposes of this rule, the definitions provided in paragraphs (a), (b), (c) and (d) below apply to the terms used in this rule. In the event of any discrepancy between the definitions specified in paragraphs (a), (b), (c), and (d), below, the definition in the paragraph that is listed first below shall control.

(a) The definitions contained in 40 CFR 51.165(a)(1) shall apply, and are hereby incorporated by reference, with the exception of the definition of “Reviewing authority” at 40 CFR 51.165(a)(1)(xxxviii), which has the meaning specified in paragraph (b) below.

(b) The following definitions shall also apply:

“*Air Pollution Control Officer (APCO)*” means the Air Pollution Control Officer of the Air Pollution Control District of Mariposa County.

“*Class I area*” means any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore.

“*Clean Air Act (CAA)*” means the federal Clean Air Act, 42 U.S.C. 7401 *et seq.*, as amended.

“*Complete*” means, in reference to an application, that the application contains all of the information necessary for processing.

“*District*” means the Air Pollution Control District of Mariposa County.

“*Emission reduction credit (ERC)*” means reductions of actual emissions from emissions units that are certified by a California air district in accordance with applicable district rules and issued by the air district in the form of ERC certificates.

“*Internal emission reductions*” means emission reductions which have occurred or will occur at the same major stationary source where the proposed emissions increase will occur.

“*Nonattainment pollutant*” means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40 CFR 81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR 51.165(a)(1)(xxxvii)(C).

“*Permanent*” means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions.

“*Reviewing authority*” means the Air Pollution Control Officer (APCO).

“*Shutdown*” means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

“*State Implementation Plan (SIP)*” means the State Implementation Plan approved or promulgated for the State of California under section 110 or 172 of the Clean Air Act.

“*Startup*” means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

“*Surplus*” means the amount of emission reductions that are, at the time of generation or use of an emission reduction credit (ERC), not otherwise required by federal, state, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California State Implementation Plan (SIP). However, emission reductions required by a state statute that provides that the subject emission reductions shall be considered surplus may be considered surplus for purposes of this rule if those reductions meet all other applicable requirements. Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:

- (i) The federally-approved California SIP;
- (ii) Other adopted state air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally required and publicly available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;
- (iii) Any other source or source-category specific regulatory or permitting requirement, including, but not limited to Reasonable Available Control Technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER); and
- (iv) Any regulation or supporting documentation that is required by the Federal Clean Air Act, but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.

“*Temporary source*” means an emission source such as a pilot plant or a portable facility which will be located outside the nonattainment area after less than a cumulative total of 90 days of operation in any 12 continuous months.

“*Tons per year (tpy)*” means annual emissions in tons.

- (c) The definitions contained in 40 CFR 51.100 shall apply, and are hereby incorporated by reference.
- (d) The definitions contained in 40 CFR 51.301 shall apply, and are hereby incorporated by reference.

3 APPLICATION REQUIREMENTS

3.1 APPLICATION SUBMITTAL

The owner or operator of any proposed new major stationary source or major modification required to obtain an Authority to Construct pursuant to this rule shall submit a complete application to obtain an Authority to Construct on forms provided by the APCO and include in the application submittal the information listed in Section 3.2 as well as the demonstrations listed in Sections 3.3-3.6. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

3.2 APPLICATION CONTENT

At a minimum, an application for an Authority to Construct shall contain the following information related to the proposed new major stationary source or major modification:

- (a) Identification of the applicant, including contact information.
- (b) Identification of address and location of the new or modified source.
- (c) An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.
- (d) A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the applicability of standards and fees.
- (e) A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.
- (f) A projected operating schedule for each emissions unit included in the new source or modification.
- (g) A determination as to whether the new source or modification will result in any secondary emissions.
- (h) The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tons per year and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).

- (i) The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).
- (j) The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.
- (k) The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.
- (l) Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.
- (m) If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.

3.3 LOWEST ACHIEVABLE EMISSION RATE (LAER)

The applicant shall submit an analysis demonstrating that LAER has been proposed for each emissions unit included in the new major stationary source or major modification that emits a nonattainment pollutant for which the new stationary source or modification is classified as major.

3.4 STATEWIDE COMPLIANCE

The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the State is in compliance with all applicable emission limitations and standards under the Clean Air Act or is in compliance with an expeditious compliance schedule which is federally enforceable.

3.5 ANALYSIS OF ALTERNATIVES

The applicant shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

3.6 SOURCES IMPACTING CLASS I AREAS

The applicant for a proposed new major source or major modification that may affect visibility of any Mandatory Class I Federal Area shall provide the APCO with an analysis of impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification, as required by 40 CFR Section 51.307(b)(2).

3.7 APPLICATION FEES

The applicant shall pay the applicable fees specified in District Regulation VI, Fees.

4 EMISSIONS OFFSETS

4.1 OFFSET REQUIREMENTS

- (a) The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.
- (b) ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.
- (c) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours may only be credited for offsets if such reductions are surplus, permanent, quantifiable, and federally enforceable; and
- (d) The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or
- (e) The projected emissions inventory used to develop the attainment plan explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

4.2 TIMING

- (a) Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.
- (b) Except as provided by paragraph (c) of this Section, the decrease in actual emissions used to generate ERCs or internal emission reductions must occur no later than the commencement of operation of the new or modified major stationary source.
- (c) Where the new emissions unit is a replacement for an emissions unit that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the new emissions unit before the existing emissions unit is required to cease operation.

4.3 QUANTITY

The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

- (a) The unit of measure for offsets, ERCs, and internal emission reductions shall be tons per year (tpy). All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.

- (b) The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (c) of this Section, and the offset ratio, as determined in accordance with paragraph (d) of this Section.
- (c) The amount of increased emissions shall be determined as follows:
 - (i) When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.
 - (ii) When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.
 - (iii) The amount of increased emissions includes fugitive emissions.
- (d) The ratios listed in Table 1 shall be applied based on the area's designation for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emission reductions.

