

REGULATION IV - PROHIBITIONS

RULE 400. RINGELMANN CHART

Adopted: 09/05/74 Revised: 01/18/79

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.

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RULE 401. FUGITIVE DUST

Adopted: 09/05/74 Revised: 03/10/76

- 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.

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RULE 402. NUISANCE

Adopted: 09/05/74

A person shall not discharge from any source whatsoever, such quantities of air contaminants or other materials 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.

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RULE 403. BREAKDOWN

Adopted: 02/18/77 Revised: 01/18/79, 06/25/79

A. DEFINITION

For the purposes of this rule, a breakdown condition means an unforeseeable failure or malfunction of: 1) any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by these rules and regulations, or by State law, or 2) any in-stack continuous monitoring equipment which:

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

B. BREAKDOWN PROCEDURES

1. The owner or operator shall notify the Air Pollution Control Officer of any occurrence which constitutes a breakdown condition; such notification shall identify the time, specific location, equipment involved, and, to the extent known, the causes of the occurrence, and shall be given as soon as reasonably possible, but no later than one (1) hour after its detection, unless the owner or operator can demonstrate that a longer reporting period is necessary.
2. The Air Pollution Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement follow-up, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.
3. Upon receipt of notification pursuant to subparagraph B(1), the 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.

C. DISPOSITION OF SHORT-TERM BREAKDOWN CONDITIONS

1. An occurrence which constitutes a breakdown condition, and which persists only until the end of the production run or 24-hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), shall constitute a violation of any applicable emission limitation or restriction prescribed by these rules and regulations; however, the Air Pollution Control Officer may elect to take no enforcement action if the owner or operator

demonstrates to his satisfaction that a breakdown condition exists and the following conditions are met:

- a. The owner or operator submits the notification required by subparagraph B(1); and
 - b. The owner or operator immediately undertakes appropriate corrective measures and comes into compliance, or elects to shut down for corrective measures before commencement of the next production run or within 24-hours, whichever is sooner (except for continuous monitoring equipment for which the period shall be ninety-six (96) hours). If the owner or operator elects to shut down rather than come into immediate compliance, the owner or operator must nonetheless take whatever steps are possible to minimize the impact of the breakdown within the 24-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 the end of the production run or 24-hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be ninety-six (96) hours), unless the owner or operator has obtained an emergency variance pursuant to Rule 617 (Emergency Variance).

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;
2. A specific statement of the reasons or causes for the occurrence sufficient to determine whether the occurrence was a breakdown condition.
3. A description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future (the 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 subparagraph);
4. An estimate of the emissions caused by the occurrence; and
5. Pictures of the equipment or controls 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 requirements established in subparagraphs B(1) and D(1) through D(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 occurrence.

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 members 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.

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RULE 404-A - PARTICULATE MATTER

Adopted: 09/05/74 Revised: 02/09/81

1. Concentration

A person shall not discharge from any source whatsoever, particulate matter in excess of 0.3 grain per standard dry cubic foot of exhaust gas.

2. Process Weight

A person shall not discharge in any one hour from any source whatsoever, particulate matter in excess of the amount shown in Table II.

3. Geothermal Well Drilling

A person shall not discharge particulates into the atmosphere from any geothermal steam source in excess of the quantity established by the following formula:

$$y = .00069X + 1.4$$

where:

y = is the particulate emission rate limitation in kilograms per hour (averaged over one hour) and X is the steam rate in kilograms per hour passing through a geothermal well drilling operation or an geothermal well being vented for clean out.

TABLE II			
MAXIMUM ALLOWABLE EMISSION RATE BASED ON PROCESS WEIGHT RATE			
Process Weight Rate (lb/hr)	Maximum Allowable Solid Particulate Emission Rate *(lb/hr)	Process Weight Rate (lb/hr)	Maximum All Solid Particulate Emission Rate (lb/hr)
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.85	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.30	4800	6.52
800	2.43	4900	6.60

TABLE II – Continued

MAXIMUM ALLOWABLE EMISSION RATE BASED ON PROCESS WEIGHT RATE

Process Weight Rate (lb/hr)	Maximum Allowable Solid Particulate Emission Rate *(lb/hr)	Process Weight Rate (lb/hr)	Maximum All Solid Particulate Emission Rate (lb/hr)
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3
3000	5.10	50000	34.3
3100	5.18	60000	40.0
3200	5.27	or more	

