

## **APPENDIX 7 - Pertinent Rules and Regulations**

### **MAJOR SOURCE EMISSIONS THRESHOLD**

**DISTRICT RULE 209-A**

### **EXISTING RULES FOR PARTICULATE MATTER CONTROL**

**DISTRICT RULE 400**

**DISTRICT RULE 401**

**DISTRICT RULE 405**

### **EXISTING RULES FOR OPEN SPACE BURNING**

**DISTRICT RULE 406**

**DISTRICT RULE 407**

**DISTRICT RULE 408**

**DISTRICT RULE 409**

**DISTRICT RULE 410**

**DISTRICT RULE 411**

**DISTRICT RULE 412**

## **Major Source Emissions Threshold**

District Rule 209-A was reviewed in 1993 and found to have an existing threshold that is lower than the 70 tons per year of PM-10 required by the U.S. EPA. As originally approved, District Rule 209-A set a level of 250 pounds per day of particulate matter as the lower limit for the major source definition in the District. This limit, which is equivalent to about 46 tons per year, was based on "particulate matter" emissions. It did not specify if particulate matter was measured as Total Suspended Particulates (TSP) or if it could be PM-10. If "particulate matter" was interpreted as PM-10, it would effectively relax the limit, because sources emit more TSP than PM-10. To ensure that future facilities will be required to meet the same requirements as existing facilities, District Rule 209-A was clarified in May 1993 to reflect that the 250 pound per day limit is measured as TSP and not PM-10 (District Rule 209-A.B.2.c).

One of the requirements for major sources is that they apply Best Available Control Technology (BACT) to control the emissions from their facilities. At the request of the U.S. EPA and the California Air Resources Board, the BACT requirement under Rule 209-A was also extended to modifications to major sources, where the modification would cause a net increase in emissions of 15 tons per year or more of PM-10. This was equivalent to about 80 pounds of PM-10 per day. This rule revision was approved in May 1993 as District Rule 209-A.B.2.d.

## **Existing Rules for Particulate Matter Control**

District Rules 400, 401, and 405 are existing federally approved rules that limit particulate emissions from area or point sources in the District. Rule 400 limits visible emissions from any source, except those exempted under Rule 405, to less than the Ringelmann 1, or 20 percent opacity. Rule 401 requires that reasonable precautions be taken to prevent visible particulate matter from crossing the property boundary. Methods to comply with both of these rules for fugitive dust emissions are explained in the permit conditions for Permits to Operate that are issued in the District. These rules are included below and an example of the permit conditions are included in Appendix 8. The District considers Rules 400 and 401, along with conditions required under the permit to operate as Reasonably Available Control Measures (RACM) for fugitive dust from industrial sources. Because PM-10 from industrial sources represents an insignificant contribution to the emissions in the Mono Basin Planning Area, these RACM requirements have not been evaluated to determine if they should be considered BACM for fugitive dust from industrial sources.

## **Existing Rules for Open Space Burning**

District Rule 406 limits open outdoor fires, except for activities expressly permitted. Rule 407 controls incinerator burning of combustible refuse. Rules 408 through 411 govern prescribed burning for agricultural operations, range improvement, and forest and wildland management. Said prescribed burning requires that a burn plan be submitted to the District to ensure compliance with

guidelines. Rule 412 regulates burning of non-industrial wood waste or vegetative waste at city or county disposal sites.

**RULE 209-A. Standards for Authorities to Construct**

A. General

The Air Pollution Control Officer shall deny an authority to construct for any new stationary source or modification, or any portion thereof, unless:

1. The new source or modification, or applicable portion thereof, complies with the provisions of this rule and all other applicable District rules and regulations and Sections 44300 (et. seq.) of the California Health and Safety Code.
2. The applicant certifies that all other stationary sources in the State which are owned or operated by the applicant are in compliance, or are on approved schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act (42 USC 7401 et. seq.) and all applicable emission limitations and standards which are part of the State Implementation Plan approved by the Environmental Protection Agency.

