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1 as prohibiting any fire otherwise required by law.

2 RULE 54-INCINERATOR BURNING

3 No person shall ignite, or cause to be ignited, permit to be ignited or
4 suffer, allow or maintain any ignited combustible refuse in any incinerator
5 unless such operation meets the requirements specified in these Rules and
6 Regulations. (Which includes Rule 2 (r))

7 RULE 55-EXCEPTIONS

8 The provisions of Rules 50 and 52 do not apply to:

9 (a) Smoke from fires set by or permitted by any public officer if such
10 fire is set or permission given in the performance of the official duty of
11 such officer and such fire in the opinion of such officer is necessary:

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

14 (2) For the instruction of public employees in the methods of
15 fighting fire.

16 (b) Smoke from fires set pursuant to permit on property used for indus-
17 trial purposes for the purpose of instruction of employees in methods of fight-
18 ing fire.

19 (c) Smoke from burning for which a permit has been issued by the Air
20 Pollution Control Officer.

21 (d) Agricultural operations in the growing of crops or raising of fowls,
22 animals, or bees.

23 (e) The use of other equipment in agricultural operations in the growing
24 of crops, or raising of fowls, animals or bees.

25 RULE 56-SULFUR OXIDE EMISSIONS

26 (a) A person shall not discharge into the atmosphere from any single
27 source of emissions whatsoever sulfur oxides, calculated as sulfur dioxide
28 (SO₂), in excess of 1,000 ppm.

29 (b) It shall be unlawful for any person to cause or permit the emission
30 of sulfur dioxide from any premises which will result in concentrations and
31 time durations at ground level that exceed those shown in the following table:

32

TABLE II
MAXIMUM ALLOWABLE SULFUR DIOXIDE
GROUND-LEVEL CONCENTRATIONS

1	*Concentration	Time Duration
2	0.5 ppm	1 hour
3	0.04 ppm	24 hours

4 *Parts per million by volume.

5 (c) Any person demonstrated by the Control Officer to be emitting sulfur
6 oxides resulting in ground-level concentrations and durations in excess of
7 Table II above shall be required to install and continuously operate recording
8 instruments in at least three locations surrounding the emission point. Such
9 locations are to be approved by the Control Officer.

10 (d) Such person shall provide to the Control Officer a summary of the
11 data obtained from such instruments during each calendar month. The form of
12 presentation of the data will be specified by the Control Officer.

13 ~~RULE 57-SULFIDE EMISSION STANDARD~~

14 (a) A person shall not discharge total reduced sulfur, (TRS), as defined
15 in Rule 2 (gg), into the atmosphere from any single emission point in excess
16 of the total daily weight calculated by the formula:

17
$$\text{TRS (pounds per day)} = 0.012 (H_s)^2$$

18 where H_s is the height in feet of the emission point above Mean Ground Eleva-
19 tion. Mean Ground Elevation shall be computed as the arithmetic average of the
20 highest and lowest ground-level elevations within a 1,000 yard radius of the
21 emission point. In no case is the lowest ground-level elevation to be less
22 than mean sea level.

23 Effective January 1, 1972, a person shall not discharge total reduced
24 sulfur (TRS), as defined in Rule 2 (gg), into the atmosphere from any single
25 emission point at a concentration exceeding 60 parts per million by volume,
26 or in excess of the total daily weight calculated by the formula:

27
$$\text{TRS (pounds per day)} = 0.012 (H_s)^2$$

28 whichever is the more restrictive condition, where H_s is the height in feet
29 of the emission point above Mean Ground Elevation. Mean Ground Elevation shall
30 be computed as the arithmetic average of the highest and lowest ground-level
31 elevations within a 1,000-yard radius of the emission point. In no case is
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29 of the emission point above Mean Ground Elevation. Mean Ground Elevation shall
30 be computed as the arithmetic average of the highest and lowest ground-level
31 elevations within a 1,000-yard radius of the emission point. In no case is
32 the lowest ground-level elevation to be less than mean sea level.

1 (b) In any integrated manufacturing facility designed for conversion of
2 wood materials into pulp and/or paper, the total maximum allowable monthly
3 TRS emissions released to the atmosphere must not exceed one pound of TRS per
4 ton of dry wood charged into the conversion process. Wood materials used ex-
5 clusively for fuel are not to be considered as charge to the conversion process.

6 Effective January 1, 1972, the total maximum allowable monthly TRS emis-
7 sions released to the atmosphere must not exceed 0.8 pounds of TRS per ton of
8 dry wood charged into the conversion process.

9 (c) It shall be unlawful for any person to cause or permit the emission
10 of air contaminants from any premises which will result in ground-level concen-
11 trations of TRS, expressed as hydrogen sulfide, in excess of 0.03 ppm for a
12 period of 60 minutes.

13 (d) A person complying with the requirements of Rule 57 (a) and releas-
14 ing in excess of 100 pounds per day of TRS from a single emission point shall
15 be required to provide, install, maintain and continuously operate a recording
16 instrument at such emission point which will record the concentrations of TRS
17 emissions.

18 (e) Where the Control Officer demonstrates by standardized analytical chem-
19 istry procedures that the requirements of Rule 57(c) have been violated on at
20 least three separate occasions within a one-month period, the person causing
21 said violation shall provide, install, maintain and operate a recording instru-
22 ment, located at ground level, which will monitor the TRS concentration at the
23 property limits. Location of said monitoring instrument is to be approved by
24 the Control Officer.

25 (f) Emissions exceeding the limits established by Rule 57(c) shall not
26 constitute a violation provided such emissions, from the emission point to the
27 point of such concentration, are on the property controlled by the person res-
28 ponsible for such emissions.

29 (g) A summary of the data obtained under the provisions of Rule 57(b),
30 Rule 57(d), and Rule 57(e), if applicable, shall be submitted to the Control
31 Officer once each calendar month no later than the fifteenth day of the follow-
32 ing calendar month. This summary shall be presented in the manner and form

1 as prescribed by the Air Pollution Control Officer.

2 ~~RULE 58-REDUCTION OF ANIMAL MATTER~~

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

7 (a) Incinerated at temperatures of not less than 1,200 degrees Fahren-
8 heit for a period of not less than 0.3 second, or

9 (b) Processed in a manner determined by the Air Pollution Control
10 Officer to be equally, or more, effective for the purpose of air pollution
11 control than (a) above.

12 For the purpose of this rule, "reduction" is defined as any heated process
13 including rendering, cooking, drying, dehydrating, digesting, evaporating and
14 protein concentrating.

15 ~~RULE 59-REPORT OF BREAKDOWN~~

16 Emissions exceeding any of the limits established by Regulation IV as a
17 direct result of unavoidable upset conditions or unforeseeable breakdown
18 of equipment or control apparatus shall not be deemed in violation provided
19 the following requirements are met:

20 (a) The upset or breakdown is immediately reported to the Tuolumne County
21 Air Pollution Control District.

22 (b) The person responsible shall, upon the request of the Control Officer
23 submit a full report, including the known causes and the preventive measures
24 to be taken to minimize or eliminate a reoccurrence.

25 ~~RULE 60-CIRCUMVENTION~~

26 A person shall not build, erect, install, or use any article, machine,
27 equipment or other contrivance, the use of which, without resulting in a re-
28 duction in the total release of air contaminants to the atmosphere, reduces
29 or conceals an emission which would otherwise constitute a violation of
30 Division 20, Chapter 2, of the Health and Safety Code of the State of Calif-
31 ornia, or of these Rules and Regulations. This rule shall not apply to cases
32 in which the only violation involved is of Section 24243 of the Health and

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~~1 Safety Code of the State of California, or of Rule 51 of these Rules and Regu-
2 lations.~~

3 RULE 62-REVIEW OF STANDARDS

4 The Air Pollution Control Officer may at any time request the Air Pollu-
5 tion Control Board to hold a public hearing for review of current air pollu-
6 tion control technology, to examine the adequacy of the emission limits stated
7 in these Rules and Regulations, or to adopt any new or revised standards that
8 may be necessary. Such hearing shall be held at least once each year on or
9 near the anniversary date of the adoption of these Rules and Regulations.
10 through 1972, after which hearings shall be held upon the request of the Air
11 Pollution Control Officer if in his opinion advances in technology warrant
12 such a hearing.

13 ~~REGULATION V
14 PROCEDURE BEFORE THE HEARING BOARD~~

15 ~~RULE 75-GENERAL~~

16 ~~This regulation shall apply to all hearings before the Hearing Board of
17 the Air Pollution Control District.~~

18 ~~RULE 76-FILING PETITIONS~~

19 ~~Requests for hearing shall be initiated as specified in the Health and
20 Safety Code by the filing of a petition with the Clerk of the Hearing Board
21 at the Tuolumne County Air Pollution Control District,
22 Sonora, California, 95370 and the payment of the fee provided for in Rule 42
23 of these Rules and Regulations, after service of a copy of the petition has
24 been made on the Air Pollution Control Officer at
25 Sonora, California 95370, and one copy on the holder of the permit or variance,
26 if any, involved. Service may be made in person or by mail and service may be
27 proved by written acknowledgment of the person served or by the affidavit of the
28 person making the service.~~

29 ~~RULE 77-CONTENTS OF PETITIONS~~

30 ~~Every petition shall state:~~

- 31 ~~(a) The name, address, and telephone number of the petitioner or other
32 person authorized to receive service of notices..~~

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REGULATION II - PERMITS

RULE 201 Permits Required

a. Authority to Construct Any person building, altering or replacing any equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the air pollution control officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied.

~~b. Permit to Operate Before any equipment described in Rule 201(a) may be operated, a written permit shall be obtained from the air pollution control officer. No permit to operate shall be granted either by the air pollution control officer or the hearing board for any equipment described in Rule 201(a), constructed or installed without authorization as required by Rule 201(a), until the information required is presented to the air pollution control officer and such equipment is altered, if necessary, and made to conform to the standards set forth in Rule 208 (standards for granting application) and elsewhere in these rules and regulations.~~

~~c. Posting of Permit to Operate A person who has been granted under Rule 201(b) a permit to operate any equipment described in Rule 201(b), shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance, in such a manner as to be clearly visible and accessible. In the event that the equipment is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the equipment or maintained readily available at all times on the operating premises.~~

~~d. Altering of Permit A person shall not wilfully deface, alter, forge, counterfeit, or falsify a permit to operate any equipment.~~

e. Permit to Sell or Rent Before any of the hereinbefore described equipment is sold, leased, or rented, such that it is operated by anyone other than the holder of the permit, the owner or operator is required to obtain a permit to sell or rent.

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RULE 202 Exemptions Any authority to construct or a permit to ~~operate~~ shall not be required for:

- a. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.
- b. Vehicles used to transport passengers or freight.
- c. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.
- d. The following equipment:
 - 1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
 - 2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
 - 3. Piston type internal combustion engines.
 - 4. Water cooling towers and water cooling ponds not used for evaporative cooling of water from barometric jets or from barometric condensers.
 - 5. Equipment used exclusively for steam cleaning.
 - 6. Presses used exclusively for extruding metals, minerals, plastics or wood.
 - 7. Equipment used exclusively for space heating, other than boilers.
 - 8. Equipment used for hydraulic or hydrostatic testing.
 - 9. Equipment used in eating establishments for the purpose of preparing food for human consumption.
 - 10. Equipment used exclusively to compress or hold dry natural gas.
- e. The following equipment or any exhaust system or collector serving exclusively such equipment:
 - 1. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

2. Brazing, soldering or welding equipment.
- 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. Liquefied petroleum gas.
 3. A combination of natural gas and liquefied petroleum gas.
- g. Natural draft hoods, natural draft stacks or natural draft ventilators.
- h. Self-propelled mobile construction equipment other than pavement burners.
- i. Other sources of minor significance which may be specified by the air pollution control officer.
- j. Agricultural implements used in agricultural operations.
- k. Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.
- l. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.
- m. Identical replacements in whole or in part of any equipment where a permit to operate has previously been granted for such equipment.