Table 1. Federal Offset Ratio Requirements by Area Designation and Pollutant

Area Designation	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NO _x or VOC	1:1.1
Moderate Ozone Nonattainment Area	NO _x or VOC	1:1.15
Serious Ozone Nonattainment Area	NO _x or VOC	1:1.2

4.4 EMISSION REDUCTION REQUIREMENTS

- (a) Internal emission reductions or ERCs used to satisfy an offset requirement shall be:
 - (i) Real, surplus, permanent, quantifiable, and federally enforceable; and
 - (ii) Surplus at the time of issuance of the Authority to Construct containing the offset requirements.
- (b) Permitted sources whose emission reductions are used to satisfy offset requirements must appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.
- (c) Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:
 - (i) The other area has an equal or higher nonattainment classification than the area in which the source is located; and

- (ii) Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.
- (d) The use of ERCs shall not provide:
 - (i) Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;
 - (ii) Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - (iii) An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

4.5 RESTRICTIONS ON TRADING POLLUTANTS

- (a) The emission offsets obtained shall be for the same regulated NSR pollutant except as specified below.
- (b) For the purposes of satisfying the offset requirements for the ozone precursors NO_x and VOC, the APCO may approve interpollutant emission offsets for these precursor pollutants on a case by case basis, if all other requirements for such offsets are also satisfied. The permit applicant shall submit information to the reviewing authority, including the proposed ratio for the precursor substitution for ozone, a description of the air quality model(s) used, and the technical demonstration substantiating the equivalent or greater air quality benefit for ozone in the nonattainment area. The APCO shall impose, based on the air quality analysis, emission offset ratios in addition to the requirements of Table 1. Interpollutant emission offsets must receive written approval by the U.S. Environmental Protection Agency.
- (c) In no case, shall the compounds excluded from the definition of *Volatile Organic Compounds* be used as offsets for Volatile Organic Compounds.

5 ADMINISTRATIVE REQUIREMENTS

5.1 VISIBILITY

The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal Area, in accordance with the applicable requirements of 40 CFR 51.307.

5.2 AMBIENT AIR QUALITY STANDARDS

The APCO may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In

making this determination, the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule, and the impacts of transported pollutants on downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of paragraph (d) of Section 4.3.

5.3 AIR QUALITY MODELS

All estimates of ambient concentrations required, pursuant to this rule, shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W (“Guideline on Air Quality Models”). Where an air quality model specified is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the EPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to public notification and the opportunity for public comment given.

5.4 STACK HEIGHT PROCEDURES

The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purposes of this Section, the definitions in 40 CFR 51.100 shall apply.

- (a) Before the Control Officer issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the Control Officer shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.
- (b) Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the EPA and the Control Officer prior to any emission limit being established.
- (c) The provisions of Section 5.4 do not restrict, in any manner, the actual stack height of any stationary source or facility.

6 AUTHORITY TO CONSTRUCT – DECISION

6.1 PRELIMINARY DECISION

Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine if the proposed new major stationary source or major modification will comply with all applicable District, state and federal rules, regulations, or statutes, including but not limited to the requirements under Section 3 of this rule, and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis. The decision shall be based on the requirements in force on the date the application is deemed complete, except when a new federal requirement, not yet incorporated into this rule, applies to the new or modified source.

6.2 AUTHORITY TO CONSTRUCT – PRELIMINARY DECISION

- (a) Prior to issuance of a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall determine:
 - (i) That each emissions unit(s) that constitutes the new source or modification will not violate any applicable requirement of the District’s portion of the California State Implementation Plan (SIP); and
 - (ii) That the emissions from the new or modified stationary source will not interfere with the attainment or maintenance of any applicable national ambient air quality standard; and
 - (iii) That the emission limitation for each emissions unit that constitutes the new source or modification specifies LAER for such units.

If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the APCO may instead prescribe a design, operational or equipment standard. In such cases, the APCO shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the application review documents. Any Authority to Construct issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained or that the operational conditions will be properly performed to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under section 304 of the Clean Air Act. The term “emission limitation” shall also include such design, operational, or equipment standards; and

- (iv) The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and
 - (v) That all ERCs or internal emission reductions required for the new source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and
 - (vi) That the quantity of ERCs or internal emission reductions determined under paragraph (b) of Section 4.3 will be surrendered prior to commencing operation.
- (b) Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs (iv), (v) and (vi) of this Section.

6.3 AUTHORITY TO CONSTRUCT CONTENTS

- (a) An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:

- (i) which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.
 - (ii) sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (b) and (c) of this Section.
- (b) A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.
 - (c) A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.

6.4 AUTHORITY TO CONSTRUCT – FINAL DECISION

- (a) Prior to making a final decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall consider all written comments that are submitted within 30 days of public notification and all comments received at any public hearing(s) in making a final determination on the approvability of the application and the appropriate Authority to Construct conditions. The District shall make all comments available, including the District’s response to the comments, for public inspection in the same locations where the District made preconstruction information relating to the proposed source or modification available.
- (b) The APCO shall deny any application for an Authority to Construct if she/he finds the new source or modification would not comply with the standards and requirements set forth in District, state, or federal rules or regulations.
- (c) The APCO shall make a final decision whether to issue or deny the Authority to Construct after determining that the Authority to Construct will or will not ensure compliance with all applicable emission standards and requirements.
- (d) The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.

6.5 PERMIT TO OPERATE

The applicable terms and conditions of an issued Authority to Construct shall be included in any Permit to Operate subsequently issued by the APCO for the same emission units.

7 SOURCE OBLIGATIONS

7.1 ENFORCEMENT

Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the

application as required by the APCO, or the terms of its Authority to Construct or Permit to Operate, shall be subject to enforcement action.