*Sum of emissions from all emission points of process

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RULE 404-B. OXIDES OF NITROGEN

Adopted: 09/05/74 Revised: 05/08/96

1. Fuel Burning Equipment

A person shall not discharge from fuel burning equipment having a maximum heat input rate of more than 1 1/2 billion BTU per hour (gross), flue gas having a concentration of nitrogen oxides calculated as nitrogen dioxide (NO₂) in parts per million parts of flue gas (ppm) by volume at 3 percent oxygen: 125 ppm with natural gas fuel, or 225 ppm with liquid or solid fuel.

2. Sources other than Combustion Sources

A person shall not discharge from sources other than combustion sources, nitrogen oxides, calculated as nitrogen dioxide (NO₂): 250 part per million by volume.

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RULE 405. EXCEPTIONS

Adopted: 09/05/74 Revised: 03/10/76, 05/08/96, 11/07/01, 07/7/05

Rules 400, 404-A and 404-B do 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. [Deleted: 07/07/05]
- 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. [Deleted: 07/07/05]
- F. The treatment of waste propellants, explosives and pyrotechnics (PEP) in open burn/open detonation operations on military bases for operations approved in accordance with a burn plan as required in Rule 432.
- G. Burning of materials for the purpose of creating special effects during production of commercial or educational films, videos or photographs.
- H. Disposal of contraband (confiscated controlled substances) by burning.
- I. Recreational or ceremonial fires contained in a fireplace, barbeque, or fire pit.
- J. A fire set for the purpose of eliminating a public health hazard that cannot be abated by any other practical means.

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RULE 406. OPEN OUTDOOR FIRES

Adopted: 01/21/76 Revised: 10/01/76, 11/04/92, 11/07/01, 09/24/03

A person shall not burn any combustible refuse or waste 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 vegetation 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 the following material in the described manner originating from a single or two family dwelling on its premises:
 - 1. Dry non-glossy paper and cardboard, ignited using an approved ignition device, in geographic areas granted a temporary exemption pursuant to Title 17, § 93113(e) of the California Code of Regulations.
 - 2. Dry natural vegetation waste reasonably free of dirt, soil and visible surface moisture by ignition using an approved ignition device.
- 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.
- I. Burning of materials for the purpose of creating special effects during production of commercial or educational films, videos or photographs. Such burn events cannot pose a public nuisance or health threat, or cause an exceedance of National or State ambient air quality standards.
 - 1. Any person seeking to set fires under this provision shall obtain a valid burn permit from the local fire protection agency.
 - 2. To gain an exemption, the following information shall be submitted to the District in writing at least 10 days in advance of the burn:
 - a. Location of proposed burn,
 - b. Date and approximate time of proposed burn,
 - c. Type and volume of material to be burned, and
 - d. Expected duration of proposed burn.
 - 3. The burner shall notify the APCO the day before each burn.
 - 4. Permission to burn on other than a permissive burn day shall be subject to written approval by the APCO. If the APCO grants written approval, such approval shall be available at the burn location for inspection by District personnel.
- J. Disposal of contraband (confiscated controlled substances) by burning. Such fire must be set and tended by official law enforcement personnel and must have been deemed not disposable by any other means by such officials. Prior to such burns, the District shall be informed of the place, date and time of the burn, and type and quantity of contraband to be disposed.
 - 1. Any person seeking to set fires under this provision shall obtain a valid burn permit from the local fire protection agency.
 - 2. The burner shall notify the APCO the day before each burn.
 - 3. Permission to burn on other than a permissive burn day shall be subject to written approval by the APCO. If the APCO grants written approval, such

approval shall be available at the burn location for inspection by District personnel.