~~RULE 203 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 204 Applications Every application for a permit required under Rule 201 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 208 hereof.~~

~~RULE 205 Cancellation of Construction Permit A permit shall be cancelled two years from the date of filing of the application.~~

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~~2. Brazing, soldering or welding equipment.~~

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 - ~~3. A combination of natural gas and liquefied petroleum gas.~~~~
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 - ~~3. A combination of natural gas and liquefied petroleum gas.~~~~
- ~~g. Natural draft hoods, natural draft stacks or natural draft ventilators.~~
- ~~h. Self-propelled mobile construction equipment other than pavement burners.~~
- ~~i. Other sources of minor significance which may be specified by the air pollution control officer.~~
- ~~j. Agricultural implements used in agricultural operations.~~
- ~~k. Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.~~
- ~~l. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.~~
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- ~~g. Natural draft hoods, natural draft stacks or natural draft ventilators.~~
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RULE 206 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 207 Provision of Sampling and Testing Facilities A person operating or using any equipment for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the permit.~~

RULE 208 Standards for Granting Applications

- a. The air pollution control officer shall deny a permit, except as provided in Rule 209, 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 Section 24242 or 24243, Health and Safety Code, or of these rules and regulations.
- b. Before a permit is granted, the air pollution control officer may require the applicant to 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 described in the permit. In the event of such a requirement, the air pollution control officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the general industry safety orders of the State of California.
- c. 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.

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RULE 209 Conditional Approval The air pollution control officer may issue a permit subject to conditions which will bring the operation of any equipment within the standards of Rule 208, in which case the conditions shall be specified in writing. Commencing work under a permit to construct, operation under a permit to operate, renting or selling under a permit to rent or sell, shall be deemed acceptance of all the conditions so specified. The air pollution control officer shall issue a permit with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of Rule 208 under the revised conditions.

~~RULE 210 Denial of Applications In the event of denial of a permit the air pollution control officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The air pollution control officer shall not accept a further application unless the applicant has complied with the objections specified by the air pollution control officer as his reasons for denial of the permit.~~

RULE 211 Further Information Before acting on an application for a permit the air pollution control officer may require the applicant to furnish information or further plans or specifications.

RULE 212 Applications Deemed Denied The applicant may at his option deem the permit denied if the air pollution control officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the air pollution control officer, whichever is later.

RULE 213 Appeals Within 10 days after notice, by the air pollution control officer, of denial of a permit, the applicant may petition the hearing board, in writing, for a public hearing. The hearing board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the air pollution control officer; such order may be made subject to specified conditions.

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~~RULE 209 Conditional Approval The air pollution control officer may issue a permit subject to conditions which will bring the operation of any equipment within the standards of Rule 208, in which case the conditions shall be specified in writing. Commencing work under a permit to construct, operation under a permit to operate, renting or selling under a permit to rent or sell, shall be deemed acceptance of all the conditions so specified. The air pollution control officer shall issue a permit with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of Rule 208 under the revised conditions.~~

RULE 210 Denial of Applications In the event of denial of a permit the air pollution control officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The air pollution control officer shall not accept a further application unless the applicant has complied with the objections specified by the air pollution control officer as his reasons for denial of the permit.

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~~RULE 210 Denial of Applications In the event of denial of a permit the air pollution control officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The air pollution control officer shall not accept a further application unless the applicant has complied with the objections specified by the air pollution control officer as his reasons for denial of the permit.~~

~~RULE 211 Further Information Before acting on an application for a permit the air pollution control officer may require the applicant to furnish information or further plans or specifications.~~

RULE 212 Applications Deemed Denied The applicant may at his option deem the permit denied if the air pollution control officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the air pollution control officer, whichever is later.

~~RULE 213 Appeals Within 10 days after notice, by the air pollution control officer, of denial of a permit, the applicant may petition the hearing board, in writing, for a public hearing. The hearing board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the air pollution control officer; such order may be made subject to specified conditions.~~

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

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

~~and interpolation and 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 = Emissions in pounds per hour.
P = Process weight rate in tons per hour.~~

RULE 407 Specific Contaminants A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

- ~~a. Sulfur compounds calculated as sulfur dioxide (SO₂) 0.2 percent, by volume.~~
- b. Combustion contaminants: 0.1 grain per cubic feet of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO₂).

~~RULE 408 Fuel Burning Equipment A person shall not build, erect, install or expand any non-mobile 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:~~

- 1. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO₂);
- 2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);
- 3. 10 pounds per hour of combustion contaminants as defined in Rule 102h 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~~

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- 2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂); ✓
- 3. 10 pounds per hour of combustion contaminants as defined in Rule 102h 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.

~~RULE 409 Fuel Burning Equipment - Oxides of Nitrogen A person shall not discharge into the atmosphere from any non-mobile fuel burning article, machine, equipment or other contrivance, having a maximum heat input rate of more than 1,775 million British Thermal Units (BTU) per hour (gross), flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO₂) at 3 percent oxygen, in excess of that shown in the following table.~~

Parts per million of flue gas

FUEL	Effective Date	
	Feb. 28, 1972	Dec. 31, 1974
Gas	225	125
Liquid or Solid	325	225

RULE 410 Organic Solvents

old L.A. rule.

- a. A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment or other contrivance have been reduced either by at least 85 percent overall or to not more than 15 pounds in any one day.
- b. A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day from any article, machine, equipment, or other contrivance used under conditions other than described in section (a).

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~~c. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the air pollution control officer.~~

~~RULE 412 Gasoline Loading into Tanks A person shall not load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more from any tank truck or trailer, except through a permanent submerged fill pipe, unless such tank is equipped with a vapor loss control device or is a pressure tank.~~

~~The provisions of the first paragraph of this rule shall not apply to the loading of gasoline into any tank having a capacity of less than 2,000 gallons which was installed prior to the date of adoption of this rule nor to any underground tank installed prior to the date of adoption of this rule where the fill line between the fill connection and tank is offset.~~

~~A person shall not install any gasoline tank with a capacity of 250 gallons or more unless such tank is equipped as described in the first paragraph of this rule.~~

~~For the purpose of this rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.~~

~~For the purpose of this rule, the term "submerged fill pipe" is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank 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 tank.~~

~~RULE 413 Organic Liquid Loading A person shall not load organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the air pollution control officer.~~

~~Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.~~

~~The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:~~

- ~~a. An absorber system or condensation system which processes~~

all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

- b. A vapor handling system which directs all vapors to a fuel gas system.
- c. Other equipment of an efficiency equal to or greater than (a) or (b) if approved by the air pollution control officer.

This rule shall apply only to the loading of organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

"Loading facility", for the purpose of this rule, shall mean any aggregation or combination of organic liquid loading equipment which is both (1) possessed by one person, and (2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

~~RULE 414 Effluent Oil Water Separators A person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores, or handles hydrocarbons with a Reid vapor pressure of 0.5 pound or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:~~

- ~~a. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.~~
- ~~b. A floating pontoon or double-deck type cover, equipped with closure seals, to enclose any space between the cover's edge and compartment wall.~~
- ~~c. A vapor recovery system which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.~~
- ~~d. Other equipment of an efficiency equal to or greater than (a), (b), or (c), if approved by the air pollution control officer.~~

~~This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.~~

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~~This rule shall apply only to the loading of organic liquids having a vapor pressure of 1.5 psia or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.~~

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- a. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.
- b. A floating pontoon or double-deck type cover, equipped with closure seals, to enclose any space between the cover's edge and compartment wall.
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- d. Other equipment of an efficiency equal to or greater than (a), (b), or (c), if approved by the air pollution control officer.

This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

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RULE 422 - ARCHITECTURAL COATINGS

- (a) A person shall not sell or offer for sale or use in Tuolumne County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 410 (k).
- (b) A person shall not employ, apply, evaporate or dry in Tuolumne County any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Rule 410 (k).
- (c) A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 410 (k).
- (d) For the purposes of this Rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

~~RULE 423 - DISPOSAL AND EVAPORATION OF SOLVENTS~~

~~A person shall not during any one day dispose of a total of more than 1½ gallons of any photochemically reactive solvent, as defined in Rule 410 (k), or of any material containing more than 1½ gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.~~

~~This Rule shall become effective on January 1, 1974 for all sources which are either in operation, or under construction on June 1, 1972. This Rule shall be effective for all other sources on June 1, 1972.~~

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REGULATION VI - EMERGENCIES

RULE 601 General This emergency regulation is designed to delineate operational responsibilities and procedures for controlling the emission of air contaminants to avoid any possibility of a catastrophe caused by toxic concentrations of air contaminants. In the event of extreme atmospheric stagnation or unforeseen hazardous atmospheric emissions, an emergency plan is essential to protect the public from exposure to adverse levels of air pollution.

The following plan, designed specifically to avert and, if necessary, alleviate high air pollution episodes, includes the following two strategies: (1) an adequate surveillance system to detect the problem at the earliest possible date in order to initiate effective control action, and (2) a control strategy or "game-plan" to bring about the reduction of air contaminants to a tolerable level after having reached a level adverse to the public health and/or welfare.

~~RULE 602 Sampling Stations Data from an adequate number of sampling stations located in regions of high population density within the county, and any other regions deemed necessary, shall be systematically collected and reviewed for the purpose of determining periods of time, during which the atmospheric concentration of specified pollutants is at, and will remain at, such a level as to be a threat to the public health and/or welfare. If analysis of the data collected at the sampling stations indicates that there is imminent threat to the public health and/or welfare, the provisions of Rule 607 shall be implemented.~~

~~RULE 603 Air Sampling The air pollution control officer shall establish procedures whereby adequate sampling and analysis of air contaminants will be taken at each of the stations established under Rule 602.~~

~~RULE 604 Reports The air pollution control officer shall make periodic summaries of the data required by Rule 603. The summaries shall be in such form as to be understandable by the public. These summaries shall become public records and immediately after preparation shall be filed in the office of the Tuolumne County Air Pollution Control District located at 9 North Washington Street, Sonoma, California, 95370. These records shall be available to the public, press, radio, television, and other mass media of communication.~~

~~RULE 605 Declaration of Alerts Invariably, high air pollution potentials are preceded by atmospheric stagnation conditions. Therefore, the issuance of the air pollution "forecast" shall be based on information received from the National Weather Service High Air Pollution Potential Advisory. When such information warrants, the Tuolumne County Air Pollution Control District shall increase surveillance of air quality data received from the sampling stations required by Rule 602, and shall be prepared to issue the appropriate alerts.~~

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Following the forecast stage shall be three air pollution episode levels:

<u>Contaminant</u>	<u>1st Alert, ppm</u>	<u>2nd Alert, ppm</u>	<u>3rd Alert, ppm</u>
Carbon Monoxide	50	100	150
Nitrogen Oxides	3	5	10
Sulfur Oxides	3	5	10
Ozone	0.25	0.5	1.0

The first alert level for each contaminant represents a safe level, but one approaching the point where preventive action is required. The first alert may be considered to be a warning. The second alert represents air contaminant levels at which a preliminary serious health menace exists. The third level represents the existence of a dangerous health menace. Following the declaration of an appropriate alert, the air pollution control officer shall communicate notification of the declaration to:

- a. The county communications director and the sheriff who shall broadcast the declaration of the alert by the sheriff's teletype and radio system to:
 1. All sheriff's substations
 2. All city police departments
 3. California Highway Patrol
- b. Local public officials and public safety personnel, who have responsibilities or interests in air pollution alerts.
- c. Industrial plants and processes which require alert data in order to effect pre-arranged plans designed to reduce the output of air contaminants.
- d. The general public.
- e. All air pollution control district personnel.

~~RULE 606 End of an Alert The air pollution control officer shall declare the termination of the alert in effect whenever the concentration of an air contaminant which causes the declaration of the alert has been verified to have fallen below the standards set forth in Rule 605 for the calling of such alert and the available meteorological data indicates that the concentration of such air contaminant will not immediately increase again.~~

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- e. ~~All air pollution control district personnel.~~

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RULE 607 Plans All sources within the air basin considered to be significant contributors to the air contaminant build-up shall prepare a pre-planned strategy approved by the county air pollution control district and the plan shall be implemented when air quality data deem it necessary. This pre-planned strategy shall be in writing and on record in the county air pollution control district office. (See Rule 611.)

~~RULE 608 First Alert Action When a first alert is declared, the following actions shall take place:~~

1. The burning of all combustible refuse, including agricultural waste, is prohibited in the county.
2. Persons operating industrial or commercial facilities emitting hydrocarbons or the contaminants listed in the alert levels must take preliminary steps to prepare for action should a second alert be declared. (See Rule 611.)
3. The air pollution control officer shall notify the public, through the mass media, to stop all unessential use of vehicles in the affected air basin.
4. If, after a first alert is declared, the air contaminants continue to increase so that a second alert is likely, the air pollution control officer shall:
 - a. Notify the appropriate authorities in charge of coordinating emergency procedures.
 - b. Notify the public by the mass media that a second alert may be called.

