

El Dorado Co. R & R
5-23-79
Lake Tahoe Portion

REGULATION

I

GENERAL PROVISIONS

RULE 101. Title. These Rules and Regulations adopted pursuant to Section 40702 of the California Health and Safety Code, shall be known as the Rules for the Lake Tahoe Air Basin within the Air Pollution Control District of El Dorado County.

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.

"Air Pollution Control Officer" (APCO) means the Air Pollution Control Officer of the Air Pollution Control District of El Dorado County.

"Agricultural Burning" means 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.

"Agricultural Operation" means 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.

"Agricultural Wastes" means the unwanted or unsellable materials produced wholly from agricultural operations and materials not produced from agricultural operations, but which are intimately related to the growing or harvesting of crops.

"Air Contaminant" or "Pollutant" means any discharge, release, or other propagation into the atmosphere directly, 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.

"Alteration" means any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of equipment or control apparatus, which will significantly increase or affect the kind or amount of air contaminants emitted.

"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 gas, butane, propane, or diesel oil burners, flares, or other similar material as

approved by the Air Pollution Control Officer. This does not include tires, tar, tar paper, oil and other similar materials.

"ARB" means the California State Air Resources Board, or any person authorized to act on its behalf.

"Asphalt Concrete Plant" means any facility used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements, but limited to any combination of the following: dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer, and storage systems associated with emission control systems.

"Best Available Control Technology" means technology which gives the maximum degree of reduction of each air contaminant emitted from or resulting from any permit unit, which the APCO determines is achievable for such permit unit. The APCO shall make this determination on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs. The APCO shall consider production processes and available methods, systems, and techniques for control of each such air contaminant, including fuel cleaning or treatment or innovative fuel combustion techniques.

"Board" means the Air Pollution Control Board of the Air Pollution Control District of El Dorado County.

"Brush Treated" means the material has been felled, crushed or up-rooted with mechanical equipment, or has been desiccated with herbicides.

"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.

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

"Condensed Fumes" means minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

"Designated Agency" means any agency designated by the ARB and Air Pollution Control District as having authority to issue Agricultural Burn Permits.

"District" means the Air Pollution Control District of El Dorado County.

"Dust" means the minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

"Emission" means the act of releasing or discharging air contaminants into the atmosphere from any source.

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

"Flue" means any duct or passage for air, gases or the like, such as a stack or chimney.

"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, silviculture practices or forest protection practices.

"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.

"Fugitive Dust" shall mean solid, airborne matter emitted from any source other than through a stack.

"Gasoline" is any petroleum distillate having a Reid Vapor Pressure of 4 pounds or greater.

"Gasoline Vapors" are any organic compounds in the displaced vapors including any entrained liquid gasoline.

"Hearing Board" means the Hearing Board of the Air Pollution Control District of El Dorado County.

"Incineration" means 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.

"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.

"Installation" means 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.

"Loading Facility" shall mean any aggregation or combination of gasoline loading equipment which is (1) possessed by one person, and (2) located so that all the gasoline loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 100 meters (328 feet) in diameter.

"Lowest Achievable Emission Rate" means for any source, that rate of emissions which reflects:

- (1) The most stringent emission limitation which is contained in the State implementation plan for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable, or
- (2) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

"Modification" means any physical change in, or any change in the method of operation of, a stationary source. For the purposes of this definition:

- (1) Routine maintenance or repair shall not be considered to be physical changes, and
- (2) An increase in production rate or operating hours shall not be considered to be a change in the method of operation, provided that these increases are not contrary to any conditions of any existing permit to operate.

"Multiple Chamber Incinerator" means 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.

"No-Burn Day" means any day on which agricultural burning is prohibited by the ARB.

"Offset Fill Pipe" means any fill pipe containing horizontal lengths of pipe which prohibit the installation of submerged fill pipe.

"Open Out-Door Fire" 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.

"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.

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

"Pathological Waste" means any material 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.

"Permissive Burn Day" means any day on which agricultural burning is not prohibited by the ARB.

"Person" means 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.

"Process Weight Per Hour" means 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).

"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.

"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.

"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.

"Residential Rubbish" means 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.

"Section" means a section of the Health and Safety Code of the State of California, unless some other statute is specifically mentioned.

"Sewage Sludge Incinerator" means any incinerator which burns the sludge produced by municipal sewage treatment facilities.