- K. Recreational or ceremonial fires contained in a fireplace, barbeque, or fire pit, provided material burned is free of household, municipal, and industrial waste, such as: tires, tar, plastics and wet wood.
- L. A fire set for the purpose of eliminating a public health hazard that cannot be abated by any other practical means.
 - 1. Any person seeking to set fires under this provision shall obtain a valid burn permit from the local fire protection agency.
 - 2. To gain an exemption, the following information shall be submitted to the District in writing at least 10 days in advance of the burn:
 - a. Written recommendation for such fire by a public health officer,
 - b. Location of proposed burn,
 - c. Date and approximate time of proposed burn,
 - d. Type and volume of material to be burned, and
 - e. Expected duration of proposed burn.
 - 3. The burner shall notify the APCO the day before each burn.
 - 4. Permission to burn on other than a permissive burn day shall be subject to written approval by the APCO. If the APCO grants written approval, such approval shall be available at the burn location for inspection by District personnel.

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RULE 407. INCINERATOR AND BURN BARREL BURNING

Adopted: 09/05/74 Revised: 09/24/03

- A. A person shall not burn any combustible refuse or waste in any incinerator, except in a multiple-chamber incinerator 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 paragraph shall not apply to incinerators or burn barrels used in accordance with paragraph B of this rule.

- B. A person shall not dispose of any household rubbish or waste originating from a single or two-family dwelling on its premises in an incinerator or burn barrel, except when it is used to burn only dry natural vegetation, non-glossy paper or cardboard in those geographic areas granted a temporary exemption pursuant to Title 17, § 93113(e) of the California Code of Regulations, and the activity takes place on a burn day as declared by the State Air Resources Board pursuant to a valid burn permit as authorized by the Great Basin Unified Air Pollution Control District.

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RULE 408. OPEN BURNING IN AGRICULTURAL OPERATIONS OR DISEASE OR PEST PREVENTION

Adopted: 09/05/74 Revised: 03/10/76, 06/25/79, 07/01/92, 11/04/92, 11/07/01

- 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).
 8. Rice, barley, oat, and wheat straw shall be ignited only by stripfiring into the wind or by backfiring, except under a special permit of the district issued when and where extreme fire hazards are declared by a public fire protection agency to exist, or where crops are determined by the district not to lend themselves to these techniques.
- 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. Burning shall be curtailed when smoke is drifting into a populated area or creating a public nuisance.
- F. Burning hours shall be set so that no field crop burning shall commence before 10:00 a.m. or after 5:00 p.m. of any day, unless the Air Pollution Control Officer determines that local conditions indicate that other hours are appropriate.

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RULE 409. RANGE IMPROVEMENT BURNING

Adopted: 03/10/76 Revised: 10/01/76, 07/01/92, 11/07/01

- 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 vegetation management burning in wildland and wildland/urban interface areas 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.

[Intentionally left blank.]

RULE 410. FOREST MANAGEMENT BURNING

Adopted: 09/05/74 Revised: 03/10/76, 07/01/92, 11/07/01

- 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 vegetation management burning in wildland and wildland/urban interface areas 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.

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RULE 411. WILDLAND VEGETATION MANAGEMENT BURNING IN WILDLAND AND WILDLAND/URBAN INTERFACE AREAS

Adopted: 09/05/74 Revised: 03/10/76, 07/01/92, 11/07/01

A. No wildland vegetation 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 vegetation 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:

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 vegetation management burning, when permitted, shall conform to the following criteria:

1. The land manager, or his/her designee, shall annually or seasonally submit a potential list of burn projects to the Air Pollution Control Officer, including areas considered for potential naturally-ignited wildland fires managed for resource benefits, with updates as they occur.

2. For burn projects greater than 1 acre in size or estimated to produce more than 1 ton of particulate matter, the land manager, or his/her designee, shall submit a smoke management plan to the Air Pollution Control Officer for review and approval at least 30 days in advance of the proposed burn project, containing at a minimum, the following information:

- a. Location, types, and amounts of material to be burned;
- b. Expected duration of the fire from ignition to extinction;
- c. Identification of responsible personnel, including telephone contacts;
- d. Identification and location of all smoke sensitive areas; and