~~RULE 609 Second Alert Action Should a second alert be declared, the following actions shall take place:~~

1. The steps taken under the first alert. (Rule 608)
2. Notify industrial and commercial establishments to initiate shut-down procedures. (See Rule 611.)
3. Take whatever additional steps are necessary to protect the health and safety of the public should the previous actions prove inadequate to control the air pollution emergency. These additional steps may include closing of industrial and commercial establishments and stopping vehicles.

~~RULE 610 Third Alert Action Should a third alert be declared in spite of all the measures taken under the first and second alert actions, the air pollution control officer will request the governor to declare~~

~~RULE 607 Plans All sources within the air basin considered to be significant contributors to the air contaminant build-up shall prepare a pre-planned strategy approved by the county air pollution control district and the plan shall be implemented when air quality data deem it necessary. This pre-planned strategy shall be in writing and on record in the county air pollution control district office. (See Rule 611.)~~

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1. The burning of all combustible refuse, including agricultural waste, is prohibited in the county.
2. Persons operating industrial or commercial facilities emitting hydrocarbons or the contaminants listed in the alert levels must take preliminary steps to prepare for action should a second alert be declared. (See Rule 611.)
3. The air pollution control officer shall notify the public, through the mass media, to stop all unessential use of vehicles in the affected air basin.
4. If, after a first alert is declared, the air contaminants continue to increase so that a second alert is likely, the air pollution control officer shall:
 - a. Notify the appropriate authorities in charge of coordinating emergency procedures.
 - b. Notify the public by the mass media that a second alert may be called.

~~RULE 609 Second Alert Action Should a second alert be declared, the following actions shall take place:~~

1. The steps taken under the first alert. (Rule 608)
2. Notify industrial and commercial establishments to initiate shut-down procedures. (See Rule 611.)
3. Take whatever additional steps are necessary to protect the health and safety of the public should the previous actions prove inadequate to control the air pollution emergency. These additional steps may include closing of industrial and commercial establishments and stopping vehicles.

~~RULE 610 Third Alert Action Should a third alert be declared in spite of all the measures taken under the first and second alert actions, the air pollution control officer will request the governor to declare~~

6/30/72

~~RULE 607 Plans All sources within the air basin considered to be significant contributors to the air contaminant build-up shall prepare a pre-planned strategy approved by the county air pollution control district and the plan shall be implemented when air quality data deem it necessary. This pre-planned strategy shall be in writing and on record in the county air pollution control district office. (See Rule 611.)~~

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a state of emergency and to take action under the California Emergency Services Act.

It shall be the objective of the preceding actions to result in bringing about diminution of air contaminants which occasioned the alerts and to prevent any increase thereof in order to protect the health of all persons within the area affected by the alert. It shall also be the objective of the preceding actions to curtail the operations of industrial, business, commercial and other activities within County, but without undue interference with the operations of public utilities or other productive activities, the conduct of which is essential to the health and welfare of the community.

~~RULE 611 Industrial and Commercial Shut-down Plans To provide for the orderly curtailment of industrial activities during air pollution emergencies, shut-down plans are required from industrial or commercial sources of hydrocarbons, carbon monoxide, nitrogen oxides, sulfur dioxide, and ozone. The following industries are required to submit shut-down and curtailment plans:~~

- ~~1. Petroleum Refineries~~
- ~~2. Asphalt Saturators~~
- ~~3. Bulk loading facilities for tank vehicles~~
- ~~4. Asphalt paving manufacturing plants~~
- ~~5. Chemical plants reacting or producing organic liquids or gases~~
- ~~6. Chemical plants producing sulfuric acid, nitric acid, phosphoric acid, or sulfur~~
- ~~7. Paint, lacquer, or varnish manufacturing plants using more than 10,000 gallons of organic solvent per month~~
- ~~8. Rubber tire manufacturing or rubber reclaiming plants~~
- ~~9. Automobile assembly plants~~
- ~~10. Metal melting plants and operations~~
- ~~11. Glass or frit manufacturing plants~~
- ~~12. Fossil fuel fired steam generating plants~~
- ~~13. Container manufacturing or container decorating plants~~
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The above listed plants shall install radio receivers so that they may receive air pollution alert and emergency information. Each plan submitted will be studied for the total effect of the shut-down, time required, and specific contaminants reduced. The approved plans will be summarized to show the air contaminants in each industrial category, the amounts of each pollutant prevented, and the tonnage reductions achieved by shutting down the various industrial categories.

~~RULE 612 Scientific Committee The task of evaluating available meteorological information and air quality data rests with the air pollution control officer of each county. To be assisted in this function, there shall be a "scientific committee" composed of physicians, chemists, engineers, and meteorologists. The number of committee members shall be determined by considerations of population and industrial densities, i.e. the possibility of a large number of the populace being threatened by high concentrations of air pollutants. In general, the committee has two responsibilities:~~

- ~~1. To study available methods for air contaminant analysis and to recommend the most suitable for the existing situation. To study the levels at which 1st, 2nd, and 3rd alert levels are called and determine any necessary changes based upon the latest available public health findings.~~
- ~~2. To serve in an advisory capacity to the air pollution control officer on any air pollution health problem which may arise. To advise the air pollution control officer of any changes in the emergency procedures deemed necessary to preserve the health and welfare of the populace.~~

~~RULE 613 Emergency Action Committee An Emergency Action Committee shall be appointed by the air pollution control board whose function it will be to assist the air pollution control officer in time of an air pollution emergency. The committee should be composed of those citizens most capable of evaluating the legal, health and welfare, scientific, and industrial ramifications of calling air pollution alert levels.~~

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3/26/80
Tuolumne
adopted
11/22/88

REGULATION
I
DEFINITIONS

RULE 101 Title. These rules and regulations shall be known as the Rules and Regulations of Tuolumne 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.~~

~~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.~~

~~Air Pollution Control Officer. The Air Pollution Control Officer of the Air Pollution Control District of Tuolumne County, OR DESIGNATED REPRESENTATIVE.~~

~~* DEFINITION BROADENED TO INCLUDE INDIVIDUALS REPRESENTING THE APO.~~

~~Allowable Emissions. The emission rate calculated using the maximum design capacity of the source unless the source is subject to Permit to Operate conditions which limit the operating rate or hours of operation, or both, which is the most stringent of applicable emission limitations contained in these Rules and Regulations or the emission rate, if any, specified as a Permit to Operate condition.~~

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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.

A.R.B. The California State Air Resources Board, or any person authorized to act on its behalf.

Atmosphere. The air that envelopes or surrounds the earth. Where pollutants are emitted into a building or designed specifically as a piece of air pollution control equipment, such as emissions into the building shall be considered to be an emission into the atmosphere.

Attainment Pollutant. A criteria pollutant in an Air Pollution Control District or sub-District zone designated by the Environmental Protection Agency as an attainment area or unclassified area for such pollutant.

Baseline Concentration. The ambient concentration level reflecting actual air quality as monitored or modeled as of (1) January 1, 1981, minus any contribution from major stationary facilities and major modifications on which construction commenced on or after January 5, 1975, for attainment pollutants; and (2) the date an application for Authority or Construct is deemed complete by the Air Pollution Control Officer for nonattainment pollutants.

Best Available Control Technology. An emission limitation, based on the maximum degree of reduction for a criteria pollutant or precursor which would be emitted from any source or modification which the Air Pollution Control Officer, on a case-by-case basis, taking into account energy, environmental and economic impacts, and other costs, determines is achievable for such source or modification through application of production processes or available control methods, systems, and techniques, for such pollutant. In no case shall application of best available control technology result in emissions of any pollutant or precursor which would exceed the emissions allowed by 40 CFR Part 60 and 61. If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement technology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design equipment, work practice or operations standard, or combination thereof. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

Board. The Tuolumne County Air Pollution Control Board.

Breakdown Condition. 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:

- A. Is not the result of neglect or disregard of any air pollution control law or rule or regulation; and
- B. Is not intentional or the result of negligence; and

- C. Is not the result of improper maintenance; and
- D. Does not constitute a nuisance; and
- E. Is not a recurrent breakdown of the same equipment.

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.

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

Criteria Pollutant. An air pollutant regulated by a national ambient air quality standard contained within 40 CFR Part 50.

District. Is the Air Pollution Control District of Tuolumne County.

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.

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

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

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

Facility. Any source or collection of sources of air contaminants which are located on one or more contiguous or adjacent properties within the District and which is owned, operated, or under shared entitlement to be used by the same person. Items of air contaminant emitting equipment shall be considered aggregated into the same facility and items of non-air contaminant emitting equipment shall be considered associated with air contaminant emitting equipment only if:

- A. The operation of each item of equipment is dependent upon, or affects the process of, the others; and
- B. The operation of all such items of equipment involves a common raw material or product.

Federal Land Manager. The Secretary of the United States Department with authority over applicable federal lands, his authorized representative, or the President of the United States.

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

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. Solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, as a direct result of operation of a facility.

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 Code of the State of California.

Incineration. An operation in which combustion is carried on 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. 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.

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

Lowest Achievable Emission Rate. For any source, the most stringent of:

- A. The most effective emission limitation which the Environmental Protection Agency certified is contained in the implementation plan of any state approved under the Clean Air Act for such class or category of source, unless the owner or operator of the proposed source demonstrates to the satisfaction of the Air Pollution Control Officer that such limitation is not achievable; or
- B. The most effective emissions control technique which has been achieved in practice, for such category or class of source; or
- C. Any other emissions control technique found, after public hearing, by the Air Pollution Control Officer to be technologically feasible and cost effective for such class or category of sources or for a specific source.

In no event shall the application of lowest achievable emission rate allow for emissions in excess of those allowable under 40 CFR Part 60.

Major Facility. Any facility which actually emits or has the potential to emit, when operating at a maximum design capacity, 100 tons per year or 1000 pounds per day, or more of a criteria pollutant or precursor.

Major Modification. Any modification of a facility which increase the actual emission or potential to emit a criteria pollutant or precursor by 100 tons per year or 1000 pounds per day or more. Emission increases shall include all accumulated increases in

actual emissions or potential to emit at the facility since January 1, 1981, or since the date of issuance of the most recent Authority to Construct for initial construction or major modification of the facility.

Modification. Any physical change in, change in method of operation of, or addition to an existing stationary source, except that routine maintenance or repair shall not be considered to be a physical change. A change in the method of operation, unless previously limited by a Permit to Operate condition, shall not include.

- A. An increase in the production rate, if such increase does not exceed the operating design capacity of the source.
- B. An increase in the hours of operation.
- C. A change in ownership of a source.

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.

Nonattainment Pollutant. A criteria pollutant in an Air Pollution Control District or sub-District zone designed by the Environmental Protection Agency as a nonattainment area for that pollutant.

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.

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.

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

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.

Potential to Emit. The quantity of emissions that a source is capable of emitting at a maximum design capacity calculated on the assumption that air pollution control equipment incorporated into the design of the source will function in the manner reasonable anticipated when the calculation is made.

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

Precursor. A directly emitted pollutant that, when released into the atmosphere, forms or causes to be formed or contributes to the formation of a secondary pollutant which is a criteria pollutant. The following precursor-pollutant transformations shall be included in the determination of secondary pollutant concentrations: non-methane hydrocarbons - ozone; nitrogen oxides - nitrogen dioxide; sulfur oxides - sulfur dioxide.

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.)

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, 514 C, Regulation V.

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.

Resource Recovery Facility. Any facility at which solid waste is processed for the purpose of extracting, converting to energy, or otherwise separating and preparing solid waste for reuse. Energy conversion facilities must utilize solid waste to provide more than 80% of the heat input to be considered a resource recovery facility.

Secondary Emissions. Emissions within the District from (1) all cargo carriers, excluding motor vehicles as defined in the Vehicle Code, which load or unload at a facility, and (2) all off-site support facilities which would be constructed as a result of construction or modification of a facility.

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.

* ENTC REFERENCE TO H&S CODE INCORPORATED

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

Source. Any machine, equipment, apparatus, device, process or combination thereof, which emits or may emit air contaminants to the atmosphere through a common duct or vent to a single emission point.

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.

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 analysis and tests shall be calculated and reported at this gas temperature and pressure.

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.

Temporary Source. Any source or activity causing emissions which operates within a single Air Pollution Control District for less than two (2) years in any ten (10) year period, including, but not limited to, pilot plants, portable facilities and construction activity.

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

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 201 District-Wide Coverage.