"Silvicultural Practices" means the establishment, development, care and reproduction of stands of timber.

"Solid Particulate Matter" means particulate matter which exists as a solid at standard conditions.

"Solid Waste Dump" means any accumulation for the purpose of disposal of any solid waste.

"Standard Conditions" means a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analysis and tests shall be calculated and reported at this gas temperature and pressure.

"Standard Cubic Foot of Gas" means the amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.

"Stationary Source" means a permit unit or an aggregation of permit units which:

- (1) Are located on one property or on contiguous properties; and
- (2) Are under the same ownership or entitlement to use and operate; and
- (3) Are related to one another, if the source is an aggregation. Permit units shall be deemed related to one another if their operation involves a common or similar raw material, product,

or function; or if they have the same first three digits in their standard industrial classification codes as determined from the Standard Industrial Classification Manual published in 1972 by the Executive Office of the President, Office of Management and Budget.

"Submerged Fill Pipe" is any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

"Lake Tahoe Air Basin" means that area as defined by Section 60113, Title 17, California Administrative Code.

"Thoroughfare" shall mean any surface travelled by any number of vehicles as defined in the California Vehicle Code.

"Timber Operations" means cutting or removal of timber or other forest vegetation.

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

Rule 103. Validity. If any regulation, rule, subdivision, sentence, clause or phrase of these Rules and Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Rules and Regulations for the Lake Tahoe Air Basin, and every regulation, rule, subdivision, sentence, clause, and phrase thereof irrespective of the fact that any one or more regulations, rules, subdivision sentences, clauses, or phrases be declared unconstitutional or invalid.

~~Rule 104. Effective Date. These Rules and Regulations shall take effect on~~

REGULATION

II

PROHIBITIONS

- Rule 201. Coverage. Prohibitions, as set forth in this Regulation shall apply in the Lake Tahoe Air Basin portion of the El Dorado 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 Ringlemann 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 (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. 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.

F. The governing board of the district may be 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.~~

Rule 206. A. Incinerator Burning. Except for the burning of residential rubbish as defined in RULE 102, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Lake Tahoe Air Basin Basin within El Dorado County Air Pollution Control District, except in a multiple-chamber incinerator as defined in RULE 102, 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 Lake Tahoe Air Basin within El Dorado 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 a manner determined by the Air Pollution Control Officer to be as effective for emission control, as subdivision (1) above.

Rule 207. Particulate Matter. A person shall not release or discharge into the atmosphere from any source or single processing unit whatsoever, particulate matter emissions in excess of 0.1 grains per cubic foot of gas at standard conditions.

Rule 208. Fugitive Dust.

A. No person may cause, suffer, allow, or permit any fine material to be handled, transported, or stored without taking precautions determined by the Air Pollution Control Officer to be necessary. Such precautions may include, but are not limited to:

- (1) Application of water or suitable chemicals or other specified covering on materials stockpiles, wrecking activity, excavation, grading, sweeping, clearing or land, solid waste disposal operation, or construction or demolition of buildings or structures;
 - (2) Installation and use of hoods, fans and filters to enclose, collect and clean the emissions of dusty materials;
 - (3) Covering or wetting at all times when in motion of open-bodied trucks, trailers or other vehicles transporting materials which can create airborne particulate matter in areas where the general public has access.
- B. No person responsible for the ownership or maintenance of a road or thoroughfare may cause, suffer, allow, or permit a road or thoroughfare to be used, constructed, altered, or repaired without taking precautions determined by the Air Pollution Control Officer to be necessary. Such precautions may include, but are not limited to:
- (1) Application of asphalt, oil, water or suitable chemicals on dirt roads;
 - (2) Paving of public or commercial parking surfaces;
 - (3) Removal from paved streets and parking surfaces of earth or other material which has a tendency to become airborne;
 - (4) Alternate means of control as approved by the Air Pollution Control Officer.
- C. This rule shall not apply to fugitive dust from publicly maintained unpaved roads where no nuisance or health hazard is created by its usage or where it is demonstrated to the Air Pollution Control Officer that no means are available to finance the necessary road improvements immediately. A reasonable long range schedule for necessary road improvements must be submitted to support the Air Pollution Control Officer's granting such an exemption.

Rule 209. Sulfur Content of Fuels.