7.2 TERMINATION

Approval to construct shall terminate if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The APCO may extend the 18-month period once upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

7.3 COMPLIANCE

Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

7.4 RELAXATION IN ENFORCEABLE LIMITATIONS

At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification to emit a pollutant, then the requirements of this rule shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

8 PUBLIC PARTICIPATION

After the APCO has made a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, as specified in Sections 6.1 and 6.2, the APCO shall:

- (a) Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8(b), and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled).
- (b) No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.

- (c) Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the source or modification.
- (d) Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.

9 PLANT-WIDE APPLICABILITY LIMITS (PAL)

The APCO shall issue a Plant-wide Applicability Limit (PAL) permit according to the provisions contained in 40 CFR 51.165(f)(1) through (14). The provisions of 40 CFR 51.165(f)(1) through (14), are hereby incorporated by reference.

10 INVALIDATION

If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

11 EFFECTIVE DATE FOR REFERENCED FEDERAL REGULATIONS

All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on March 12, 2019.

**STATE OF CALIFORNIA
COUNTY OF MARIPOSA
AIR POLLUTION CONTROL DISTRICT BOARD**

Resolution No APCD-2020-4

**Ozone Emergency Episode Plan (EEP) in Partial Fulfillment of Clean Air Act
Requirements**

Whereas, Section 110(a)(2)(G) of the federal Clean Air Act (CAA) provides authority of emergency powers to the U.S. Environmental Protection Agency (EPA) Administrator to restrain any source from causing or contributing to emissions that present an imminent and substantial endangerment to public health or welfare, or to the environment; and

Whereas, pursuant to the CAA authority, EPA promulgated regulations for emergency episodes to clarify requirements related to emergency episode contingency planning requirements, which are codified in the Code of Federal Regulations (CFR) at 40 CFR Part 51, Subpart H (Parts 51.150 through 51.154); and

Whereas, pursuant to 40 CFR 51.150, Air Quality Control Regions (AQCRs) that have hourly ozone concentrations above 0.10 parts per million (ppm) are classified as Priority 1 Regions for emergency episode planning requirements; and

Whereas, pursuant to 40 CFR 51.151, Priority 1 Regions are required to develop an emergency episode contingency plan to prevent ambient pollution concentrations from reaching the Significant Harm level of 0.6 ppm (2-hour average); and

Whereas, Federal Register, Vol. 79, No. 205, pages 63350-63363 (October 23, 2014) sets precedent for requiring individual air districts to prepare an EEP if any monitoring site within the air district exceeds a 1-hour concentration of 0.10 ppm; and

Whereas, the ozone monitor in Jerseydale has recorded 1-hour ozone concentrations greater than 0.10 ppm in 2018 and the ozone monitor on top of Turtle Back Dome in Yosemite has recorded 1-hour ozone concentrations greater than 0.10 ppm in 2015, 2017 and 2018; and

Whereas, 40 CFR 51.152 sets forth minimum EEP requirements, which are reflected in the examples contained in 40 CFR Part 51, Appendix L; and

Whereas, the Mariposa County Air Pollution Control District (MCAPCD) has worked with EPA and the California Air Resources Board (CARB) in the development of the proposed EEP to meet all applicable federal requirements; and

Whereas, Section 15308 of the CEQA Guidelines provide that actions taken by regulatory agencies as authorized by state law to assure the maintenance, restoration, or enhancement of the environment where the regulatory process involves procedures for protection of the environment, are categorically exempt from CEQA review (Class 8 Categorical Exemption), and

Whereas, following a minimum 30-day public notice in the Mariposa Gazette and on the

MCAPCD web site, a public hearing was held on April 7, 2020 to provide for public comment and adoption of the EEP;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the MCAPCD Board of Directors that the proposed ozone Emergency Episode Plan is hereby adopted.

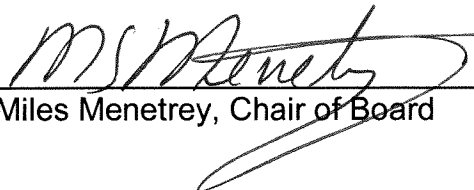
On a motion by Supervisor Jones, and seconded by Supervisor Long, the foregoing resolution was approved and adopted by the Board of Directors of the Mariposa County Air Pollution Control District at a regular meeting held on April 7, 2020, by the following roll call vote:


Ayes: SMALLCOMBE, JONES, LONG, CANN, MENETREY

Noes: NONE

Absent: NONE

Abstaining: NONE

Approve: 
Miles Menetrey, Chair of Board

Attest: 
Rene LaRoche, Clerk of the Board

Approved as to Form: 
Steven W. Dahlem, County Counsel

MARIPOSA COUNTY AIR POLLUTION CONTROL DISTRICT

Final Ozone Emergency Episode Plan

**PREPARED IN COMPLIANCE WITH THE FEDERAL CLEAN
AIR ACT**

February 21, 2020

Purpose

This Ozone Emergency Episode Plan provides the basis for taking action to prevent ambient ozone concentrations from reaching levels which could endanger public health, or to abate such concentrations should they occur. It identifies criteria for the four levels of emergency episodes, components for public announcements whenever an episode has been identified, and specifies emission control strategies to be taken with each episode.

Legal Authority

The Federal Clean Air Act (CAA)¹ gives the U.S. Environmental Protection Agency (U.S. EPA) the legal authority to halt the emission of air pollutants causing or contributing to the injury of the public or their welfare. The U.S. EPA is further authorized to either bring a lawsuit in federal court or, if such civil action cannot assure prompt protection of public health or welfare, to issue such orders as may be necessary to protect public health, welfare, or the environment. The authority granted to the U.S. EPA Administrator is vested in the California Air Resources Board (CARB) and the air districts under the California Health & Safety Code (H&SC)². This section of California law applies to a range of emissions violations and imposes penalties that are equivalent to or exceed federal penalties for violations.