Prohibitions as set forth in this Regulation, shall apply in all portions of the Tuolumne County Air Pollution Control District unless otherwise stated.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

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 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.
- J. Smoke emissions from tepee burners operating in compliance with Section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues with supplemental fossil fuels, and burners used to produce energy and fired with such fuels, when such emissions result from startup or shutdown of the combustion process or from the malfunction of emissions of control equipment. This subdivision shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subdivision shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

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.

~~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 or 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 (Q), a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Tuolumne 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 Tuolumne 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^a 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 (H) and derived from the fuel.~~

~~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, exclusive of sources emitting combustion contaminants only, particulate matter emissions in excess of 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

~~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 (H) and derived from the fuel.~~

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^a 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 (f) and derived from the fuel.~~

RULE 208 Orchard or Citrus Heaters.

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 39298.7 et. seq., Article II, 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:

* 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.~~

7/22/75

RULE 208 Orchard or Citrus Heaters.

- 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 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:

- 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.

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.

RULE 208 Orchard or Citrus Heaters.

- 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 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:

- 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.
504
1006
500	1.5
1000	2.3
5000	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	35.2
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~~

2/10/77

RULE 213 Storage of Petroleum Products.

- A. 1. Except as provided in subdivision (2), no person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe, unless such tank is a pressure tank, or is equipped with a vapor recovery system, or with a floating roof, or unless such tank is equipped with other apparatus of equal efficiency which has been approved by the Air Pollution Control Officer.
- 2. Subdivision (1) shall not apply to any stationary tanks installed prior to December 31, 1970.
- 3. Subdivision (1) shall not apply to any stationary tank which is used primarily for the fueling of implements of husbandry, (as such vehicles defined in Division 16 (commencing with Section 36000) of the Vehicle Code.)
- 4. For the purpose of this Rule, "gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
- 5. For the purpose of this Rule, "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe", when applied to a tank which is loaded from the side, means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.
- (e) 6. A "pressure tank" is a tank which maintains working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere.
- 7. A "vapor recovery system" consists of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, with all tank gauging and sampling devices gastight except when gauging or sampling is taking place.
- 8. A "floating roof" consists of a pontoon-type or double-deck-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. This control equipment shall not be used if the gasoline or petroleum distillate 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 gastight except when gauging or sampling is taking place.

- 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, (or equipped with a vapor recovery system, or a floating roof as described in subsection (A) of this rule,) 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 this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.~~

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

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

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

~~RULE 216 Enforcement. These Rules and Regulations shall be enforced by the Air Pollution Control Officer under authority of Sections 40001, 40702, 40752, and all officers empowered by Section 40120.~~

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 this Rule shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure, or other operating conditions.

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

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

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 215 Abrasive Blasting.

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

RULE 217 Existing Sources. In any case where Regulation II imposes standards different than the standards applicable to an existing source of emissions "(on day before adoption of new Regulation 1974)", and the source of emissions was in compliance, under variance, or authority 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 occurs first." In no event is any modification to cause an increase in emissions over that 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 of which results in the emission of any air pollutant (to which a rule applies) not previously emitted, except that:

- A. Routine maintenance, repair, and replacement shall not be considered physical changes, and
- B. The following shall not be considered a change in the method of operation:
 - 1. An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility:
 - 2. An increase in hours of operation.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 218 Compliance Tests.

Except as otherwise provided 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.

3/26/90

REGULATION III
OPEN BURNING
RULE 300 GENERAL DEFINITIONS

- A. Agricultural Operation. As defined for open burning; the growing and harvesting of crops, 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, and includes the burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation. Agricultural operations include forest management, range improvement, wildland vegetation management, or disease or pest prevention. (Section 39011)

- B. Agricultural Wastes.
As defined in open burning;
 - 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 field, such as fertilizer and pesticide 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, waste oil, etc. (Title 17,80100)

- C. APCD. The Air Pollution Control District of Tuolumne County.

- D. APCO. The Air Pollution Control Officer of the Air Pollution Control District of Tuolumne County, or designated representative.

- E. Approved Ignition Devices. Those instruments or materials that will ignite open fires without the production of black smoke, included 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 Air Resources Board, or any person authorized to act on its behalf.

- G. Brush Treated. The material to be burned has been felled, crushed or uprooted with mechanical equipment, has been dessicated with herbicides, or is dead.
- H. 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. (Title 17, 80100)
- I. NO-Burn Day. Any day on which Agricultural burning is prohibited by the State board or by a District.
- J. 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.
- K. Permissive Burn Day. Any day on which Agricultural burning is not prohibited by the State board.
- L. 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.
- M. Prescribed Burning.
Prescribed Burning is defined in this rule as the planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in Section 39011.
- N. 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.
- O. Silviculture Practices. The establishment, development, care and reproductive of stands of timber.
- P. Timber operations. The cutting or removal of timber or other forest vegetation.

3/26/90

RULE 302 Burning Permits

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. The designated agency shall forward the permit information received from applicants to the APCO within 48 hours for permit review.
- E. A designated agency shall not issue a APC permit to itself or to another designated agency.

302.2 Exception. Residential and Recreational open burning as described in Rule 310.2 E and F are exempt from burning permits from the APCO. This does not exempt persons from permits required by other agencies in compliance with the Public Resources Code or other ordinances.

3/26/80

RULE 303 Burn or No-Burn Day

303.1 Prohibition. No person required to comply with this Rule shall knowingly permit open outdoor fires on days when such burning is prohibited by ARB, the APCO, or the fire agency with appropriate jurisdiction. (Section 41854)

303.2. Permissive Burn or No-Burn Days.
(A) 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 by 3:00 p.m. daily for each of the air basins. If the decision is made by 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, Sections 80180 through 80320 of these Agricultural Burning Guidelines.
(B) 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).
(C) 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 ARB 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.
(D) 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.
(E) 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.

303.3 Exception. The APCO may issue a special 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. In authorizing such burning a District shall limit the amount of acreage which can be burned in any one day and only authorize burning downwind metropolitan areas are forecasted by the Air Resources Board to achieve the ambient standards.
(Section 41862)

3/26/00

RULE 304 Burning Management Requirements
Title 17, 80150

- 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 be reasonably expected to completely burned 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. Mitigating measures shall be taken 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, plastic, demolition 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.
- G. Any other conditions that the APCO may deem pertinent.

3/26/90

RULE 305 Minimum Drying Times

305.1 Requirements. As specified in Title 17, 80160; 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. A minimum of 6 months, if economically and technically feasible for brush (Applicable to Range Improvement Burning only).
- E. Material to be windrowed and piled when required (Applicable to Forest Management Burning only).

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.

3/26/90

RULE 306 Agricultural Burning

306.1 Definitions

A. Agricultural Burning is defined in this rule as any open outdoor fire used in agricultural operations or in operation or maintenance of a water delivery system for agricultural operations. Burning of material other than material produced from an agricultural operation is not allowed by this rule.

306.2 Agricultural Burning Requirement

A. Agricultural burning is allowed by complying with the following Rules:
1. Rule 302 Burning Permit
2. Rule 303 Burn or No-Burn Day
3. Rule 304 Burning Management
4. Rule 305 Minimum Drying Times

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)

306.3 Exceptions

A. The burning of empty sacks or containers which contained pesticides or fertilizers is exempt from 306.2, provided that the sacks or containers are within the definition of Agricultural Waste, Rule 300 (B).(Title 17,80100)

3/26/90

RULE 307 Wildland Vegetation Management Burning

307.1 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.

307.2 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. The APCO may regulate total acreage or tonnage that may be burned each day within the district.
- C. The APCO may 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.
- D. All open outdoor fires shall be ignited as rapidly as practicable with the applicable fire control restrictions and only with approved ignition devices as defined in Rule 300.E.
- 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.
- G. Wildland Vegetation Management burning must comply with the requirements:
 - 1. Rule 302 Burning Permit
 - 2. Rule 303 Burn or No-Burn Day
 - 3. Rule 307.3 Burn Plan

307.3 Burn Plan

The following information will be provided to the APCO for review and approval at least 14 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, and 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.
- H. Other information requested by the APCO.

307.4 Exceptions

- 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.

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RULE 308 Forest Management Burning

308.1 Forest Management Burning The use of open outdoor fires, in forest management, for forest debris removal or for timber operation, silvicultural or forest protection practices.

308.2 Forest Management Burning is allowed by complying with the following Rules:

- A. Rule 302 Burning Permit
- B. Rule 303 Burn and No-Burn Day
- C. Rule 305 Minimum Drying Times
- D. Rule 307.2 Wildland Vegetation Management Burning Requirements
- E. Rule 307.3 Burn Plan
- F. Rule 307.4 Exceptions

~~RULE 309 Range Improvement Burning~~

~~309.1 Range Improvement Burning is defined as the use of open fires by to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.~~

~~309.2 Range Improvement Burning is allowed by complying with the following Rules:~~

- ~~A. Rule 302 Burning Permit~~
- ~~B. Rule 303 Burn and No-Burn Day~~
- ~~C. Rule 305 Minimum Drying Times~~
- ~~D. Rule 307.2 Wildland Vegetation Management Burning Requirements~~
- ~~E. Rule 307.3 Burn Plan~~
- ~~F. Rule 307.4 Exceptions~~

~~309.3 Range Improvement Burning if done primarily for wildlife and game habitat must also comply with :~~

- ~~A. Rule 306.2 (C)
Fish & Game Certification~~

3/26/90

~~RULE 308 Forest Management Burning~~

~~308.1 Forest Management Burning The use of open outdoor fires, in forest management, for forest debris removal or for timber operation, silvicultural or forest protection practices.~~

~~308.2 Forest Management Burning is allowed by complying with the following Rules:~~

- ~~A. Rule 302 Burning Permit~~
- ~~B. Rule 303 Burn and No-Burn Day~~
- ~~C. Rule 305 Minimum Drying Times~~
- ~~D. Rule 307.2 Wildland Vegetation Management Burning Requirements~~
- ~~E. Rule 307.3 Burn Plan~~
- ~~F. Rule 307.4 Exceptions~~

RULE 309 Range Improvement Burning

309.1 Range Improvement Burning is defined as the use of open fires by to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

309.2 Range Improvement Burning is allowed by complying with the following Rules:

- A. Rule 302 Burning Permit
- B. Rule 303 Burn and No-Burn Day
- C. Rule 305 Minimum Drying Times
- D. Rule 307.2 Wildland Vegetation Management Burning Requirements
- E. Rule 307.3 Burn Plan
- F. Rule 307.4 Exceptions

309.3 Range Improvement Burning if done primarily for wildlife and game habitat must also comply with :

- A. Rule 306.2 (C)
Fish & Game Certification

3/26/90

RULE 310 Miscellaneous Burning

310.1 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, plastics, construction or 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)

310.2 Exceptions

A. Land Development Clearing

1. 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 burial at a sanitary landfill.
2. This material shall be allowed for disposal by burning in compliance with the following Rules:
 - a. Rule 302 Burning Permit
 - b. Rule 303 Burn and No-Burn Day
 - c. Rule 304 Burning Management
 - d. Rule 305 Minimum Drying Times
3. Any other required permits as issued by other agencies shall be obtained and shall be valid.

B. Ditch and Road Maintenance

1. 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:
 - a. Rule 302 Burning Permit
 - b. Rule 303 Burn and No-Burn Day
 - c. Rule 304 Burning Management
 - d. Rule 305 Minimum Drying Times
2. Any other required permits as issued by other agencies shall be obtained and shall be valid.

C. Hazard Reduction

1. The burning of vegetation such as, vines, bushes and waste from trees produced by fire safe clearing on property where grown will be allowed when this burning is done in compliance with State and local law ordinance to reduce a fire hazard. (Section 41802)
2. The burning shall be done in compliance with the following rules:
 - a. Rule 302 Burning Permit
 - b. Rule 303 Burn and No-Burn Day
 - c. Rule 304 Burning Management
 - d. Rule 305 Minimum Drying Times
3. Any other required permits as issued by other agencies shall be obtained and shall be valid.
4. 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 provisions 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. The burning shall be done in compliance with Rule 302, Burning Permit Requirements, and prior approval of the APCO.
3. Set or cause to be set backfires necessary to save lives, or valuable property pursuant to Section 4426 of the Public Resources Code. (Section 41801)

E. Residential Maintenance.

The burning of residential rubbish, that which originates from a single or two family dwelling, limited to untreated wood, paper, cardboard, tree trimmings, leaves, lawn clippings, and plants shall be allowed under the following conditions:

1. Burning shall be allowed only on the premises where the material originated.
2. Burning is allowed by complying with the following Rules:
 - A. Rule 303 Burn and No-Burn Day
 - B. Rule 304 Burning Management
 - C. Rule 305 Minimum Drying Times
3. Any other required permit as issued by other agencies shall be obtained and shall be valid.