- A. A person shall not sell or burn any liquid fuel having a sulfur content in excess of 0.5% by weight.
- B. A person shall not sell or burn any solid fossil fuel having a sulfur content in excess of 0.8% by weight.
- C. A person shall not sell or burn any natural gas or substitute natural gas commercially sold containing sulfur compounds in excess of 120 ppm (parts per million) calculated as hydrogen sulfide (H_2S).
- D. The provisions of Section C of this rule shall not apply to sewage digester gas.

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~~orchard and citrus heaters which it finds produce no more than one gram per minute of unconsumed solid carbonaceous material. No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage after January 1, 1971, unless it has been approved by the A.R.B. No person shall use any orchard or citrus heater after January 1, 1975, unless it has been approved by the A.R.B. or does not produce more than one gram per minute of unconsumed solid carbonaceous material. Any violation of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding five hundred dollars (\$500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.~~

~~Notwithstanding Section 39057, local or regional authorities may adopt ordinances, which may become operative at any time on or after January 1, 1973, prohibiting the use of any orchard or citrus heater which has not been approved by A.R.B.~~

~~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.~~

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 102M and derived from the fuel.

~~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.~~

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Rule 210. Specific Contaminants.

- A. A person shall not discharge into the atmosphere from any source of emissions whatsoever, any one or more of the following contaminants, in any state or combination thereof exceeding in concentration at point of discharge:
- (1) Sulfur compounds, calculated as sulfur dioxide (SO₂) 500 parts million by volume.
 - (2) Combustion contaminants: 0.1 grains per cubic foot of gas calculated to 12 percent carbon dioxide (CO₂) at standard conditions.
- B. Particulate matter emitted from a source in which exhaust gases from a combustion unit or process are used to dry, calcine, pyrolyze, sinter, or otherwise condition (exclusive of combusting) any process material shall be excluded from calculation as combustion contaminants.

Rule 211. Process Weight. A person shall not discharge into the atmosphere in any one hour from any source whatsoever solid particulate matter in excess of the amount shown in the following table:

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate Lbs./Hr.	Emission Rate Lbs./Hr.
504
1006
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 212. Abrasive Blasting. By reference Title 17 Subchapter 6 of the California Administrative Code shall apply.

~~Rule 213. Storage of Petroleum Products at Terminals and Large Bulk Loading Facilities.~~

~~A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity gasoline unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent gasoline vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:~~

- ~~A. A floating roof, consisting of a pontoon type or doubledeck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.~~
- ~~B. A vapor recovery system, consisting of a vapor gathering system capable of collecting the gasoline vapors and gases discharged and a vapor disposal system capable of processing such gasoline vapors and gases so as to prevent their emissions to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.~~

Rule 214. Transfer of Gasoline into Stationary Storage Containers.

- ~~A. A person shall not transfer or permit the transfer of gasoline from any delivery vessel (i.e., tank, truck, or trailer) into any stationary storage container with a capacity of more than 250 gallons unless such container is equipped with a permanent submerged fill pipe and unless 95 percent by weight of the gasoline vapors displaced during the filling of the stationary storage container are prevented from being released into the atmosphere.~~
- ~~B. The provisions of this section shall not apply to the following:
 - ~~(1) The transfer of gasoline into any stationary storage container having a capacity of 2,000 gallons or less which was installed prior to February 7, 1979 if such container is equipped by November 1, 1979 with a permanent submerged fill pipe.~~
 - ~~(2) The transfer of gasoline into any stationary storage container in existence prior to February 7, 1979 when such container is served only by delivery vessel exempted by the Air Pollution Control Officer pursuant to Section D of this rule, if such container is equipped by November 1, 1979 with a permanent submerged fill pipe.~~
 - ~~(3) The transfer of gasoline into any stationary storage container ~~originally equipped with an offset fill pipe, and in existence~~~~~~

~~Rule 216. New Source Performance Standards.~~

~~A. Asphalt Concrete Plants.~~

~~On or after the date of construction of a new facility or the modification of a facility in existence prior to March 4, 1974, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.04 grain per dry standard cubic foot.~~

~~B. Sewage Sludge Incinerator.~~

~~On or after the date of construction of a new facility or the modification of a facility in existence prior to March 4, 1974, no owner or operator subject to the provisions of this section shall discharge or cause the discharge into the atmosphere of particulate matter at a rate in excess of 1.3 pounds per ton of dry sludge input.~~

~~C. Performance tests to determine the compliance of sources with this Rule shall comply only with the provisions of CFR 40, Part 60.~~

Rule 217. Compliance Tests. Except as otherwise stated in these Rules and Regulations, performance tests undertaken to determine compliance of sources with Regulation II shall comply with the provisions of CFR 40, Part 60, Appendix A except that Method 5 shall be modified to include the impinger train.