B. Applicability and Exemptions

1. This rule (excluding Section D) shall apply to all new stationary sources and modifications which are required pursuant to District rules to obtain a permit to construct.
2. Section (D) of this rule shall apply to new stationary sources and modifications which result in either:
  - a. A net increase in emissions of 250 or more pounds during any day of any pollutant for which there is a national ambient air quality standard (excluding carbon monoxide and particulate matter), or any precursor of such a pollutant; or
  - b. A net increase in carbon monoxide emissions which the Air Pollution Control Officer determines would cause the violation of any national ambient air quality standard for carbon monoxide at the point of maximum ground level impact; or
  - c. A net increase in emissions of 250 or more pounds during any day of particulate matter, measured as total suspended particulate from new stationary sources; or

- d. A net increase in emissions of 80 or more pounds during any day of particulate matter measured as PM-10 (particulate matter with a nominal aerodynamic diameter less than 10 microns) from a modification to an existing stationary source that has net emissions of 250 pounds or more per day of particulate matter measured as total suspended particulate prior to the modification.
3. Any new stationary source or modification which receives a permit to construct pursuant to this rule and complying with the following two conditions shall be deemed as having met the provisions of Part C of the Clean Air Act, as amended in 1977, and any regulations adopted pursuant to those provisions.
- a. Net emissions increase of all pollutants for which there is a national ambient air quality standard, and all precursors of such pollutants, shall be mitigated (offset) by reduced emissions from existing stationary or nonstationary sources. Emissions reductions shall be sufficient to offset any net emissions increase and shall take effect at the time of, or before, initial operation of the new source, or within 90 days after initial operations of a modification.
  - b. The applicant shall demonstrate, to the satisfaction of the Air Pollution Control Officer, that the proposed new source or modification will not have a significant air quality impact on any Class I area in cases where either the Air Pollution Control Officer, the Air Resources Board, or the U. S. Environmental Protection Agency requests such a demonstration at any time during the district's review of the application for an authority to construct or within 30 days of the public notice of the Air Pollution Control Officer's decision on the application.

**RULE 400. Ringelmann Chart**

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

- A. As dark or darker in shade as that designated as No. 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 rule.
  - 1. "An observer" is defined as either a human observer or a certified, calibrated, in-stack opacity monitoring system.

**RULE 401. Fugitive Dust**

- A. A person shall take reasonable precautions to prevent visible particulate matter from being airborne, under normal wind conditions, beyond the property from which the emission originates. Reasonable precautions include, but are not limited to:
  - 1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
  - 2. Application of asphalt, oil, water, or suitable chemicals on dirt roads, material stockpiles, and other surfaces which can give rise to airborne dusts;
  - 3. Installation and use of hoods, fans, and fabric filters, to enclose and vent the handling of dusty materials. Adequate contaminant methods shall be employed during such handling operations;
  - 4. Use of water, chemicals, chuting, venting, or other precautions to prevent particulate matter from becoming airborne in handling dusty materials to open stockpiles and mobil equipment; and
  - 5. Maintenance of roadways in a clean condition.
- B. This rule shall not apply to emissions discharged through a stack.

## **RULE 405. Exceptions**

Rule 400 does not apply to:

- A. Fire set by or permitted by a public officer if such fire is set or permission given in the performance of an 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 which cannot be abated by other means, or
  - 2. The instruction of public employees in the methods of fighting fire.
- B. Fires set pursuant to a permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- C. Agricultural operations necessary in the growing of crops or raising of fowls or animals, or
- D. The use of an orchard, field crop, or citrus grove heater which does not produce unconsumed, solid carbonaceous matter at a rate in excess of that allowed by State law.
- E. The use of other equipment in agricultural operations necessary in the growing of crops, or raising of fowls, or animals.

## **RULE 406. Open Outdoor Fires**

ADOPTED 10/1/76. REVISED 1/21/76. REVISED 11/4/92.