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 304. Burning Management.
3. Any other required permit as issued by other agencies shall be obtained and shall be valid.

G. Mechanized Burner Requirements

The APCO may authorize, by permit, open outdoor fires for the purpose of disposing 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)

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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 (8) hour period which is:

- A. 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
- 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.

Rule 318 Enforcement Responsibility. The Air Pollution Control Officer or his staff will be in the field to ensure that these Rules and Regulations are complied with, and shall enforce all state and District regulation regarding air pollution control.

~~Rule 319 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 six (6) 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.~~

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 (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.

Rule 318 Enforcement Responsibility. The Air Pollution Control Officer or his staff will be in the field to ensure that these Rules and Regulations are complied with, and shall enforce all state and District regulation regarding air pollution control.

Rule 319 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 six (6) 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.

Rules in the Tuolumne County Air Pollution Control District SIP

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

Rule 401 Responsibility. (Submitted to the EPA on 7/22/1975)

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 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 403 Responsibility of Permittee. (Submitted to the EPA on 7/22/1975)

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 428 Emissions Statements

A. 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).

B. Applicability

The requirements of this Rule are applicable to any stationary source which emits or may have the potential to emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC)

C. Definitions

1. Actual Emissions: Measured or estimated emissions which most accurately represent the emissions from an emissions unit , including fugitive emissions.
2. Emissions Statement Information Request: An annual information request by the APCO to each affected source subject to this Rule for emissions data, including but not limited to, actual emissions or operational data allowing the District to estimate actual emissions.
3. Volatile Organic Compounds (VOCs): Reactive Organic Compounds (ROCs), and Reactive Organic Gases (ROGs) are any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions.
4. Responsible Official: An individual who is responsible for the data presented in the emissions statement, and who accepts legal responsibility for the emission statement's accuracy. The responsible official is liable to legal review, or in case of fault, to penalties.

D. Requirements

1. The owner or operator of any stationary source that is subject to this Rule shall provide the Tuolumne 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. Emissions calculations shall be based on emissions factors approved by the Air Pollution Control Officer (APCO) and the United State Environmental Protection Agency (EPA).
2. The emissions statement shall be on a form or in a format specified by the APCO and shall contain emissions or data for the time period specified by the APCO. Emissions statements shall be submitted annually.

3. The owner or operator of the stationary source shall maintain records for a period of up to five years from the date of submittal. All records shall be submitted indicating the nature and amounts of emissions from that source and/or any other information as may be necessary or requested by the APCO to determine whether such source is in compliance with applicable emissions limitations, control measures, and permit conditions.

E. Administrative Requirements

1. District Requirements

- a. The APCO may waive the requirements of Section D of this Rule to any class or category of permitted stationary source which emits less than 25 tons per year of NO_x or VOCs if the District provides the California Air Resources Board (ARB) with an emissions inventory of permitted sources emitting less than 25 tons per year of NO_x or VOCs, based on the use of emissions factors established by or other methods acceptable to the EPA.
- b. 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 emission statement required in Section D of this Rule.

2. Failure to Submit

- a. A failure by a responsible official to submit an Emissions Statement by the date required, shall be deemed a willful failure to furnish information required to disclose the nature and quantity of emissions discharged by the stationary source. In such case, the APCO may take action in the form of the following:
 - i. The APCO may suspend the Permit(s) of such source.
 - ii. The APCO shall serve notice in writing of such suspension and the reasons for the suspension upon the permittee.
 - iii. The APCO will reinstate the suspended Permit(s) when furnished with the required information.
 - iv. The APCO may choose as an alternative to suspending the Permit, to levy a monetary penalty of \$500 per day until furnished with the required information. The APCO may waive this penalty for reasons beyond the responsible official's control.

Rule 429 **Federal New Source Review** (adopted July 6, 2021)**I. PURPOSE AND GENERAL REQUIREMENTS OF RULE 429**

Rule 429 (Rule) implements applicable requirements of 40 CFR Part 51 Subpart I and Section 173 of the federal Clean Air Act (CAA). Tuolumne County was designated nonattainment for the 2015 8-hour Ozone National Ambient Air Quality Standard (NAAQS) in 2018. As part of the Air Pollution Control District's (District) responsibilities in implementing the planning requirements due to its nonattainment designation, a State Implementation Plan (SIP) is required to be submitted to EPA. As part of the SIP, a New Source Review (NSR) program is required to be adopted and implemented by the District for major stationary sources; those sources that emit or have the potential to emit 100 tons per year of any nonattainment pollutant.

This Rule protects air quality by requiring new major stationary sources or existing major stationary sources making major modifications to obtain an Authority to Construct air pollution permit. The facility must then meet stringent conditions designed to ensure that the new or modified source's emissions will be controlled to the greatest degree possible. Stationary sources subject to NSR are also required to offset their emissions increases with federally enforceable emission reduction credits.

II. APPLICABILITY PROCEDURES**A. Preconstruction Review Requirements**

1. The preconstruction review requirements of this Rule apply to the proposed construction of any new major stationary source or major modification within the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere within the designated nonattainment area, except as provided in Section X of this Rule.
2. 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, this Rule's provisions and requirements, 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.

B. 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 Air Pollution Control Officer, pursuant to this Rule.

C. Emission Calculation Requirements to Determine NSR Applicability

1. New Major Stationary Sources

The definition of *Major Stationary Source*, as incorporated by reference in Section III.A of this Rule, shall be used to determine if a new or modified stationary source is a new major stationary source. Different pollutants, including individual precursors, are not summed to determine applicability of a major stationary source.

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. Different pollutants, including individual precursors, are not summed to determine applicability of 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. In no case shall actual construction of a proposed project begin before calculating, in accordance with the requirements of this Rule, whether a significant emissions increase or a significant net emissions increase would result from the proposed project.

- a. Except as otherwise provided in Section II.D, 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. 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 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 whether a significant net emissions increase will occur at a major stationary source is contained in the definition of *Net Emissions Increase* in 40 CFR 51.165(a)(1)(vi). 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.

D. 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 X of this rule.

E. Projects That Rely on a Projected Actual Emissions Test

Except as otherwise provided in paragraph 7.c 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 7 of this Section, that a project that is not 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* at 40 CFR 51.165(a)(1)(xxviii) to calculate projected actual emissions.

1. Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:
 - a. A description of the project;
 - b. Identification of the emissions unit(s) whose emissions of a nonattainment pollutant could be affected by the project; and
 - c. A description of the applicability test used to determine that the project is not a major modification for any nonattainment 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* at 40 CFR 51.165(a)(1)(xxviii), and an explanation for why such amount was excluded, including any netting calculations, if applicable.
2. 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 1 of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such an existing unit to obtain any determination from the APCO concerning compliance with this Rule before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulation IV - *Authority to Construct Regulations*, and Rule 500 - *Additional Procedures for Issuing Permits to Operate for Sources Subject to Title V of the 1990 Federal Clean Air Act Amendments*, in addition to other applicable requirements.
3. The owner or operator shall monitor the emissions of any nonattainment pollutant that could increase as a result of the project and that are emitted by any emissions unit identified in paragraph 1 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 nonattainment pollutant at such emissions unit.

4. 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 3 of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.
5. 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 1 of this Section exceed the baseline actual emissions by a significant amount for that nonattainment pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified in paragraph (B)(3) of the definition of *Projected Actual Emissions* at 40 CFR 51.165(a)(1)(xxviii) as documented and maintained pursuant to paragraph 1.c 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:
 - a. The name, address, and telephone number of the major stationary source;
 - b. The annual emissions, as calculated pursuant to paragraph 3 of this Section; and
 - c. 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).
6. 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).
7. A "reasonable possibility" under this Section occurs when the owner or operator calculates the project to result in either:
 - a. 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 nonattainment pollutant; or
 - b. A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (B)(3) of the definition of *Projected Actual Emissions* at 40 CFR 51.165(a)(1)(xxviii), 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 nonattainment pollutant.
 - c. For a project in which a reasonable possibility occurs only within the meaning of paragraph 7.b, and not also within the meaning of paragraph 7.a, the provisions of paragraphs 2 through 5 of this Section do not apply to the project.

F. 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 V must also be met for secondary emissions.

G. 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.

H. 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.

III. DEFINITIONS

For the purposes of this Rule, the definitions and references provided in paragraphs A, B, C, and D of this Section apply to the terms used in this Rule. In the event any discrepancies exist between the definitions in the paragraphs below in Section III, the definition in the paragraph that is listed first 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 Tuolumne County Air Pollution Control District.

“*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 Tuolumne County Air Pollution Control District.

“*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.

“*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.

“*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.

“*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:

1. The federally-approved California SIP;
2. 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;
3. Any other source or source-category specific regulatory or permitting requirement, including, but not limited to RACT, New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), BACT, and LAER; and
4. Any regulation or supporting documentation that is required by the CAA, 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.

IV. APPLICATION REQUIREMENTS

A. 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 IV.B as well as the demonstrations listed in Sections IV.C through IV.F. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

B. 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:

1. Identification of the applicant, including contact information, address, and location of the new or modified source.
2. An identification and description of all emission points, including information regarding all nonattainment pollutants emitted by all emissions units included in the new source or modification.
3. A process description of all activities, including design capacity, which may generate emissions of nonattainment pollutants in sufficient detail to establish the basis for the applicability of standards and fees.
4. A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.
5. A projected operating schedule for each emissions unit included in the new source or modification.

6. A determination as to whether the new source or modification will result in any secondary emissions.
7. The emission rates of all nonattainment 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).
8. 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).
9. The calculations, pursuant to Section II.C, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.
10. The calculations, pursuant to Section V.C, used to determine the quantity of offsets required for the new source or modification.
11. 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.
12. If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.

C. 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.

D. 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 CAA or is in compliance with an expeditious compliance schedule which is federally enforceable.

E. 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.

F. 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 51.307(b)(2).

G. Application Fees

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

V. EMISSIONS OFFSETS

A. Offset Requirements

1. 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.
2. ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.
3. 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
4. The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or
5. 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.

B. Timing

1. 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.
2. Except as provided by paragraph 3 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.
3. 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.

C. Quantity

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

1. 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.
2. 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 3 of this Section, and the offset ratio, as determined in accordance with Table 1 of paragraph 4 of this Section.
3. The amount of increased emissions shall be determined as follows:
 - a. 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 PTE of all emissions units.
 - b. 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.
 - c. The amount of increased emissions includes fugitive emissions.
4. The ratios listed in Table 1 shall be applied based on the District’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 for Tuolumne County

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

D. Emission Reduction Requirements

1. Internal emission reductions or ERCs used to satisfy an offset requirement shall be:
 - a. Real, surplus, permanent, quantifiable, and federally enforceable; and

- b. Surplus at the time of issuance of the Authority to Construct containing the offset requirements.
2. 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 PTE, including practicably enforceable conditions to limit their PTE.
3. 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:
 - a. The other area has an equal or higher nonattainment classification than the area in which the source is located; and
 - b. 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.
4. The use of ERCs shall not provide:
 - a. Authority for, or the recognition of, any pre-existing vested right to emit any nonattainment pollutant;
 - b. Authority for, or the recognition of, any rights that would be contrary to applicable law; or
 - c. An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

E. Restrictions on Trading Pollutants

1. The emission offsets obtained shall be for the same nonattainment pollutant.
2. In no case shall the compounds excluded from the definition of *Volatile Organic Compounds* be used as offsets for Volatile Organic Compounds.

VI. ADMINISTRATIVE REQUIREMENTS

A. Visibility

1. 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.
2. The APCO may require monitoring of visibility in any Class I area near the proposed new stationary source or major modification for such purposes and by such means as the APCO deems necessary and appropriate.

B. 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 4 of Section V.C.

C. 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.

D. 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.

1. Before the APCO issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the APCO shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.
2. 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 APCO prior to any emission limit being established.
3. The provisions of Section VI.D do not restrict, in any manner, the actual stack height of any stationary source or facility.

VII. AUTHORITY TO CONSTRUCT DECISIONS

A. 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 IV 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.

B. Authority to Construct - Preliminary Decision Requirements

1. 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:
 - a. 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
 - b. 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
 - c. 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 CAA. The term "emission limitation" shall also include such design, operational, or equipment standards; and

- d. The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section V.C; and
 - e. That all ERCs or internal emission reductions required for the new major source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and
 - f. That the quantity of ERCs or internal emission reductions determined under paragraph 2 of Section V.C will be surrendered prior to commencing operation.
2. Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs d, e, and f of paragraph 1 of this Section.