REGULATION

III

OPEN BURNING

Rule 301. Prohibitions on Open Burning. Except as provided in these Rules, no person shall use open fires for the purpose of disposal or burning of petroleum waste, 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.

Rule 302. Exceptions to Rule 301.

A. 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, or
- 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 any public fire officer to:

- a. Establish hours of authorized burning more stringent than required to control air quality.
- b. Prohibit any burning due to high fire hazard or to limitation of available fire fighting or control equipment.

(3) 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. Open fires for agricultural burning, as defined in RULE 102. (See RULES 315, 316, and 317).

~~* C. Open fires for the disposal of unsellable wood waste from property being developed for commercial or residential purposes. (See RULE 318).~~

D. Open fires for right-of-way clearing by the public utility or for levee, ditch and reservoir maintenance. (See RULE 319).

- E. Open fires for the burning of residential rubbish (as defined in RULE 102). (See RULE 305).
- F. Open fires for recreational purposes, such as the cooking of food for human consumption.
- G. Open fires as authorized by the ARB for the operation of a solid waste dump under an extension. (See Section 41803).

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 pursuant to RULE 318 unless the person has been issued a valid permit from the Air Pollution Control Officer.
- B. A permit shall not be issued to an applicant unless information is provided as required by the El Dorado County Air Pollution Control District including, but not limited to:
 - (1) Name and address of the permittee.
 - (2) Location of the proposed burn.
 - (3) Acreage or estimated tonnage of material to be burned.
 - (4) The type of material to be burned.
 - (5) Under what category burning will take place, i.e., agricultural, forest management, range improvement, 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 41855 OF THE HEALTH AND SAFETY CODE".
- D. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.
- E. Such person, or his representative, shall have the permit available for inspection at the burn site during the burn.

Rule 304. Permit Validity. No permit shall be construed to authorize open outdoor fires for any day during which:

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

Rule 305. No-Burn Days. No person shall knowingly permit residential or agricultural burning, or burning of wood waste on property where grown or hazard reduction burning, or right-of-way clearing and levee ditch and reservoir maintenance burning, on days when such burning is prohibited by the ARB.

Rule 306. Exceptions to RULE 305.

- A. The Air Pollution Control Officer may, by special permit, authorize:
 - (1) Agricultural burning on days designated by the ARB 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 Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisory, or other informed sources.

Rule 307. 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 Air Pollution Control Officer quarterly.

Rule 308. 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 309. Approved Ignition Devices. All open fires as authorized by this Regulation shall be ignited only with approved ignition devices (as defined in RULE 102) and the material to be burned should be ignited as rapidly as practicable within applicable fire control restrictions.

Rule 310. 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 be burned to each agency based on the estimated number of acres or tonnage in the geographic area covered by the agency.

~~Rule 311. Wind Direction. Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance or hazard.~~

Rule 312. Minimum Drying Times. To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

- A. Sufficient time for agricultural waste to assure rapid and complete combustion with a minimum amount of smoke.
- B. A minimum of six (6) weeks for trees, stumps, and large branches greater than six (6) inches in diameter.

Rule 313. Exceptions to RULE 312. The Air Pollution Control Officer may grant an exception to the drying times specified in RULE 312 if the denial of such burning would threaten imminent and substantial economic loss.

Rule 314. Preparation of Material to be Burned.

- A. No material shall be burned unless it is free of tires, rubbish, tar paper, construction debris, and also reasonably free of dirt, soil and visible surface moisture.
- B. Material stacked for burning shall not be burned unless it is stacked in such a manner as to promote drying and insure combustion with a minimum amount of smoke.
- C. Stumps greater than eighteen (18) inches in diameter at the cut will not be included in the burn unless split at least in half and free of dirt.

Rule 315. Burning of Agricultural Waste. Nothing in these Rules and Regulations shall be construed as limiting the use of open fires for burning of agricultural waste.

RULE 301 through RULE 314 inclusive, shall apply to open burning of all agricultural waste.

Rule 316. Range Improvement Burning. Nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for range improvement burning.