Under the authority of the H&SC, the CARB is responsible for controlling emissions from mobile sources, while districts are responsible for controlling emissions from non-mobile sources. H&SC Section 41700 states that sources are prohibited from emitting any pollutant(s) that can cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public. Furthermore, H&SC Section 42450, et seq., gives districts specific authority to abate emissions from any source violating H&SC Section 41700 or any other order, rule, or regulation that prohibits or limits the discharge of pollutants, consistent with applicable notice and hearing requirements. Under H&SC Section 41509, the CARB or other local agency rules cannot infringe upon a district's authority to declare, prohibit, or abate a nuisance, and California's Attorney General is authorized to enjoin any pollution or nuisance, either on his or her own, or by request.

In addition to the authority under H&SC, the local air districts can work with the local governing body of a city, county, or city and county, pursuant to the California Emergency Services Act³, to proclaim a local emergency when there are conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a city, county, or both a city and county, caused by such conditions as air pollution⁴. When a local emergency is declared, cities and counties shall implement their emergency plans and take actions to mitigate or reduce the emergency threat.

¹Federal Clean Air Act Section 110(a)(2)(G)

² California Health and Safety Code Section 42400 et seq.

³ California Emergency Services Act, California Government Code Section 8550-8668

⁴ California Government Code Section 8558 (c)

Actions may include deploying field-level emergency response personnel such as law enforcement, activating emergency operation centers, and issuing orders to protect the public. Through a local emergency declaration, the air districts can obtain law enforcement aids from local governing bodies to accomplish necessary actions for preventing ambient ozone concentration from reaching the harmful level.

Requirement of a Plan for the Prevention of Air Pollution Emergency Episodes

Under the Code of Federal Regulations (CFR)⁵, areas that have hourly ozone concentrations above 0.10 parts per million (ppm) are classified as Priority I Regions and are required to develop a contingency plan which must, at a minimum, provide for taking action necessary to prevent ambient ozone concentrations at any location in such region from reaching the significant harm level of 0.6 ppm, averaged over two hours. As set forth in CFR, three trigger levels (stages) are established for the ozone pollution episodes: Alert level (0.2 ppm), Warning level (0.4 ppm), and Emergency level (0.5 ppm)⁶. Corresponding actions for each specified trigger level would be identified and will be implemented when the ambient ozone hourly concentration measurements reach the specified trigger levels. These elements and actions should provide for rapid short-term emission reductions at each trigger level, to avoid high ozone concentrations from reaching significant harm levels during an episode.

Development of the Ozone Emergency Episode Plan for Mariposa County

Mariposa County is classified as non-attainment for the 2015 federal ozone eight-hour average standard⁷. Since Mariposa County has had more than one day with the maximum one-hour concentration greater than 0.10 ppm between 2014 and 2017, the Mariposa County Air Pollution Control District (MCAPCD) is required to prepare an ozone emergency episode plan (Plan).

Table 1 shows the number of days exceeding the 0.10 ppm threshold at the Mariposa County ozone monitoring site from 2014 through 2018. During this time, the maximum ozone one-hour concentration was 0.127 ppm. This summary is based on data collected at two monitoring locations:

1. Jerseydale (9 miles S-SW of El Portal, Elev 3,779 ft - ARB No. 22744)
2. Yosemite Turtleback Dome (on Wawona Road , Elev. 5,280 ft - ARB No. 22742)

Both of these stations are located in rural areas. There are no monitoring stations in the town of Mariposa.

⁵ 40 CFR 51.150 and 51.151

⁶ 40 CFR 51 Appendix L

⁷ Portions of Mountain Counties are classified as ozone nonattainment area.

Table 1
Mariposa County Ozone Monitoring Sites
Number of Days with Maximum one-hour Concentration Greater than 0.10 ppm*

		2014	2015	2016	2017	2018
Jerseydale	# of Days	0	0	0	0	1
	Max Conc.	0.09	0.081	0.091	0.093	0.127
Yosemite Turtleback Dome	# of Days	0	1	0	1	1
	Max Conc.	0.093	0.102	0.082	0.113	0.111

Data downloaded from CARB's Aerometric Data and Management (ADAM) system on 09/02/19

The industrial abatement plan is a pre-planned document prepared by a permitted industrial source (facility) which contains the necessary actions to rapidly reduce that facility's emitted ozone precursor emissions when an episode level is triggered. In order to require such a plan, an emission threshold should be established for the industrial abatement plan requirement. Depending on the ozone emergency plans approved by the other air districts in California, the emission thresholds to require the industrial abatement plans are as low as 50 tons per year for both reactive organic gases (ROG) and oxides of nitrogen (NOx) emissions. Table 2 shows the five highest facilities with emissions of ROG and NOx within Mariposa County⁸. The table indicates that there are no facilities in Mariposa County that emits more than 50 tons per year of NOx or ROG.

Table 2
Five Highest Permitted ROG and NOx Emissions Facilities in
Tons per Year for 2017

Five Highest ROG Emissions Facilities					
Air Basin	Facility ID	Facility Name	City	Facility SIC	ROG (tons/yr)
Mountain Counties Air Basin	55	Mariposa Autobody	Mariposa	7532	0.92
Mountain Counties Air Basin	22	Outback Materials	Mariposa	3273	0.14
Mountain Counties Air Basin	47	Mount Gaines Rock	Mariposa	3295	0.11
Mountain Counties Air Basin	58	DNC Spray Paint Booth	Yosemite	7532	0.06
Mountain Counties Air Basin	47	Coulterville Greeley Ready-Mix	Coulterville	3273	0.05
Five Highest NOx Emissions Facilities					
Air Basin	Facility ID	Facility Name	City	Facility SIC	NOx (tons/yr)
Mountain Counties Air Basin	53	Mount Gains Rock	Mariposa	3295	2.16
Mountain Counties Air Basin	22	Outback Materials	Mariposa	3273	0.93
Mountain Counties Air Basin	47	Coulterville Greeley Ready-Mix	Coulterville	3273	0.3

⁸ ARB CEIDARS database system. Data shown for calendar year 2017.