C. Authority to Construct Contents

1. An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:
 - a. Which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.
 - b. Sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs 2 and 3 of this Section.
2. A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.
3. 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.

D. Authority to Construct - Final Decision

1. 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.
2. The APCO shall deny any application for an Authority to Construct if the APCO finds that the new source or modification would not comply with the standards and requirements set forth in District, State, or federal rules or regulations.
3. 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.
4. 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.

E. 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 emissions units.

VIII. SOURCE OBLIGATIONS

A. 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.

B. Termination

Approval to construct shall terminate if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 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 18 months of the projected and approved commencement date.

C. 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.

D. 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.

IX. 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 VII.A and VII.B, 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 paragraph (B) of this Section, 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: the California Air Resources Board, any other 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 or 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.

X. 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 (f)(15). The provisions of 40 CFR 51.165(f)(1) through (f)(15), are hereby incorporated by reference.

XI. 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.

XII. 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 July 6, 2021.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 501 Permit Required

Before any source may be operated, a Permit to Operate shall be obtained from the Air Pollution Control Officer. No Permit to Operate shall be granted either by an Air Pollution Control Officer or the Hearing Board for any source constructed without authorization as required in Regulation IV until the information required is provided to the Air Pollution Control Officer and such source is altered, if necessary, and made to conform to the standards set forth in Regulation IV and elsewhere in these Rules and Regulations.

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 502 Exemptions to Rule 501.

The Air Pollution Control Officer may exempt from the requirements of Rule 501 any item of equipment specified in Rule 402, Exemptions to Rule 401.

Rule 505 Conditional Approval.

The Air Pollution Control Officer may issue a Permit to Operate subject to conditions which will insure the compliance of any equipment within the standards of these Rules and Regulations, in which case the conditions shall be specified in writing. Commencing work under an Authority to Construct, or operation under a Permit to Operate, shall be deemed acceptance of all the conditions so specified.

Rule 507 Responsibility

The fact that a Permit to Operate for an article, machine, equipment or other contrivance described therein shall not be an endorsement of such article, machine, equipment 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 Permit to Operate is issued shall be and remain responsible under these Rules and Regulations for each and every instance wherein emission standards are exceeded by the article, machine, equipment or other contrivance described in the Permit to Operate, and the fact of issuance shall not be a defense to or mitigation of any charge of violation. Issuance of a Permit to Operate pursuant to these Rules and Regulations does not release the permittee of the responsibility of any and all other applicable permits and authorizations issued by other local governmental agencies.

Rule 508 Posting of Permit to Operate

A person who has been granted a Permit to Operate under this Regulation shall firmly affix such Permit to Operate, and approved facsimile or other identification approved by the Air Pollution Control Officer upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible in an accessible place on the premises or maintained readily available at all times on the operating premises. A person shall not willfully deface, alter, forge, counterfeit, or falsify a Permit to Operate.

Rule 510 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, unless the person responsible for the source operation establishes the correct total emitted quantity to the Air Pollution Control Officer's satisfaction.

Rule 511 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 Officer 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 source operation separately.
- B. If air contaminants from two or more source operations are combined and the emissions cannot be separated according to the requirements of Section A above, the Rules and Regulations shall be applied to 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 512 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 Section 41700 of the Health and Safety Code, or of Rule 205 of these Rules and Regulations.

Rule 513 Source Recordkeeping

The owner or operator of any stationary source shall, upon notification from the Air Pollution Control Officer, maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether such source is in compliance with 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 made at the expense of the person causing the emissions.

The information recorded shall be summarized and reported to the Air Pollution Control Officer, on forms or formats as required by the Air Pollution Control Officer, 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, or other periods as may be specified by the Air Pollution Control Officer.

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

Rule 514 Public Records and Trade Secrets.

- A. All information, analysis, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which will be produced by any source which the District requires any applicant to provide before such applicant builds, alters, replaces, operates, sells, rents, or uses such source, are public records.
- B. All air quality or other pollution monitoring data, including data compiled from stationary sources, are public records.
- C. Except as otherwise provided in Section D below, trade secrets are not public records under this Rule. Trade secrets, as used in this Rule, may include, but are not limited to, any formula, plan, process, tool mechanism, compound, procedure, production rate, or compilation of information 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 as trade secrets and such justification shall be public record. The Air Pollution Control Officer shall rule on the validity of trade secret claims. Requests from the public for records shall be specific and in sufficient detail to enable the Air Pollution Control Officer to readily identify the information requested.
- D. Notwithstanding any other provisions of the law, all air pollution emission data, including those emission data which constitute trade secrets as defined in Section C above, 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.

Rule 515 Provision of Sampling and Testing Facilities.

The Air Pollution Control Officer may, upon reasonable written notice, require the owner or operator of any source, 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 rate, 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, All 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 operate continuous stack monitoring systems as described below:
 - a. Oxides of nitrogen (NO_x) and carbon dioxide (CO₂) or oxygen (O₂) from steam generators with a heat input of 250 million British Thermal Units or more per hour and with a use factor of at least 30 percent.
 - b. Oxides of nitrogen (NO_x) from all new nitric acid plants.
 - c. Sulfur dioxide (SO₂) from sulfuric acid plants, sulfur recovery plants, carbon monoxide (CO) from boilers or regenerators of fluid catalytic cracking units, new fluid cokers and existing fluid cokers with a feed rate greater than 10,000 barrels per day.
 3. A person operating or using a stack monitoring system shall, upon written notice of the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and manner prescribed by the Air Pollution Control Officer. The summary of the data shall be available for public inspection at the office of the Air Pollution Control District.

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

4. A violation of emission standards of these Rules and Regulations, as shown by the stack monitoring system, shall be reported to the Air Pollution Control Officer within 96 hours.
 5. The owner or operator shall notify 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 Officer may require that disclosures required under this Rule be certified by a professional engineer registered in the State of California. Studies necessary to provide such information shall be made at the expense of the person causing the emissions.

A. Breakdown Procedure

1. The owner or operator shall notify the Air Pollution Control Officer of any occurrence which constitutes a breakdown condition. Such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but not later than two (2) hours after its detection during normal District business hours.
2. The Air Pollution Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement followup, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.
3. Upon receipt of notification pursuant to subsection A.1. above, the Air Pollution Control Officer shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the Air Pollution Control Officer determines that the occurrence does not constitute a breakdown condition, the Air Pollution Control Officer may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.

B. Disposition of Short-Term Breakdown Conditions

1. An occurrence which constitutes a breakdown condition, and which persists longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations; however, the Air Pollution Control Officer may elect to take no enforcement action if the owner demonstrates to his satisfaction that a breakdown condition exists and the following requirements are met:
 - a. The owner or operator submits the notification required by subsection A.1. above; and
 - b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective

measures within 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours. If the owner or operator elects to shut down rather than come into immediate compliance, he must nonetheless take whatever steps are possible to minimize the impact of the breakdown within the 48 hour period; and

c. The breakdown does not interfere with the attainment and maintenance of any national ambient air quality standard.

2. An occurrence which constitutes a breakdown condition shall not persist longer than 48 hours, except for continuous monitoring equipment for which the period shall be 96 hours, unless the owner or operator has obtained an emergency variance.

C. Emergency Variance Procedures

1. If the breakdown condition will require more than 48 hours to correct, except for continuous monitoring equipment for which the period shall be 96 hours, the owner or operator may, in lieu of shutdown, request the Air Pollution Control Officer to commence the emergency variance procedure set forth in subsection D.2. below.
2. Upon receipt of a request for an emergency variance, the Air Pollution Control Officer shall contact the chairperson of the Hearing Board, or their designated member(s) of the Hearing Board, who shall conduct deliberations for consideration of the request. The Air Pollution Control Officer shall inform the owner or operator of the source of such deliberation. During consideration of the emergency variance, the Air Pollution Control Officer shall recommend whether any emergency variance should be granted, and the owner or operator of the source shall be entitled to present relevant information or data applicable to the breakdown. The burden shall be on the owner or operator to establish that a breakdown condition exists. Thereafter, the chairperson or other designated member(s) may, without notice or hearing, grant or deny an emergency variance. The chairperson or other designated member(s) shall, within five (5) 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; and
 - b. Continued operation is not likely to create a

~~nuisance, an immediate threat, or hazard to public health or safety; and~~

~~c. The requirements for a variance set forth in Health and Safety Code Sections 42352 and 42353 have been met; and~~

~~d. The continued operation in a breakdown condition will not interfere with the attainment or maintenance of the national ambient air quality standards.~~

~~4. At any time after an emergency variance has been granted the Air Pollution Control Officer may request that the chairperson or designated member(s) reconsider and revoke, modify, or further condition the variance if the Air Pollution Control Officer has good cause to believe that:~~

~~a. Continued operation is likely to create a nuisance, an immediate threat, or hazard to public health or safety; or~~

~~b. The owner or operator is not complying with all applicable conditions of the variance; or~~

~~c. A breakdown condition no longer exists; or~~

~~d. Final compliance is not being accomplished as expeditiously as practicable.~~

~~The procedures set forth in subsection C.2. above shall govern any proceedings conducted under this subsection.~~

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

D. Reporting Requirements. Within one week after a breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Air Pollution Control Officer which includes:

1. A statement that the occurrence has been corrected together with the date of correction and proof of compliance; and

2. A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the Air Pollution Control Officer to determine whether the occurrence was breakdown condition; and

3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future. The Air Pollution Control Officer may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this subsection; and

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.

E. Burden of Proof. The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the Air Pollution Control Officer shall undertake appropriate enforcement action.

F. Failure to Comply with Reporting Requirements. Any failure to comply, or comply in a timely manner, with the reporting requirement established in subsection B.1. and E. 1. through E.5. of this Rule shall constitute a separate violation of this Rule.

G. False Claiming of Breakdown Occurrence. It shall constitute a separate violation of this Rule for any person to file with the Air Pollution Control Officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown.

H. Hearing Board Standards and Guidelines. The Hearing Board shall adopt standards and guidelines consistent with this Rule to assist the chairperson or other designated member(s) of the Hearing Board in determining whether to grant or deny an emergency variance, and to assist the Air Pollution Control Officer in the enforcement of this Rule.

~~Rule 517 Transfer. A Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.~~

~~Rule 518 Revocation of a Permit to Operate. If the holder of any Permit to Operate within a reasonable time willfully fails and refuses to furnish to the Air Pollution Control Officer information, analysis, plans, or specifications requested by the Air Pollution Control Officer, the Air Pollution Control Officer may suspend the Permit to Operate. He shall serve notice in writing of such suspension and the reasons therefore on the permittee.~~

~~Rule 519 Appeals. Within ten (10) days after notice by the Air Pollution Control Officer of any of the following: denial of an Authority to Construct, Permit to Operate, or denial of Trade Secret status, or any conditional approval, requirements for sampling and monitoring~~

TUOLUMNE COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 517 Transfer.

A Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.



No. 3290

Filed April 7, 2020

By Alicia Gamar
Clerk of the Board

RESOLUTION
TUOLUMNE COUNTY BOARD OF SUPERVISORS

WHEREAS, Tuolumne County has been designated nonattainment for the 2015 8-hour Ozone National Ambient Air Quality Standard; and,

WHEREAS, federal ozone nonattainment areas are required to adopt State Implementation Plan (SIP) Elements pursuant to Section 110(a) of the federal Clean Air Act (CAA); and,

WHEREAS, an Ozone Emergency Episode Plan (OEEP) is one of several SIP Elements required to be adopted by the Tuolumne County Air Pollution Control Board in fulfillment of the CAA; and,

WHEREAS, Section 110(a)(2)(G) of the 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 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, which are codified in the Code of Federal Regulations (CFR) at 40 CFR Part 51, Subpart H (Sections 51.150 through 51.153); and,

WHEREAS, 40 CFR Section 51.150 requires nonattainment areas that have had ozone concentrations above 0.10 parts per million (ppm) over a 1-hour period to implement an emergency episode plan to prevent ambient ozone concentrations from reaching the Significant Harm level of 0.60 ppm, averaged over a 2-hour period; and,

WHEREAS, Tuolumne County's ozone monitor in Sonora has recorded 1-hour ozone concentrations greater than 0.10 ppm twice in the last eight years; and,

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

WHEREAS, following a 30-day public notice on March 6, 2020, and public hearing held on April 7, 2020 to provide for public comment and adoption of the OEEP;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Tuolumne County Air Pollution Control Board, the proposed Ozone Emergency Episode Plan is hereby adopted.