- A. RULES 301 through 314 inclusive, and the following section of this Rule shall apply to Range Improvement Burning.
- B. Brush shall be treated at least six (6) months prior to the burn if economically and technically feasible.
- C. Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.

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~~Agricultural burning in areas above 6,000 feet, (msl), with the exception of the Tahoe Basin, may be exempted.~~

~~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.~~

~~e 308. Burning Reports~~

~~A. The name, location, type and amount of waste material burned daily must be reported to the designated agency within 30 days following completion of the burn.~~

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

~~e 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.~~

~~e 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.~~

~~e 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 be burned to each agency based on the estimated number of acres or tonnage in the geographic area covered by the agency.~~

~~e 312. Wind Direction. Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance.~~

~~e 313. Minimum Drying Times. To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:~~

~~A. A minimum of three (3) days for straw and stubble.~~

~~B. Sufficient time for other agricultural waste such as orchard prunings.~~

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~~Air Pollution Control Officer shall prorate the amounts to be burned to each agency based on the estimated number of acres or tonnage in the geographic area covered by the agency.~~

~~Rule 311. Wind Direction. Burning shall be curtailed when smoke is drifting into a nearby populated area or creating a public nuisance or hazard.~~

Rule 312. Minimum Drying Times. To lower the moisture content of the material being burned, the elapsed time between cutting and burning shall be:

- A. Sufficient time for agricultural waste to assure rapid and complete combustion with a minimum amount of smoke.
- B. A minimum of six (6) weeks for trees, stumps, and large branches greater than six (6) inches in diameter.

Rule 313. Exceptions to RULE 312. The Air Pollution Control Officer may grant an exception to the drying times specified in RULE 312 if the denial of such burning would threaten imminent and substantial economic loss.

Rule 314. Preparation of Material to be Burned.

- A. No material shall be burned unless it is free of tires, rubbish, tar paper, construction debris, and also reasonably free of dirt, soil and visible surface moisture.
- B. Material stacked for burning shall not be burned unless it is stacked in such a manner as to promote drying and insures combustion with a minimum amount of smoke.
- C. Stumps greater than eighteen (18) inches in diameter at the cut will not be included in the burn unless split at least in half and free of dirt.

Rule 315. Burning of Agricultural Waste. Nothing in these Rules and Regulations shall be construed as limiting the use of open fires for burning of agricultural waste.

RULE 301 through RULE 314 inclusive, shall apply to open burning of all agricultural waste.

Rule 316. Range Improvement Burning. Nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for range improvement burning.

- A. RULES 301 through 314 inclusive, and the following section of this Rule shall apply to Range Improvement Burning.
- B. Brush shall be treated at least six (6) months prior to the burn if economically and technically feasible.
- C. Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.

- D. Material should be windrowed or piled if economically and technically feasible.
- E. If the burn is to be accomplished primarily for improvement of land for wild life and game habitat, the permit applicant shall obtain a written statement from the State Department of Fish and Game, certifying that the burn is desirable and proper.

Rule 317. Forest Management Burning. Nothing in these Rules and Regulations shall be construed as limiting the use of open outdoor fires for forest management burning.

- A. RULES 301 through 314, and the following sections of this Rule, with the exception of RULE 312, shall apply to Forest Management Burning.
- B. Waste material should be windrowed or piled where possible, unless good silvicultural practice dictates otherwise.
- C. Drying time shall be specified by the designated agency.

~~Rule 318. Open Burning of Wood Waste on Property Where Grown. Pursuant to Section 41803, this Rule authorizes the use of open outdoor fires for the disposal of unsellable wood waste from property being developed for commercial or residential purposes under the following conditions:~~

- ~~A. RULE 301 through RULE 314, except RULE 307 and the following sections this Rule shall apply to open burning of wood waste on property where grown.~~
- ~~B. Unwanted trees over six (6) inches in diameter are to be felled and dried prior to the burn.~~
- ~~C. Wood waste should be windrowed if economically and technically feasible.~~
- ~~D. Wood waste which is burned under this Rule shall be limited to that grown on the property and free of other material.~~
- ~~E. This burning shall be conducted only on permissive burn days.~~
- ~~F. The Air Pollution Control Officer or staff shall review and sign all permits prior to the burning.~~
- ~~G. The Air Pollution Control Board of the district finds it more desirable to burn than dispose of by other available means.~~

Rule 319. Right-of-Way Clearing and Levee, Ditch and Reservoir Maintenance Burning.