Mountain Counties Air Basin	163	Big Tree Lodge Yosemite	Yosemite	7011	< 0.1
Mountain Counties Air Basin	168	Wawona Waste Water treatment Plant	Yosemite	4952	< 0.1

Permitted emissions account for a very small fraction of total Countywide emissions. An overall emissions inventory (tons per day) for Mariposa County was prepared by CARB and is based on the 2016 SIP emission projections for 2020. This emissions inventory is shown in Table 3 and data for ROG and NOx are summarized in Figures 1 and 2.

Table 3
Based on 2016 SIP Emission Projection Data in Tons per Day
2020 Emission Projections for Mariposa County⁹

STATIONARY SOURCES	TOG	ROG	CO	NOX	SOX	PM	PM10	PM2.5	NH3
FUEL COMBUSTION	0.0	0.0	0.0	0.0	-	-	-	-	-
WASTE DISPOSAL	-	-	-	-	-	-	-	-	0.0
CLEANING AND SURFACE COATINGS	0.1	0.0	-	-	-	-	-	-	-
PETROLEUM PRODUCTION AND MARKETING	0.0	0.0	-	-	-	-	-	-	-
INDUSTRIAL PROCESSES	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.0	-
* TOTAL STATIONARY SOURCES	0.1	0.1	0.0	0.0	0.0	0.1	0.0	0.0	0.0
AREAWIDE SOURCES	TOG	ROG	CO	NOX	SOX	PM	PM10	PM2.5	NH3
SOLVENT EVAPORATION	1.1	1.1	-	-	-	-	-	-	-
MISCELLANEOUS PROCESSES	5.7	1.0	7.7	0.1	0.0	3.5	2.3	0.8	0.7
* TOTAL AREAWIDE SOURCES	6.8	2.0	7.7	0.1	0.0	3.5	2.3	0.8	0.7
MOBILE SOURCES	TOG	ROG	CO	NOX	SOX	PM	PM10	PM2.5	NH3
ON-ROAD MOTOR VEHICLES	0.3	0.3	1.9	0.4	0.0	0.0	0.0	0.0	0.0
OTHER MOBILE SOURCES	0.7	0.6	3.5	0.2	-	0.0	0.0	0.0	-
* TOTAL MOBILE SOURCES	1.1	0.9	5.3	0.6	0.0	0.1	0.1	0.0	0.0
GRAND TOTAL FOR MARIPOSA COUNTY APCD	7.9	3.0	13.0	0.7	0.0	3.7	2.4	0.9	0.7

Note: Emission rates below 0.05 tons per day are reported as 0.0 tons per day

⁹ Available at: <https://www.arb.ca.gov/app/emsinv/2017/emssumcat.php>

Figure 1
Mariposa County 2020 Emission Inventory for ROG Emissions

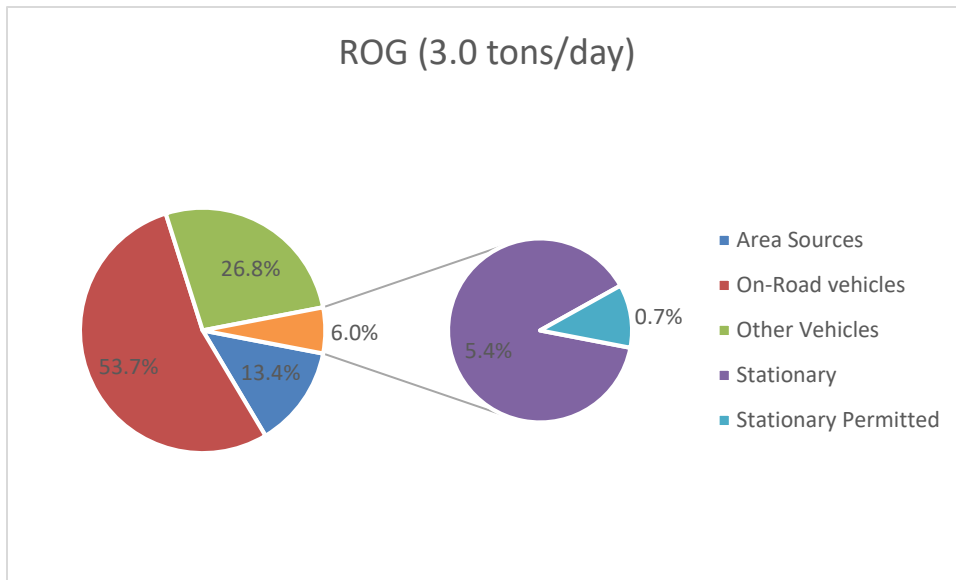
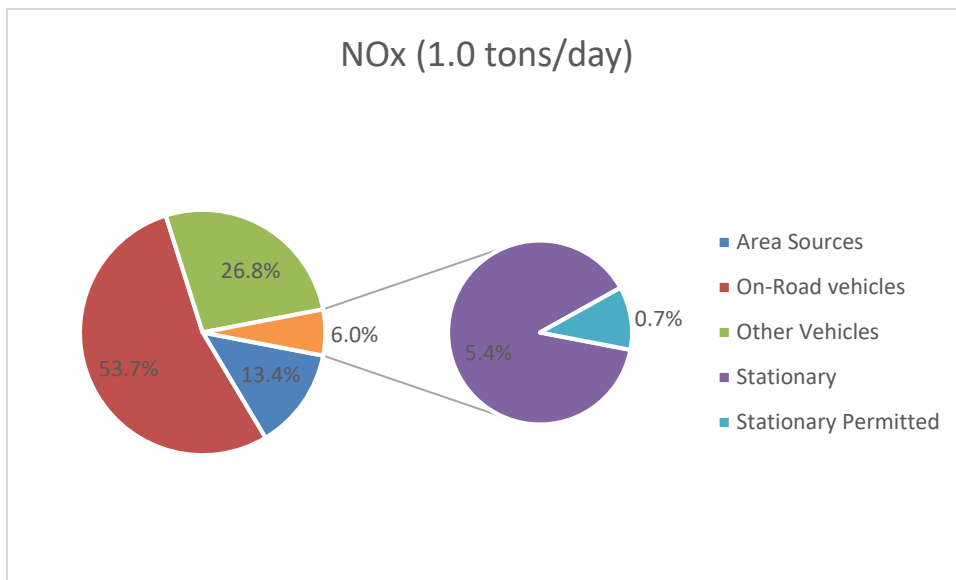