ADOPTED BY THE BOARD OF SUPERVISORS AS THE AIR POLLUTION CONTROL BOARD OF THE COUNTY OF TUOLUMNE ON APRIL 7, 2020.

AYES: 1ST Dist. Brennan NOES: _____ Dist. _____
2nd Dist. Campbell Dist. _____
3rd Dist. Kirk ABSENT: _____ Dist. _____
4th Dist. Gray Dist. _____
5th Dist. Rodger ABSTAIN: _____ Dist. _____

Sheri Brennan
CHAIR OF THE BOARD OF SUPERVISORS

ATTEST: Alicia
Clerk of the Board

No. 3020

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board
By: Alicia



Tuolumne County Air Pollution Control District

22365 South Airport Road, Sonora, CA 95370
(209) 533-5693 / Fax (209) 533-5520

Ozone Emergency Episode Plan

**PREPARED IN COMPLIANCE WITH
TITLE I OF THE FEDERAL CLEAN AIR ACT**

April 7, 2020

Purpose

The Tuolumne County Air Pollution Control District (District) is required to submit an Infrastructure State Implementation Plan (SIP) pursuant to Section 110(a) of the federal Clean Air Act within three years of the promulgation of the 2015 8-hour Ozone National Ambient Air Quality Standard (NAAQS). As part of the SIP, an Ozone Emergency Episode Plan (OEEP) is required to be adopted and implemented by the District should ambient concentrations of ozone above 0.10 parts per million (ppm) occur. The OEEP provides contingency measures to prevent ozone concentrations from reaching levels which could endanger public health, welfare, and/or the environment.

Legal Authority

The Federal Clean Air Act (CAA) gives the U.S. Environmental Protection Agency (EPA) the legal authority to halt the emission of air pollutants causing or contributing to the injury of public health, welfare, and/or the environment. The 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. Similar authority granted to the California Air Resources Board (ARB) and local air districts is vested in Health & Safety Code (H&SC) Section 42400 et seq. This section of California law applies to a range of emissions violations and imposes penalties that are equivalent to or exceed federal penalties for comparable violations.

Under the authority of the H&SC, ARB is responsible for controlling emissions from mobile sources, while air districts are responsible for controlling emissions from non-mobile sources. H&SC Section 42450, et seq. gives districts specific authority to abate emissions from any source violating H&SC Sections 41700, 41701, 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, ARB 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 own, or by request.

In addition to the authority under the H&SC, local air districts can work with local governing bodies of a city and/or county, pursuant to the California Emergency Services Act. California Government Code Sections 8550-8668 allows agencies to proclaim a local emergency when there are conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city and/or county, caused by such conditions as air pollution, pursuant to California Government Code Section 8558(c). When a local emergency is declared, cities and counties shall implement their emergency plans and take actions to mitigate or reduce the emergency threat. 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, air districts can obtain law enforcement aids from local governing bodies to accomplish necessary actions to attempt to prevent ambient ozone concentration from reaching harmful levels.

Requirements for the Prevention of Air Pollution Emergency Episodes

Under Title 40 of the Code of Federal Regulations (40 CFR) Part 51 Sections 51.150 and 51.151, areas that have had one hourly ozone concentration above 0.10 ppm, are required to develop a contingency plan (OEEP) which must, at a minimum, provide for taking action necessary to prevent ambient ozone concentrations in each jurisdiction from reaching the "significant harm level" of 0.60 ppm, averaged over two hours. As set forth in 40 CFR 51 Appendix L; ozone episode trigger levels are established, with subsequent action taken, in the event this occurs. The three trigger level stages after declaring a Health Advisory are:

- Alert level (0.20 ppm, 1- hour avg)
- Warning level (0.40 ppm, 1- hour avg)
- Emergency level (0.50 ppm, 1- hour avg)

Corresponding elements and actions for these trigger levels are identified below. These elements and actions should provide for rapid short-term emission reductions at each trigger level, to prevent ambient concentrations from reaching significant harm levels. However, due to the transport of ozone and ozone precursors from upwind urban areas, such as the Central Valley and Bay Area counties, the actions taken by the District, as specified in this document may not be enough without the concerted effort of the upwind air districts to control their own emissions.

40 CFR Part 51 Appendix L also provides sample contingency actions for each episode level, which include: communication and public notice procedures; specification of emission control strategies to be taken; and mitigation measures designed to decrease high ozone concentrations.

Development of the OEEP for Tuolumne County

Tuolumne County is classified marginal nonattainment for the 2015 8-hour ozone NAAQS. Since Tuolumne County has had one day with the maximum one-hour concentration greater than 0.10 ppm between 2015 and 2017, the District is required to prepare an OEEP. Developing this type of response plan to increasing ozone levels is highly dependent on the source of the ozone. Tuolumne County was designated a federal ozone nonattainment area based on data collected from its Barretta Street (Sonora) ambient air quality monitor. The 2015 ozone NAAQS is set at 0.070 ppm averaged over an eight hour period. The EPA defines a ‘design value’ (DV) as the 3 year rolling average of the 4th highest daily concentration and compares that to the NAAQS for determining whether an area is in attainment or nonattainment for a specific criteria pollutant such as ozone.

Table 1 shows Tuolumne County’s design value for 2015 - 2017, at 0.097. Table 1 also shows the top maximum hourly concentrations for the same period. During this time, the maximum ozone one-hour concentration for the three year period was 0.11 ppm. For purposes of requiring an OEEP, any hourly value greater than 0.10 triggers this requirement.

Table 1
 Tuolumne County Ozone Monitoring Site - Sonora
 Design Value and Maximum One-hour Concentrations (2015 - 2017)

State Recommended Nonattainment	Air Quality System Site ID	2015-2017 DV	2015 1-hr Daily Max	2016 1-hr Daily Max	2017 1-hr Daily Max
Yes	06-109-0005	0.097	0.110	0.099	0.089

CARB’s Aerometric Data and Management System.

As shown in Table 2 Tuolumne County has two “Major” stationary sources based on NO_x emissions; a biomass fired electrical generation plant (Ultrapower) approximately 15 km to the southwest and a sawmill co-generation plant (Sierra Pacific-Sonora) 5 km to the southeast of the Sonora monitor. Major sources in Tuolumne County are defined as those emitting greater than 100 tons per year of any regulated air pollutant (i.e. NO_x, PM₁₀, ROG) or a hazardous air pollutant of 10 ton per year or 25 tons per year or more of any combination of hazardous air pollutants. Together these two Major sources emit approximately 360 tons per year of nitrogen oxides (NO_x) and but only a negligible amount of reactive organic gases (ROG) based on the District’s 2018 calendar year (CY) Emissions Inventory. Fuel combustion and electrical generation account for approximately 99% of the NO_x emissions generated

from stationary sources, both major sources fall under this category and represent 76% of total stationary source NOx emissions. Tuolumne’s largest stationary source ROG emitter is Sierra Pacific - Chinese Camp which operates a sawmill and fence board coating operation. Although the quantity of ROG emissions is significant, these emissions account for only 15% of the total stationary source ROG emissions in the county.

Table 2
 Highest Emitting Permitted Sources - Ozone Precursors
 TCAPCD Emissions Inventory - CY 2018

Five Highest Emitting (NOx) Facilities (tons per year)				
Facility Name	Permit ID	*SIC	City	NOx
Pacific Ultrapower - Chinese Station	55-0032	4911	Chinese Camp	200.10
Sierra Pacific Ind. - Sonora	55-0003	2421	Sonora	158.69
Sierra Conservation Center	55-0022	9223	Jamestown	7.36
California Wood Shavings	55-00501	2611	Keystone	4.69
George Reed - Table Mountain	55-0023	1429	Jamestown	4.17

* Standard Industrial Classification Code

Five Highest Emitting (ROG) Facilities (tons per year)				
Facility Name	Permit ID	*SIC	City	ROG
Sierra Pacific Ind. - Chinese Camp	55-0037	2421	Chinese Camp	31.41
California Wood Shavings	55-00501	2611	Keystone	14.42
George Reed - Table Mountain	55-0023	1429	Jamestown	4.76
W.H. Breshears	55-0040	5172	Sonora	2.90
Sierra Conservation Center	55-0022	9223	Jamestown	0.84

In looking at the contribution of emissions from the two major sources, both of which generate electricity, reducing NOx emissions during an emergency episode may be problematic. This is due to the fact that typically during times of high ozone concentrations, ambient temperatures are also high, creating a higher demand for electricity. In many cases, power plants are not only relied upon to provide the additional power, many power plant contracts require they operate during these periods.

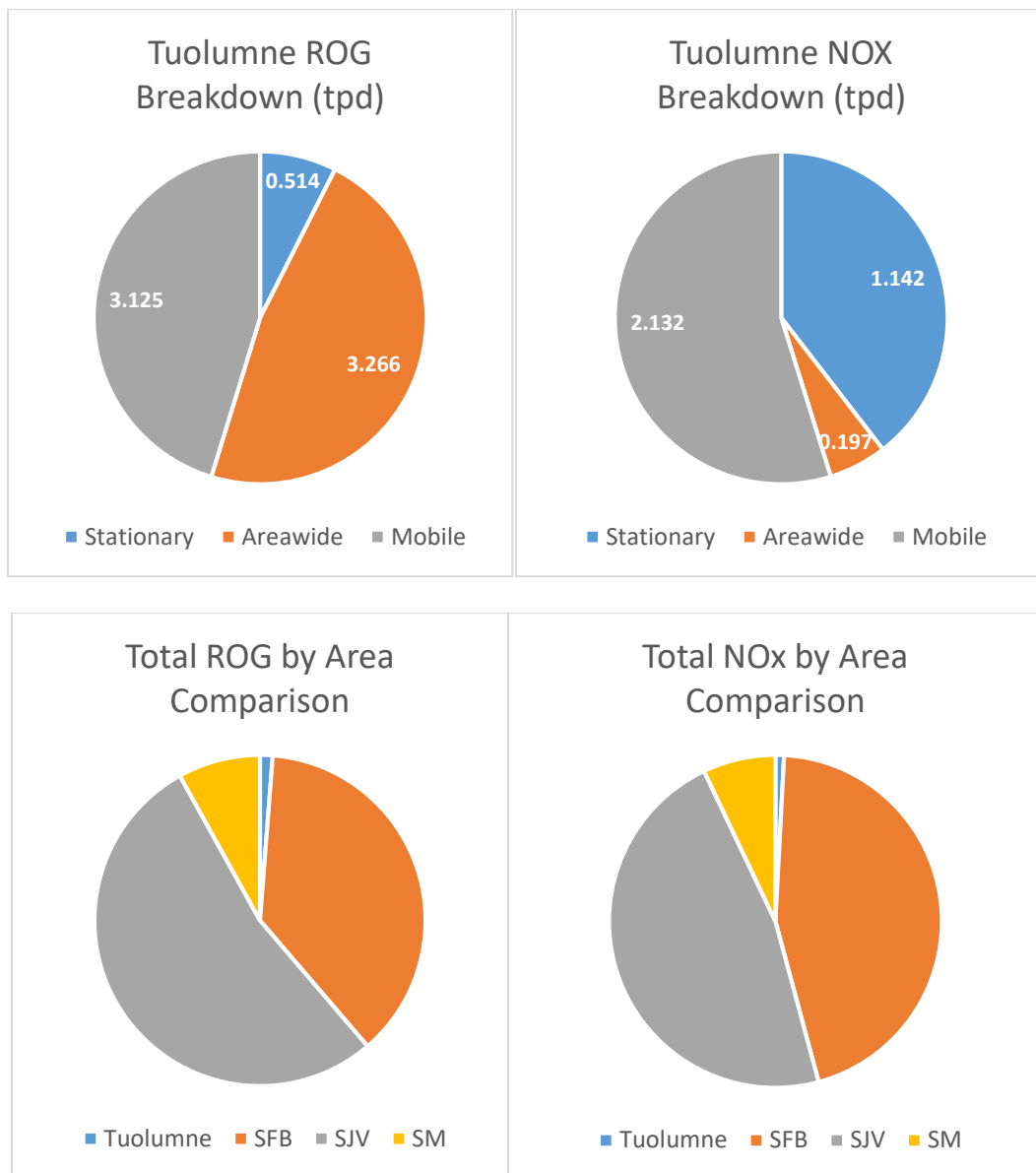
The charts in Figure 1 represent the quantity of county level ozone precursors emitted annually. These charts also show a comparison of precursors between Tuolumne County and its upwind neighbors. The charts clearly illustrate that emissions from upwind urban areas such as the San Francisco Bay Area (SFB), San Joaquin Valley (SJV), and the Sacramento Metropolitan Area (SM) contribute much more than local sources with respect to ozone precursors. The charts also show that mobile and area sources comprise a vast majority of ROG emissions and should be targeted for reductions during emergency episodes.