A person shall not burn any combustible refuse in any open outdoor fire within the boundaries of the Great Basin Unified Air Pollution Control District, except:

- A. When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary:
  - 1. For the purpose of the prevention of a fire hazard which cannot be abated by other means, or
  - 2. The instruction of public employees, or public volunteers under the supervision of a public officer, in the methods of fighting fire.
- B. When such fire is set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.
- C. Agricultural fires necessary to maintain and continue an agricultural operation set or permitted by a fire official having jurisdiction in the performance of official duty for the purposes of:
  - 1. Control and disposal of agricultural wastes.
  - 2. Range improvement burning.
  - 3. Forest management burning.
  - 4. Fires set in the course of any agricultural operation in the growing of crops, or raising of fowls or animals.
  - 5. Abatement of an immediate health hazard.
  - 6. Wildland management burning.
- D. On burn days as declared by the State Air Resources Board and pursuant to a valid burn permit as authorized by the Great Basin Unified Air Pollution Control District, fires for the disposal of household rubbish of a single or two family dwelling on its premises.
- E. Fires used only for the cooking of food for human beings or for recreational purposes.

- F. Fires, on burn days as declared by the State Air Resources Board and pursuant to a valid burn permit as authorized by the Great Basin Unified Air Pollution Control District, for the clearing of rights-of-way by a public entity or public utility where access by chipping equipment is not available by existing means or for reservoir maintenance.
- G. Except in case of emergency, permits for the setting of a fire or fires permitted by this rule shall be granted by the Air Pollution Control Officer, or by the public fire official having jurisdiction over the proposed burn location.
- H. When such fire is set for the purpose of burning non-industrial wood waste pursuant to a valid permit as authorized by the Great Basin Unified Air Pollution Control District under District Rule 412.

#### **RULE 407. Incinerator Burning**

ADOPTED 9/5/74

A person shall not burn any combustible refuse in any incinerator, except in a multiple-chamber incinerator as described in Rule 101(n), or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

This rule shall not apply to incinerators used to burn only household rubbish and yard trimmings and brush of a single or two-family dwelling on its premises on authorized burn days.

#### **RULE 408. Open Burning in Agricultural Operations or Disease or Pest Prevention**

ADOPTED 9/5/74. REVISED 3/10/76. REVISED 11/4/92.

- A. No person shall burn agricultural wastes on "no burn" days as announced by the State Air Resources Board for the Counties of Inyo, Mono, and Alpine or when prohibited by the Air Pollution Control Officer.
- B. Such burning when authorized shall conform to the following criteria:
  - 1. Material to be burned shall be as dry as feasible prior to burning, and shall be free from combustible impurities such as tires, tar paper, rubbish, plastics, demolition or construction debris, and shall be reasonably free of dirt, soil, and visible surface moisture.

2. Trees and branches over two inches in diameter shall have been dried for at least 10 days prior to burning.
  3. Branches under two inches in diameter and prunings shall have been dried for at least 1 week prior to burning.
  4. Wastes from field crops that are cut in a green condition shall have been dried for at least 1 week prior to burning.
  5. Exceptions to the foregoing may be made by the fire authority which issues the permits to burn, after notification to the Air Pollution Control Officer, and if the material to be burned is diseased or insect infested and there would be irreparable damage if the foregoing standards were rigidly enforced.
  6. Material to be burned shall be so arranged as to burn with a minimum of smoke.
  7. All burning shall conform to the applicable jurisdictional fire code(s).
- C. The use of oil or tires in connection with the ignition or burning of agricultural wastes, roadsides, ditch banks, or patches of vegetation is prohibited.
- D. No agricultural wastes shall be burned without a permit issued by a fire protection authority having jurisdiction over the proposed burn location. As a condition to the issuance of a permit, each applicant shall provide the information required by the issuing agency on forms prepared jointly by said agency and the District. The permit may place a limit upon the amount of materials to be burned in any one day and the hours of the day during which time the material may be burned. Further, the form of this permit shall contain the following words or words of similar import: 'This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board or by the Air Pollution Control Officer pursuant to Section 41855 of the Health and Safety Code.'
- E. Open burning in agricultural operations or disease or pest prevention at altitudes above 6000 feet (msl) is exempt from the requirements of Rule 408.
- F. Burning shall be curtailed when smoke is drifting into a populated area or creating a public nuisance.

**RULE 409. Range Improvement Burning**

ADOPTED 10/1/76. REVISED 3/10/76. REVISED 7/1/92.