Figure 2
Mariposa County 2020 Emission Inventory for NOx Emissions



According to Table 3, a total of 3.0 tons of ROG and 0.7 tons of NOx are released daily. As a way of comparison, daily permitted emissions for ROG and NOx are 0.3 and 0.7 tons per day respectively. The permitted stationary sources account for 0.35% and 0.96% respectively of these daily totals. The major sources of ROG and NOx emissions in Mariposa County are area and mobile sources. These sources plus transport of ozone from adjacent air basins are responsible for ozone formation rather

than permitted industrial sources.

Health Advisory Level

The MCAPCD proposes 0.15 ppm as a Health Advisory level to initiate emergency actions. The Health Advisory level (0.15 ppm) is lower than the Alert level (0.2 ppm), which is the lowest of three trigger levels required by the federal requirements. Figure 3 represents the annual maximum one-hour ozone concentration measured in Mariposa County since 1992 when monitoring first began in the County. It also shows a solid red line indicating the health advisory of 0.15 ppm ozone.

Figure 3

Historic Variation in 1-hour Ozone Concentration in Parts per Million for Mariposa County

The Health Advisory of 0.15 PPM is Shown in Color (Red)

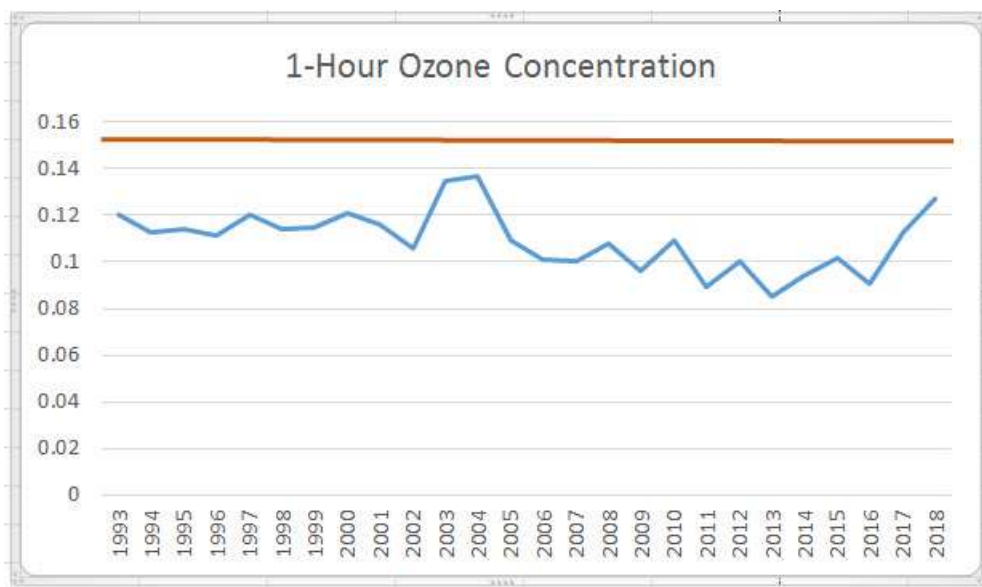


Figure 3 shows that the highest ozone concentration (0.137 ppm) was recorded in 2004. The 0.2 ppm (Stage 1) trigger level has never been recorded in Mariposa County since monitoring began in 1992. The ozone concentration trend shows a generally consistent decrease over time. As a result, it is unlikely the 0.2 ppm trigger level would be reached in Mariposa County.

Ozone concentrations in Mariposa County have been substantially reduced through the implementation of existing control regulations and programs and a state implementation plan (SIP). The SIP has been developed to identify emission control strategies for mobile and non-mobile sources within the Mountain Counties Air Basin (MCAB). Based on the SIP commitments, the MCAPCD adopted or amended rules and developed programs to facilitate the MCAB's progress towards attaining the federal ozone standards. The air districts within the Mountain Counties continue to work on the

development of control strategies to fulfill the attainment requirement by CAA. Since the current federal ozone eight-hour average standard (0.070 ppm) for 2015 ozone standard SIP is more stringent than the previous 8-hour standard, the MCAPCD believes that the development and implementation of control regulations and programs identified by the ozone SIPs will ensure that the ozone one-hour maximum concentrations in Mariposa County will continue decreasing, and would not reach the proposed Health Advisory level of 0.15ppm.

In addition, the MCAPCD also regulates various types of open burning, including residential, land development, fire hazard reduction, vegetation management, prescribed fire, and agriculture. For the Mountain Counties Air Basin, the MCAPCD works cooperatively with the CARB year round, and in the fall, with the Mountain County Air Basin Agricultural Burn Coordinator, to provide daily burn day allocations and notifications based on meteorological conditions and air quality forecasts.