With regard to mobile sources, Tuolumne County had a 2015 population of approximately 45,000 people, with a 3% population decline during the 2010-2015 period. The EPA evaluated the commuting patterns of residents, as well as the total vehicle miles traveled (VMT) for Tuolumne County. The EPA’s analysis of traffic and commuting patterns is based on the 2014 National Emissions Inventory. In 2014, there were a total of 508 million VMT by 24,262 workers of which 9,052 (37.3%) commute to and from work. The VMT levels in the western portion of Tuolumne County are higher in areas that include transportation arteries with the largest number of commuters, and lower in the eastern portion of the county. It is important to note that the VMTs recorded for Tuolumne County are much less than adjacent

upwind counties and is evident when comparing mobile sources emissions between Tuolumne and the upwind urban counties, as shown in Figure 1 the “Ozone Precursor Comparisons” charts.

Figure 1 and ARB emissions inventories clearly show that transport of ozone and ozone precursors play a large role in Tuolumne County’s nonattainment designation. ARB has continually determined that ozone levels in Tuolumne County are caused by “overwhelming transport” of emissions from upwind air districts¹. H&SC Section 39610 requires ARB to assess the relative contribution of upwind emissions to downwind ambient ozone levels and establish mitigation requirements commensurate with the level of contribution.

Figure 1
 Tuolumne County Ozone Precursor Emissions Comparison
 Tons per Day (tpd)

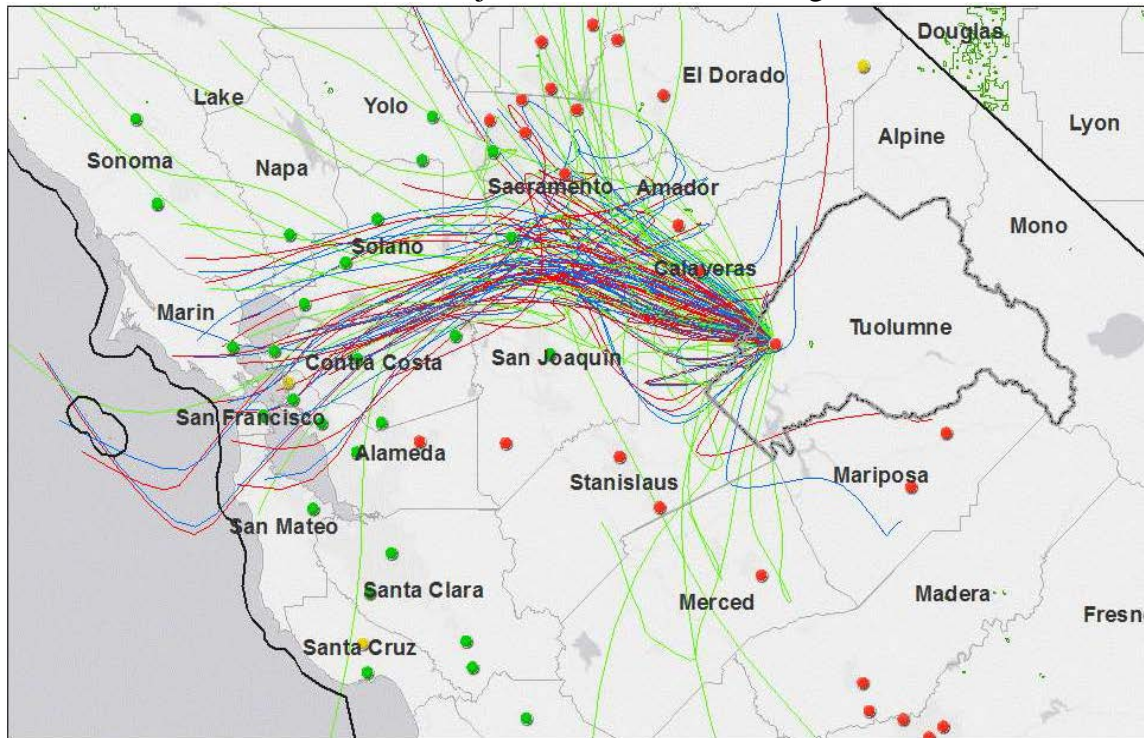


CALIFORNIA 2019 OZONE SIP BASELINE EMISSION PROJECTION

¹ California Health and Safety Code § 39610; Air Resources Board Resolution 96-56; California Code of Regulations Title 17 § 70500

Evaluation of meteorological data helps to assess the fate and transport of ozone and ozone precursors and to identify areas potentially contributing to ozone exceedances. In order to determine how meteorological conditions, including, but not limited to, weather, transport patterns, and stagnation conditions, could affect the fate and transport of ozone and precursor emissions from sources in the area, the EPA evaluated ozone transport using the 2014-2016 HYSPLIT (Hybrid Single-Particle Lagrangian Integrated Trajectory) model, that illustrates the paths traveled by air parcels to the Sonora monitor. Figure 2 shows the 24-hour HYSPLIT back trajectories for each exceedance day (i.e. daily maximum 8 hour values that exceed the 2015 ozone NAAQS) for the Sonora monitor. The general flow from the west and northwest, suggests emissions transport primarily from the Sacramento and northern San Joaquin Valley areas.

Figure 2
HYSPLIT Back Trajectories for the Violating Monitor



December 1, 2017

1:1,969,303
0 15 30 60 mi
0 25 50 100 km
U.S. EPA Office of Air and Radiation (OAR) - Office of Air Quality Planning and Standards (OAQPS), U.S. Census Bureau

Office of Air and Radiation (OAR) - Office of Air Quality Planning and Standards (OAQPS), U.S. Census Bureau | Map Service: USEPA Office of Environmental Information (OEI), Data: USEPA Office of Environmental Information (OEI), U.S. Census Bureau | Source: U.S. Census Bureau | Web AppBuilder for ArcGIS

Ozone Trigger Levels

Health Advisory Level

The District set the 0.15 ppm threshold as a Health Advisory level to initiate emergency actions. This Health Advisory level is lower than the Alert level of 0.20 ppm, which is the lowest of the three trigger levels required by 40 CFR Part 51.

It is important to note that ozone concentrations in Tuolumne County have been substantially reduced over the years and would need an unprecedented ozone concentration to even trigger the Alert level, and therefore initiate the OEEP implementation. Ozone concentrations in Tuolumne County have been reduced through the implementation of mobile and stationary control measures, but also from strict

control measures being implemented and enforced by the San Joaquin Valley Air Pollution Control District. This District believes that the development and implementation of control measures and programs that will be identified in the 2021 SIP should help ozone concentrations in Tuolumne County continue to decrease. This gives the District strong expectations that ozone concentrations will not reach even the proposed Healthy Advisory level of 0.15 ppm.

In conclusion, the District believes that the proposed Health Advisory level of 0.15 ppm is an appropriate threshold to initiate the emergency episode actions proposed in this OEEP.

Emergency Episode Criteria

Table 4 summarizes the four emergency episode trigger levels for Tuolumne County. The following section identifies the corresponding actions for each stage, when the one-hour ozone concentration is exceeded for each stage.

Table 4
Trigger Levels of Ozone Emergency Episodes in Tuolumne County

	Health Advisory	Alert (Stage 1)	Warning (Stage 2)	Emergency (Stage 3)
Ozone (one-hour average)	0.15 ppm	0.20 ppm	0.40 ppm	0.50 ppm

Trigger Levels: 40 CFR Part 51 Appendix L

Proposed Actions for Ozone Emergency Episodes

The actions identified for the Health Advisory and three Stages include notification and emissions mitigation from the public, government agencies, industrial and commercial sources, and mobile sources. The purposes of these actions are 1) to provide notification to the public when atmospheric conditions result in substantially high ozone concentrations, and 2) to reduce ozone precursors rapidly in order to lower the ozone concentration below the triggered emergency episode level.

Emergency Episode Declaration

Whenever the ozone one-hour concentration reaches or is predicted to reach any of the trigger levels, the District shall declare that an emergency episode is imminent or in effect in Tuolumne County. In addition, should the Air Pollution Control Officer (APCO) of an adjacent air district declare a stage 1, 2, or 3 episode and request assistance, the APCO of the District may implement measures as described in this Plan as if such episode level has been measured within Tuolumne County.

Air Pollution Forecast

The District will, in coordination with the National Weather Service (NWS) Hanford and Sacramento Forecast offices provide prompt notification of air quality forecasts to the public when atmospheric stagnation conditions would result in substantially high ozone concentrations. Local forecasts shall be relayed to the public and updated as frequently as they are issued by the NWS.

Source Inspections

During the three episode Stages, the District will strive to inspect those sources that represent the greatest contribution of ozone precursor emissions and will ascertain whether these source are adhering to the applicable emission control action requirements specified in the Emergency Episode Actions.

Notification of an Emergency Episode

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

1. California Air Resources Board;
2. The Tuolumne County Administration Officer, Tuolumne County Health Officer, Tuolumne County Sheriff's Office, and any other public safety officers deemed appropriate;
3. The Tuolumne County Office of Emergency Services (OES);
4. The Tuolumne County Office of Education, school district superintendents, and private school principals;
5. Adjacent air districts and the District's permitted stationary sources; and,
6. Newspapers in daily circulation and television and/or radio stations broadcasting within Tuolumne County to convey appropriate warning, notices, and advisories. This notification also includes online services.

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 in coordination with the county's Public Health office on the health significance, and the appropriate voluntary or mandatory control actions proposed for each episode level.

Termination of an Emergency Episode

The District shall declare an episode as terminated when the one-hour ozone concentration falls below the level of 0.15 ppm (Health Advisory) and the meteorological and forecasting data indicate the ozone concentration is expected to continue decreasing. Upon declaration of the termination of an episode, the District shall ensure notification of those agencies and organizations specified in the List.

Actions for Each Emergency Episode

When an emergency episode is declared, the District shall implement the following 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 Tuolumne County Office of Education that sustained strenuous activities by students (for both public and private schools) lasting longer than one hour should be discontinued;
 - d) Notify the news media to broadcast the appropriate warning(s) to the public, which could include a recommendation that the public curtail unnecessary motor vehicle operation;
 - e) Work with permitted sources to identify possible emissions control measures to reduce emissions; and,
 - f) Coordinate with the Tuolumne County OES to identify possible actions taken by the public when Tuolumne County declares a local emergency for an episode.
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 Tuolumne County Office of Education contact the school superintendents and also coordinate with private schools, to suspend students outdoor strenuous activities;

- d) In coordination with the Tuolumne County OES, notify the news media to broadcast the appropriate warning to the public, which will include a request that the public curtail unnecessary motor vehicle operation;
- e) Request permitted facilities listed in Table 2 to initiate specified emissions control actions to reduce ozone precursor emissions. These actions include: reduce or curtail production; allow workers to telecommute; and, to recommend employees at government and private permitted facilities refrain from using their vehicles until the episode is terminated; and,
- f) Prohibit all open burning, including agricultural burning, and incineration throughout the county, except in an emergency situation as provided for in Section 41862 of the H&SC.

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. Close all non-essential public agency facilities, except emergency facilities and those facilities necessary in emergencies to protect national security or national defense; and,
 - ii. Close non-essential public agency facilities and request refrainment from using vehicles until the episode is terminated.
- b) Request closure of all public and private schools, and colleges within Tuolumne County;
- c) Request permitted facilities to shut down or curtail operations;
- d) Request that employees of permitted facilities that do close refrain from using vehicles until the episode is terminated;
- e) Consider requesting the suspension of all indoor and outdoor events at parks or recreational facilities open to the public;
- f) Request the suspension of all scheduled athletic events; and,
- g) Request that the Tuolumne County Administration Officer and Health Officer declare a local emergency for air pollution and implement emergency control measures, pursuant to the California Emergency Services Act, when the ambient ozone concentration continues rising and reaches a concentration of 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 Tuolumne County Administration 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 extreme ozone concentrations;
- c) Through the Tuolumne County OES operations, the following actions may 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. 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; and,
- d) Request that the Tuolumne County OES engage with the State OES 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.