- A. No range improvement burning may be done without first having obtained a permit from the California Department of Forestry and Fire Protection or other designated agency having jurisdiction over the proposed burn location. The form of this permit shall contain the following words or words of similar import: 'This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board or by the Air Pollution Control Officer pursuant to Section 41855 of the Health and Safety Code.'
- B. Range improvement burning, when permitted, shall comply with all the provisions of this rule and all the provisions for wildland management burning under District Rule 411.
- C. Range improvement burning when permitted shall conform to the following criteria:
  - 1. Where economically and technically feasible, brush shall be treated by chemical or mechanical means at least 6 months prior to a proposed burn, to kill or uproot the brush in order to insure rapid combustion.
  - 2. Unwanted trees over 6" in diameter in the burn area or those not effectively treated at the time of the brush treatment shall be felled at least 3 months prior to the burn, but a longer time may be required where conditions warrant.
  - 3. Burning being done primarily for improvement of land for wildlife and game habitat shall require the filing with the District a statement obtained from the Department of Fish and Game certifying the burning is desirable and proper for the improvement of land for wildlife and game habitat.

**RULE 410. Forest Management Burning**

ADOPTED 9/5/74. REVISED 3/10/76. REVISED 7/1/92.

- A. No forest management burning may be done without first having obtained a permit from the California Department of Forestry and Fire Protection or other designated agency having jurisdiction over the proposed burn locations. The form of this permit shall contain the following words or words of similar import: 'This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board or by the Air Pollution Control Officer pursuant to Section 41855 of the Health and Safety Code.'

- B. Forest management burning, when permitted, shall comply with all the provisions of this rule and all the provisions for wildland management burning under District Rule 411.
- C. Forest management burning, when permitted, shall conform to the following criteria:
  - 1. Waste shall be dried sufficiently to insure rapid combustion.
  - 2. Where possible, unless good management dictates otherwise, waste to be burned shall be windrowed or piled so as to burn with a minimum of smoke.

**RULE 411. Wildland Management Burning**

ADOPTED 9/5/74. REVISED 3/10/76. REVISED 7/1/92.

- A. No wildland management burning may be done without first having obtained a permit from the California Department of Forestry and Fire Protection or other designated agency having jurisdiction over the proposed burn locations. The form of this permit shall contain the following words or words of similar import: 'This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board or by the Air Pollution Control Officer pursuant to Section 41855 of the Health and Safety Code.'
- B. No person shall conduct wildland management burning on "no burn" days as announced daily by the State Air Resources Board for the Inyo, Mono and Alpine Counties or when such burning is prohibited by the Air Pollution Control Officer except:
  - 1. When a permissive burn notice has been issued by the State Air Resources Board pursuant to Section 80110 (c through e), California Code of Regulations (CCR), Title 17, and such notice has not been canceled by either the State Air Resources Board or the Air Pollution Control Officer.
  - 2. When the Air Pollution Control Officer has authorized, by special permit pursuant to Section 80120, California Code of Regulations (CCR), Title 17, agricultural burning on days designated by the State Air Resources Board as no-burn days because the denial of such permit would threaten imminent and substantial economic loss. In authorizing such burning the Air Pollution Control Officer shall limit the amount of acreage which can be burned in any one day and only authorize burning when downwind populated areas are forecasted by the State Air Resources Board to achieve the ambient air quality standards. Every applicant for a permit to burn agricultural waste pursuant to this section shall provide information in writing to the Air Pollution Control Officer for evaluation, stating why the denial of such a permit would threaten imminent and substantial economic loss.

C. Wildland management burning, when permitted, shall conform to the following criteria:

1. Before a permit may be issued for a wildland management burn, a plan for the burn shall be submitted by the owner, or his agent, of the land on which the burn is proposed, to the District and the California Department of Forestry and Fire Protection, or other designated agency having jurisdiction over the proposed burn location. This plan shall:
  - a. Limit the ignition of fires to approved devices.
  - b. Limit the total acreage or tonnage of vegetation that may be burned each day.
  - c. Limit 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. Require the vegetation to be burned to be free of tires, rubbish, tar paper or construction debris, and reasonably free of dirt and soil.
  - e. Require the vegetation to be in a condition which will facilitate combustion and minimize the amount of smoke emitted during combustion.
  - f. Include the following information which shall be provided to the Air Pollution Control Officer for review in advance of the proposed burn; i) location and specific objectives of the burn project, ii) acreage or tonnage, type, and arrangement of vegetation to be burned, iii) directions and distances to nearby sensitive receptor areas, iv) fuel condition, combustion, and meteorological prescription elements developed for the project, v) projected schedule and duration of project ignition, combustion, and burndown, vi) specifications for monitoring and verifying critical project parameters, and vii) specifications for disseminating project information. For projects located in areas above 11,000 feet, the plan shall be approved by the Air Pollution Control Officer in advance of the proposed burn.
2. The material to be burned shall be ignited only by devices approved by the California Department of Forestry and Fire Protection, or the local fire protection agency, and ignition shall be as rapid as practicable within applicable fire control restrictions.
3. Burning shall not be allowed on Sundays or legal holidays.