The District works cooperatively with the CARB on the daily burn day information. The burn day information is broken down into burn day types to help indicate the quality of a burn day. Through the existing burn programs, the MCAPCD works carefully to balance the public health impacts from air pollution, along with the open burning activities which exist in the county, especially since much of the county is considered a high fire hazard area.

In conclusion, the MCAPCD believes that the proposed Health Advisory level at 0.15 ppm will be an appropriate and logical condition, in addition to the required ozone emergency episode levels set forth in the CAA, to initiate and fulfill the air pollution emergency episode actions proposed by the Plan.

Emergency Episode Criteria

Table 4 summarizes the four emergency episode trigger levels proposed by the MCAPCD for the one-hour ozone concentration measurement in Mariposa County. The following section identifies the corresponding actions for each trigger level, when that one-hour ozone concentration is reached.

Table 4
Trigger Levels of Ozone Emergency Episodes in Mariposa County

	Health Advisory	Alert (Stage 1)	Warning (Stage 2)	Emergency (Stage 3)
Ozone (one-hour average)	0.15 ppm	0.20 ppm	0.35 ppm	0.50 ppm

Proposed Actions for Ozone Emergency Episodes:

The actions identified for each trigger level of the ozone emergency episodes include public notification and emissions mitigation for industrial and mobile sources. The purposes of these actions are 1) to provide notification to the public when atmospheric stagnation conditions would result in substantially high ozone concentration measurements, and 2) to reduce the ozone precursor

emissions rapidly in order to lower the ozone concentration below the triggered emergency episode level.

Air Pollution Forecast

The MCAPCD will utilize air pollution forecasts from the National Weather Service in Hanford, the San Joaquin Valley Air Pollution Control District, Air Districts in the Mountain Counties Air Basin and AirNow to inform and guide air district decision making when atmospheric stagnation conditions would result in substantially high ozone concentration measurements. Acquisition and updates of these forecasts will occur no less frequently as air pollution forecasts are issued by the National Weather Service.¹⁰ Based on these air quality forecasts, the MCAPCD will generate and disseminate public notifications during emergency episodes with episodic ozone reduction strategies to encourage the public to take voluntary actions to reduce ozone precursor emissions.

Emergency Episode Declaration

Whenever the ozone one-hour concentration, measured at the permanent location within Mariposa County, reaches or is predicted to reach any of the episode trigger levels as shown in Table 4, the MCAPCD shall declare that an emergency episode is in effect in Mariposa County.

In addition, should the Air Pollution Control Officer (APCO) of a district adjacent to the MCAPCD declare a stage 1, 2, or 3 episode within that district and request assistance, the APCO of MCAPCD may implement measures as described in this Plan as if such episode level has been measured within the District.

Notification of an Emergency Episode

The MCAPCD shall establish and periodically update and review an emergency episode notification list (List). When any emergency episode is declared, the APCO shall notify the officials on the List. The List shall include, and is not limited to, the following public agencies and organizations:

1. California Air Resources Board, the Mariposa County Executive Officer, chief executive officers of the incorporated municipalities within Mariposa County, police chiefs, fire chiefs, and any other public safety officers as deemed appropriate by the APCO,
2. The Mariposa County Health Officer,
3. The Mariposa County Office of Emergency Services,
4. The Mariposa County Office of Education Superintendent, school districts' superintendents, and private schools' principals,
5. All air pollution control districts within the Sacramento Valley, Mountain Counties as well as all upwind districts.
6. Major newspapers in daily circulation and major television and radio stations (including those

¹⁰ Contingency Plans, 40 CFR § 51.152

who are part of the emergency broadcast system) broadcasting within Mariposa County for appropriate warning, notices, and advisories,

7. Regional Spare the Air Programs,
8. MCAPCD permitted facilities, and
9. MCAPCD Staff who are responsible for public outreach.

Content of Notification

Notification of an emergency episode shall include information on the predicted or current episode level, the expected duration of the episode, the expected geographic boundaries of the affected area, a statement for the public on the health significance of the air quality during the episode, and the appropriate voluntary or mandatory control actions proposed for each episode level. See attached sample notification.

Termination of an Emergency Episode

The MCAPCD shall declare an episode as terminated when the one-hour ozone concentration measurements from the permanent monitoring sites within Mariposa County fall below the level of the Alert episode and the meteorological data indicates the ozone concentration is expected to continue decreasing.

Notification of the Termination of an Episode

Upon the declaration of the termination of an episode, the MCAPCD shall notify those agencies and organizations specified in the List.

Actions for Each Emergency Episode

When an emergency episode is declared, the MCAPCD shall implement the following control actions:

1. Health Advisory Episode:
 - a) Prepare the emergency episode notification;
 - b) Notify those public agencies and organizations identified in the List that a health advisory episode has been declared;
 - c) Advise the Mariposa County Office of Education Superintendent that sustained strenuous activities by students (for both public and private schools) lasting longer than one hour should be discontinued;
 - d) Through the Mariposa County Office of Emergency Services, notify the news media to broadcast the appropriate warning to the public, which will include a recommendation that the public curtail unnecessary motor vehicle operation;
 - e) Work with the industry to identify targeted facilities with possible emission control actions to reduce the relative emissions; and
 - f) Coordinate with the Mariposa County Office of Emergency Services to identify possible

actions which shall be taken when Mariposa County declares a local emergency for an air pollution emergency, which might include, for example, ceasing painting, construction, lawn mowing, pesticide application, and charcoal grilling.