- e. procedures for public notification and education, including appropriate signage at burn sites, and for reporting of public smoke complaints.
3. For burn projects greater than 100 acres in size or estimated to produce more than 10 tons of particulate matter contain, at a minimum, the land manager, or his/her designee, shall submit a smoke management plan to the Air Pollution Control Officer for review and approval at least 30 days in advance of the proposed burn project, containing all the information in subsection 2 and the following additional information:
 - a. Identification of meteorological conditions necessary for burning.
 - b. The smoke management criteria the land manager or his/her designee will use for making burn ignition decisions.
 - c. Projections, including a map, of where the smoke from burns are expected to travel, both day and night.
 - d. Specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan.
 - e. An evaluation of alternatives to burning considered; if an analysis of alternatives has been prepared as part of the environmental documentation required for the burn project pursuant to the National Environmental Policy Act (NEPA) or the California Environmental Quality Act (CEQA), as applicable, the analysis shall be attached to the smoke management plan in satisfaction of this requirement.
 - f. Discussion of public notification procedures.
4. If smoke may impact smoke sensitive areas, the land manager, or his/her designee, shall include in the smoke management plan; visual monitoring, ambient particulate matter monitoring or other monitoring approved by the district, as required by the Air Pollution Control Officer for the following burn projects:
 - a. Projects greater than 250 acres;
 - b. Projects that will continue burning or producing smoke overnight;
 - c. Projects conducted near smoke sensitive areas; or
 - d. As otherwise required by the Air Pollution Control Officer.
5. For multi-day burns which may impact smoke sensitive areas, the land manager or his/her designee, shall provide daily notification to the District and the CARB to affirm that the burn project remains within the conditions specified in the smoke management plan, or whether contingency actions are necessary.

6. For any natural ignition that occurs on a no-burn day, the initial “go/no-go” decision to manage the fire for resource benefit will be a “no-go” unless:
 - a. After consultation with the district, the district decides, for smoke management purposes, that the burn can be managed for resource benefit; or
 - b. For periods of less than 24 hours, a reasonable effort has been made to contact the district, or if the district is not available, the ARB;
 - c. After 24 hours, the District has been contacted, or if the District is not available, the ARB has been contacted and concurs that the burn can be managed for resource benefit.

A “no-go” decision does not necessarily mean that the fire must be extinguished, but that the fire cannot be considered as a prescribed fire.

7. For any naturally-ignited wildland fire managed for resource benefits that are expected to exceed 10 acres in size, the land manager or his/her designee, shall submit a smoke management plan to the District for review and approval within 72 hours of the start of a fire.
8. The land manager or his/her designee, shall ensure that all conditions and requirements stated in the smoke management plan are met on the day of the burn event and prior to ignition.
9. For burn projects greater than 250 acres, the land manager or his/her designee shall perform a post-burn smoke management evaluation.
10. Vegetation shall be in a condition that will minimize the smoke emitted during combustion when feasible, considering fire safety and other factors.
11. Material to be burned shall be piled where possible, unless good silvicultural practices or ecological goals dictate otherwise.
12. Piled material to be burned shall be prepared so that it will burn with a minimum of smoke.
13. The burn plan applicant shall file with the District a statement from the Department of Fish and Game certifying that the burn is desirable and proper if the burn is to be done primarily for improvement of land for wildlife and game habitat. The Department of Fish and Game may specify the amount of brush treatment required, along with any other conditions it deems appropriate.
14. Burn plans shall 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.

15. Vegetation to be burned shall be free of tires, rubbish, tar paper or construction debris, and reasonably free of dirt and soil.
 16. 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.
 17. Prescribed burning shall not be allowed on Sundays, the last Saturday in April, or legal holidays, except for multi-day burns that cannot be reasonably treated on other days.
 18. All burning shall conform to the applicable jurisdictional fire code(s).
 19. 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.

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RULE 412. OPEN BURNING OF NON-INDUSTRIAL WOOD WASTE AT CITY OR COUNTY DISPOSAL SITES

Adopted: 09/05/74 Revised: 02/09/81, 11/04/92

- 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.

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RULE 413. REDUCTION OF ANIMAL MATTER

Adopted: 09/05/74 Revised: 11/04/92

- A. 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:
 - 1. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds; or
 - 2. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more effective for the purpose of air pollution control than (A) above.
- B. A person incinerating or processing gases, vapors or gas-entrained effluent 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 recording temperature pressure or other operating conditions.
- C. 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.