4. All burning shall conform to the applicable jurisdictional fire code(s).
  5. Burning shall be curtailed when smoke is drifting into a populated area or creating a public nuisance.
- D. The total amount of material burned in any one day, may be limited by the District, taking into consideration matters which would affect the ambient air quality of the District.

**RULE 412. Open Burning of Non-Industrial Wood Waste at City or County Disposal Sites**

ADOPTED 9/5/74. REVISED 2/9/81. REVISED 11/4/92.

- A. No person shall burn non-industrial wood waste on "no-burn" days as announced by the State Air Resources Board for the Counties of Inyo, Mono, and Alpine or when prohibited by the Air Pollution Control Officer.
- B. Burning of non-industrial wood waste at city or county disposal sites shall be restricted to sites above 1,500 feet (above mean sea level), that have been approved for such burning by the Air Pollution Control Officer (APCO) and the California Air Resources Board. Approval shall be based upon the submittal of written documentation for each site which shall include:
  1. A copy of the resolution by the applicable city council or county board of supervisors declaring their intention to allow burning at designated sites.
  2. The estimated tonnage and type of material to be burned at each site with the estimated criteria pollutant emissions, broken down by month for a one year period and an analysis of air quality trends showing that the proposed burns will not prevent the achievement or maintenance of the ambient air quality standards.
  3. Location and elevation of the sites to be used for burning.
  4. A copy of a written statement by the owner of the land on which the disposal site is located approving the burn on such land.
  5. Written approval of the fire protection agency having authority over the proposed burn site.

6. A statement explaining why burning at the disposal site will not create a nuisance. This shall include consideration for the site's proximity to population centers and the prevailing wind pattern.
  7. A statement indicating who is responsible to verify that only non-industrial wood waste is burned and how often inspections shall be made at each site.
- C. Such burning when authorized shall conform to the following criteria:
1. Material to be burned shall be as dry as feasible prior to burning, and shall be free from combustible impurities such as tires, tar paper, rubbish, plastics, demolition or construction debris, and shall be reasonably free of dirt, soil, and visible surface moisture.
  2. Trees and branches over two inches in diameter shall have been dried for at least 10 days prior to burning.
  3. Branches under two inches in diameter and prunings shall have been dried for at least 1 week prior to burning.
  4. Exceptions to the foregoing may be made by the fire authority which issues the permits to burn, after notification to the Air Pollution Control Officer, and if the material to be burned is diseased or insect infested and there would be irreparable damage if the foregoing standards were rigidly enforced.
  5. Material to be burned shall be so arranged as to burn with a minimum of smoke.
  6. All burning shall conform to the applicable jurisdictional fire code(s).
- D. The use of oil or tires in connection with the ignition or burning of non-industrial wood wastes is prohibited.
- E. No non-industrial wood waste shall be burned without a permit issued by a fire protection authority having jurisdiction over the proposed burn location. As a condition to the issuance of a permit, each applicant shall provide the information required by the issuing agency on forms prepared jointly by said agency and the District. The permit may place a limit upon the amount of materials to be burned in any one day and the hours of the day during which time the material may be burned. Further, the form of this permit shall contain the following words or words of similar import: 'This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board or by the Air Pollution Control Officer pursuant to Section 41855 of the Health and Safety Code.'

- F. Burning shall be curtailed when smoke is drifting into a populated area or creating a public nuisance. If smoke from a particular site repeatedly drifts into a populated area or causes a nuisance, the APCO will revoke approval for that site.
  
- G. The total amount of material burned in any one day, may be limited by the District, taking into consideration matters which would affect the ambient air quality of the District.