2. Alert (Stage 1) Episode:

- a) Prepare the emergency episode notification;
- b) Notify those public agencies and organizations identified in the List that an Alert episode has been declared;
- c) Request the Mariposa County Office of Education Superintendent contact the School Superintendents and coordinate with private schools, to suspend students' strenuous activities;
- d) Through the Mariposa County Office of Emergency Services, notify the news media to broadcast the appropriate warning to the public, which will include a request that the public curtail any unnecessary motor vehicle operation;
- e) Request targeted facilities (listed in Table 2) to initiate specified emission control actions to reduce relative emissions. These actions include reduce or curtail production; allow workers to telecommute, and to recommend employees at government and private industries refrain from using their vehicles until the episode is terminated;
- f) Conduct on-site inspection of targeted facilities to ascertain accomplishment of applicable emission control actions; and
- g) Prohibit all open burning, including agricultural burning, and incineration throughout the affected area, except in an emergency situation as provided for in Section 41862 of the California Health & Safety Code.

3. Warning (Stage 2) Episode: In addition to the actions associated with the Stage 1 Alert episode, the following actions should be implemented in a Warning episode.

- a) Request that those agencies and organizations in the List, within the scope of their authority:
 - i. Prohibit all types of open burning, including agricultural waste;
 - ii. Close all non-essential public agency facilities, except emergency facilities and those facilities necessary in emergencies to protect national security or national defense; and
 - iii. Request that employees of closed non-essential public agency facilities refrain from using vehicles until the episode is terminated.
- b) Request closure of all public and private schools, colleges, and universities within Mariposa County;
- c) Request targeted facilities listed in Table 2 to shut down;
- d) Request that employees of facilities which close refrain from using vehicles until the episode is terminated;
- e) Conduct on-site inspection of facilities to ascertain the accomplishment of applicable

- emission control actions;
- f) Request the suspension of all indoor and outdoor events at parks or recreational facilities open to the public;
 - g) Request the suspension of all scheduled athletic events; and
 - h) Request that the Mariposa County Executive Officer and Health Officer consider declaring a local emergency for air pollution, pursuant to the Mariposa County Code¹¹, and implement emergency control measures, pursuant to the California Emergency Services Act, when the ambient ozone concentration continues rising and reaches the level at 0.45 ppm.
4. Emergency (Stage 3) Episode: In addition to the actions associated with the Stage 2 Warning episode, the following actions should be implemented in the Emergency episode.
- a) Request that the Mariposa County Executive Officer declare a local emergency for air pollution and initiate its emergency operations plan;
 - b) Request the media to broadcast to the public that a local emergency exists for air pollution, due to high ozone concentrations;
 - c) Through the Mariposa County Office of Emergency Service operations, the following actions shall be conducted, but are not limited to:
 - i. Close all government facilities which are not immediately necessary for public health and safety, national security or national defense;
 - ii. Close all recreational facilities, including but not limited to those servicing boating and off-road vehicles;
 - iii. Close all non-emergency commercial and industrial facilities;
 - iv. Request implementation of emergency carpooling, or the use of mass transportation;
 - v. Request that the public use only mass transit; and
 - vi. Hospitals within the affected area shall be notified of the alert level to prepare for the possible increase in the number of patients seeking treatment.
 - d) Close principal streets, as deemed necessary by the Mariposa County Executive Officer, Health Officer, APCO, and local law enforcement agencies, in order to protect the health and welfare of the general public;
 - e) Request that the Mariposa County Office of Emergency Services engage with the State agency for necessary actions pursuant to the California Emergency Services Act, which includes prohibiting the use of all motor vehicles except for emergencies, or any other action deemed warranted;
 - f) Restrict all non-essential construction and painting; and
 - g) Restrict all lawn care and mowing activities and stop the use of lawn and garden chemicals.

The MCAPCD commits to implementing the proposed actions associated with each episode identified in this Plan. The implementation of the Plan shall prevent the ambient ozone concentration from

¹¹ Mariposa County provides for the preparation and execution of emergency plans.

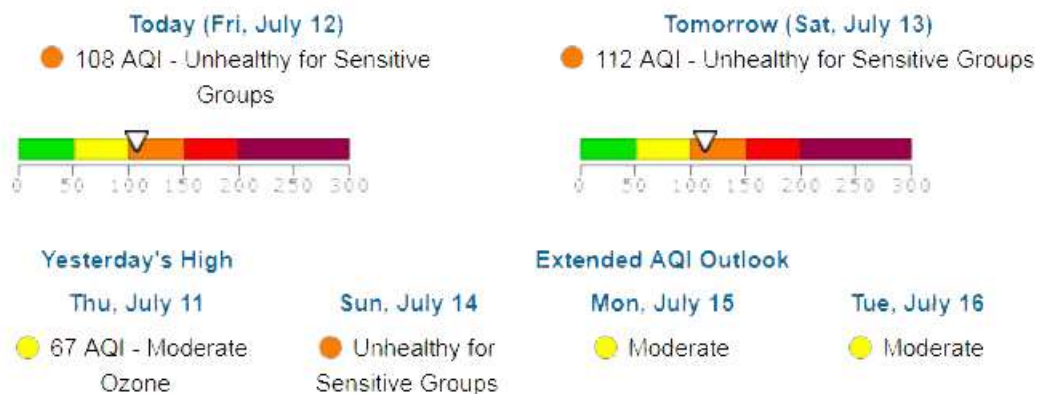
reaching the harmful level at 0.60 ppm.

SAMPLE PUBLIC NOTIFICATION

Mariposa County Air Pollution Alert

Poor air quality is being forecasted for the Southern Mountain Counties region, including Mariposa County for the next 24 to 48 hours.

MARIPOSA OZONE AIR QUALITY FORECAST



Please do your part to minimize smog-forming emissions by:

- Carpooling or vanpooling
- Use alternative transportation including use of public transit, bicycling and walking
- Eliminate vehicle idling
- Telecommuting

For more information, please visit: <https://www.mariposacounty.org/433/Air-Pollution-Control-District> or <http://www.sparetheair.com/airalert.cfm>