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RULE 416. SULFUR COMPOUNDS AND NITROGEN OXIDES

Adopted: 09/05/74 Revised 11/04/92

A person shall not discharge from any single source whatsoever any one or more of the following contaminants in any state or combination thereof, exceeding in concentration or amount at the point of discharge to the atmosphere:

1. Sulfur compounds calculated as sulfur dioxide: 0.2% by volume.
2. Nitrogen oxides, calculated as nitrogen dioxide (NO₂): 140 pounds per hour from any new or expanded boiler, furnace, jet engine, or similar fuel burning equipment used for the production of power or heat.

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RULE 417. ORGANIC SOLVENTS

Adopted: 09/05/74

- A. A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day, nor more than 3 pounds in any one hour, 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, heatcured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use continuous operations described in this section shall be collectively subject to compliance with this section.
- B. A person shall not discharge more than 40 pounds of organic materials into the atmosphere in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in section (A), for employing or applying, any photochemically reactive solvent, as defined in section (J), or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heating drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat curing or heat-polymerizing as described in section (A) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.
- C. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 per-cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat polymerizing as described in section (A) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use operations described in this section shall be collectively subject to compliance with this section.
- D. Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in section (J), of any article, machine, equipment or other contrivance described in sections (A), (B), or (C) shall be included with the other emissions or organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

- E. Emissions of organic materials into the atmosphere required to be controlled by sections (A), (B), or (C) shall be reduced by:
1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or
 2. Adsorption, or
 3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.
- F. A person incinerating, adsorbing or otherwise processing organic materials 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 the permit to operate, or as specified by the Air Pollution Control Officer, for indicating and recording temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.
- G. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical compositions, physical properties and amount consumed for each organic solvent used.
- H. The provisions of this rule shall not apply to:
1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.
 2. The use of equipment for which other requirements are specified by Rules 417, 418, 419 and 420 or which are exempt from air pollution control requirements by said rules.
 3. The spraying or other employment of insecticides, pesticides or herbicides.
 4. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.
 5. The use of any material, in any article, machine, equipment or other contrivance described in sections (A), (B), (C) or (D), if:
 - (i) the volatile content of such material consists only of water and organic solvents, and
 - (ii) the organic solvents comprise not more than 20 percent of said volatile content, and
 - (iii) the volatile content is not photochemically reactive as defined in section (J), and
 - (iv) the organic solvent or any material containing organic solvent does not come into contact with flame.

6. The use of any material, in any article, machine, equipment or other contrivance described in sections (A), (B), (C) or (D), if:
 - (i) the organic solvent content of such material does not exceed 20 percent by volume of said materials and
 - (ii) the volatile content is not photochemically reactive as defined in section (J), and
 - (iii) more than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature and
 - (iv) the organic solvent or any material containing organic solvent does not come into contact with flame.

7. The use of any material, in any article, machine, equipment or other contrivance described in sections (A), (B), (C) or (D), if:
 - (i) the organic solvent content of such material does not exceed 5 percent by volume of said material and
 - (ii) the volatile content is not photochemically reactive as defined in section (J) and
 - (iii) the organic solvent or any material containing organic solvent does not come into contact with flame.

- I. For the purposes of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220 F. at 0.5 millimeter mercury absolute pressure or have an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 F.

- J. For the purposes of this rule, photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:
 1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketons having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;
 2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;
 3. A combination of ethylbenzene, ketons having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups or organic compounds, it shall be considered as a member of the most reactive chemical group that is, that group having the least allowable percentage of the total volume of solvents.

- K. For the purposes of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

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RULE 419. GASOLINE LOADING INTO STATIONARY TANKS

Adopted: 01/21/76 Revised: 10/31/77, 07/13/78, 06/25/79

- A. A person shall not load or permit the loading of gasoline into any stationary tank installed after December 31, 1970, with a capacity of 250 gallons or more from any tank, truck or trailer, except through a submerged fill pipe, unless such tank is equipped with a vapor control system certified by the California Air Resources Board for that use.
1. For the purpose of this rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of four pounds or greater.
 2. 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 six 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 is 18 inches above the bottom of the tank.
 3. Permit fee assessment shall be in accordance with Regulation III, Schedule 5 with the exception of any non-retail tank installed prior to July 13, 1978, having both a capacity of less than 2000 gallons and an annual throughput of less than 8000 gallons per year.
 4. Any non-retail tank installed prior to July 13, 1978, with a capacity of less than 2000 gallons and an annual throughput of less than 8000 gallons shall be assessed a permit fee of \$10.00 for the issuance of a lifetime permit.