- A. RULE 301 through RULE 314, except RULE 307, shall apply to the use of fires for right-of-way clearing by a public entity or utility or for levee, ditch or reservoir maintenance.
- B. This burning shall be conducted only on permissive burn days.

Rule 320. Hazard Reduction Burning.

- A. For purposes of this rule, "Hazard Reduction Burning" is burning authorized pursuant to RULES 302 A. (1) a and 203 A. (1).
- B. Except as provided in Paragraph C, the following conditions shall apply to all open outdoor burning for purposes of hazard reduction:
 - (1) RULE 301 through RULE 314, except RULE 307, shall apply to Hazard Reduction Burning.
 - (2) Unwanted trees over six (6) inches in diameter shall be felled and dried prior to the burn.
- C. If the fire officer with jurisdiction determines that a condition exists in which a fire hazard or health hazard will have an imminent effect on life and property, he may waive the requirements of Paragraph B of this Rule, provided that a written report of such burning shall be forwarded to the Air Pollution Control Officer stating why life and property was being threatened requiring such burning and such other information as the Air Pollution Control Officer may reasonably require.

~~Rule 321. Mechanized Burners. Notwithstanding any other provision of Regulation III, the Air Pollution Control Officer 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 non-wood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight (8) hour period which is:~~

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

~~In authorizing the operation of a mechanized burner, the Air Pollution Control Officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this Rule.~~

REGULATION

IV

PERMIT SYSTEM 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 APCO 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.~~

Rule 402. Authority to Inspect.

- ~~A. For the purpose of enforcing or administering any State or local law, order, regulation or rule relating to air pollution, the Air Pollution Control Officer and his duly authorized agents shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained therewith by the District.~~
- ~~B. The APCO or his duly authorized agent shall have the right to inspect sampling and monitoring apparatus as he deems necessary.~~
- ~~C. The APCO may issue identification cards, with the photograph of holder and signature of the Air Pollution Control Officer, to such employees of the district who need such credentials for entry.~~

~~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.~~

Rule 404. Upset Conditions, Breakdown or Scheduled Maintenance.

A. Definition

For the purpose of this rule, a breakdown condition means an

unforeseeable failure or malfunction of 1) any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these rules and regulations, or by State law, or 2) any in-stack continuous monitoring equipment, where such failure or malfunction:

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

B. Breakdown Procedures

- (1) The owner or operator shall notify the air pollution control officer of any occurrence which constitutes a breakdown condition; such notification shall identify the time, specific location, equipment involved, and (to the extent know) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but no later than two (2) hours after its detection during normal Air Pollution Control District business hours.
- (2) The APCO shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement follow-up, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.
- (3) Upon receipt of notification pursuant to subparagraph B. (1) the APCO shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the APCO determines that the occurrence does not constitute a breakdown condition, the APCO may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

C. Disposition of Short-Term Breakdown Conditions

- (1) An occurrence which constitutes a breakdown condition, and which persists longer than forty-eight (48) hours, except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours, shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the APCO may elect to take no enforcement action if the owner demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:

- a. The owner or operator submits the notification required by subparagraph B. (1); and
- b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective measures within forty-eight (48) hours, (except for continuous monitoring equipment which the period shall be ninety-six (96) hours. (If the owner or operator elects to shut down rather than come into immediate compliance, (s)he must nonetheless take whatever steps are possible to minimize the impact of the breakdown within the forty-eight (48) hour period).
- c. The breakdown does not interfere with the attainment and maintenance of any national ambient air quality standards.

- (2) An occurrence which constitutes a breakdown condition shall not persist longer than forty-eight (48) hours, (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), unless the owner or operator has obtained any emergency variance.

D. Emergency Variance Procedures

- (1) If the breakdown condition will require more than forty-eight (48) hours to correct, (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), the owner or operator may, in lieu of shutdown, request the APCO to commence the emergency variance procedure set forth in subparagraph D. (2) below.
- (2) Upon receipt of a request for any emergency variance, the APCO shall contact the chairperson of the hearing board, or their designated member(s) of the hearing board, who shall conduct deliberation for consideration of the request. The APCO shall inform the owner or operator of the source of such deliberation. During consideration of the emergency variance, the APCO shall recommend whether any emergency variance should be granted, and the owner or operator of the source shall be entitled to present relevant information or data applicable to the breakdown. The burden shall be on the owner or operator to establish that a breakdown condition exists. Thereafter, the chairperson or other designated member(s) may, without notice or hearing, grant or deny an emergency variance. Reasonable conditions may be included in the variance. The chairperson or other designated member(s) shall, within five working days, issue a written order confirming the decision, with appropriate findings.
- (3) No emergency variance shall be granted unless the chairperson or other designated member(s) determines that:
 - a. The occurrence constitutes a breakdown condition;
 - b. Continued operation is not likely to create, a nuisance,

- an immediate threat or hazard to public health or safety; and
- c. The requirement for a variance set forth in Health and Safety Code Sections 42352 and 42343 have been met.
 - d. The continued operation in a breakdown condition will not interfere with the attainment or maintenance of the national ambient air quality standards.
- (4) At any time after an emergency variance has been granted, the APCO may request that the chairperson or designated member(s) reconsider and revoke, modify or further condition the variance if the APCO has good cause to believe that:
- a. Continued operation is likely to create a nuisance, an immediate threat, or hazard to public health or safety;
 - b. The owner or operator is not complying with all applicable conditions of the variance;
 - c. A breakdown condition no longer exists; or
 - d. Final compliance is not being accomplished as expeditiously as practicable.

The procedures set forth in subparagraph D.(2) shall govern any further proceedings conducted under this subparagraph.

- (5) An emergency variance shall remain in effect only for as long as necessary to repair or remedy the breakdown condition, but in no event after a regularly noticed hearing to consider an interim or ninety (90) day variance has been held, or fifteen (15) days from the date of the subject occurrence, whichever is sooner.

E. Reporting Requirements.

Within one week after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the APCO which includes:

- (1) A statement that the occurrence has been corrected, together with the date of correction and proof of compliance;
- (2) A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the APCO to determine whether the occurrence was a breakdown condition.
- (3) A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future (the APCO may, at the request of the owner or operator, for good cause, extend up to thirty (30) days the deadline for submitting the description required by this subparagraph).
- (4) An estimate of the quantity of or detailed description of emissions caused by the occurrence; and

(5) Pictures of the equipment or control which failed, if available.

F. Burden of Proof

The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the APCO shall undertake appropriate enforcement action.

G. Failure to Comply with Reporting Requirements.

Any failure to comply, or comply in a timely manner, with the reporting requirement established in subparagraphs B.(1) and E.(1) through A.(5) of this rule shall constitute a separate violation of this rule.

H. False Claiming of Breakdown Occurrence

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

I. Hearing Board Standards and Guidelines.

The hearing board shall adopt standards and guidelines consistent with this rule to assist the chairperson or other designed member(s) of the hearing board in determining whether to grant or deny an emergency variance, and to assist the air pollution control officer in the enforcement of this rule.

~~Rule 405. Separation of Emissions. 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.~~

~~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 Rule and Regulations~~

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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 Officers satisfaction, the correct total emitted quantity.

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 emissions 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.

RULE 407 Circumvention A person shall not build, erect, install, or use any article, machine, equipment or other contrivance,

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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 20, Chapter 2, 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 violation involved is of Section 24243 of the Health and Safety Code of the State of California, or of the Rule 205 of these Rules and Regulations.

~~RULE 408 Source Recordkeeping and Reporting The owner or operator of any stationary source, shall, upon notification from the District, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the District to determine whether such source is in compliance with applicable emission limitations or other control measures. The Air Pollution Control Officer may require that such records be certified by a professional engineer registered in the State of California. Such studies shall be at the expense of the person causing the emissions.~~

~~The information recorded shall be summarized and reported to the District, on forms or formats as furnished by the District, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, except that the initial reporting period shall commence on the date the District issues notification of the recordkeeping requirements.~~

~~Information reported by the owner or operator and copies of the summarizing reports submitted to the District shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.~~

RULE 409 Public 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,

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~~reports submitted to the District shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.~~

1e 409. Public 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 articles, 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 the 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 it's 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. Requests from the public for records shall be specific and in sufficient detail to enable the District to readily identify the information requested.
- D. Notwithstanding any other provisions of the law, all air pollution emission data, including these emission data which constitute trade secrets as defined in (C), are public records. Production data used to calculate emission data are not emission data for purposes of this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.