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RULE 420 - ORGANIC LIQUID LOADING

Adopted: 09/05/74

- A. A person shall not load organic liquids having a vapor pressure of 1.5 pounds per square inch absolute 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:

1. An absorber system or condensation system which processes all vapor and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.
2. A vapor handling system which directs all vapors to a fuel gas system.
3. Other equipment of an efficiency equal to or greater than (1) or (2) 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 pounds per square inch absolute or greater than actual loading conditions at a facility from which greater than 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 (a) possessed by one person, and (b) so located so that all organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

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RULE 421. INTENDED APPLICATION OF RULES AND REGULATIONS

Adopted: 09/05/74

Nothing in these Regulations is intended to permit any practice which is a violation of any Federal, State or local statute, ordinance, law, rule or regulation.

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RULE 423 - RESEARCH OPERATIONS

Adopted: 07/20/77 Revised: 02/09/81

The provisions of Regulation IV except Rule 402 shall not apply to experimental research operations when the following requirements are met:

- (a) The purpose of the operation is to permit investigation, experiment or research to advance the state of the art; and
- (b) The Air Pollution Control Officer has given written prior approval which shall include limitation of time; and
- (c) Sufficient information is provided to satisfy the Air Pollution Control Officer that such an operation will not cause or contribute to a violation of State or National Ambient Air Quality Standards.

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RULE 424. GEOTHERMAL EMISSIONS STANDARDS

Adopted: 09/05/74 Revised: 02/09/81, 07/06/95

- A. No person shall discharge into the atmosphere from any geothermal operation, sulfur compounds, calculated as sulfur dioxide (SO₂), in excess of 1,000 ppm.
- B. No person shall discharge into the atmosphere from any geothermal power plant more than 100 grams/MwHr of hydrogen sulfide, H₂S.
- C. No person shall discharge into the atmosphere from any geothermal well, including well drillings, well reworking and well testing, more than 2.5 kg/hr/well of hydrogen sulfide H₂S.
- D. No person shall discharge into the atmosphere from any miscellaneous steam supply operation more than 2.5 kg/hr/ source of hydrogen sulfide H₂S.
- E. Upon an unscheduled outage, an operator shall, within four (4) hours or less, reduce H₂S emissions: (1) by 90% or more for dual units or, (2) by 65% or more for single units or when both units of a dual unit system have a simultaneous outage or, (3) to not more than 15 kg/hr. For scheduled outages, the same emissions standards shall be met within one (1) hour or less.
- F. A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the Air Pollution Control Officer. This summary shall be presented in the manner, frequency and form as prescribed by the Air Pollution Control Officer.
- G. DEFINITIONS
 - 1. Gross Megawatt Hour (MwHr) means the gross amount of electrical generating capacity of a power plant as guaranteed by the turbine generator manufacturer, prior to internal plant requirements, expressed in megawatt hours.
 - 2. Miscellaneous Steam Supply Operation means any operation associated with providing steam for a geothermal power plant, excluding well drilling, well reworking, and well testing.
 - 3. Active Developer means any entity with one or more valid Permit(s) to Operate for a geothermal well utilized for electrical power generation within the KGRA.
- H. Notwithstanding the provisions of Sections A and C, the active developers in a KGRA may jointly petition the Air Pollution Control Officer to establish a Real-time Monitoring Program (RMP) to determine allowable H₂S emissions from well drilling, testing, return to production and clean-out. This petition must include an agreement signed by all the active developers in the KGRA to comply with the RMP requirements. The agreement must include a method of assigning responsibility if any requirement of the RMP is violated, and acceptance of the higher well authority to construct and permit renewal fees as outlined in Rule 301. Schedule of Permit Fees, Schedule 7.

The RMP shall be developed and implemented by the active developers in a KGRA, and shall include the following enforceable provisions:

1. All active developers shall continuously record well venting to determine the H2S emission rate and venting duration from all wells subject to the program.
2. All active developers shall continuously record meteorological data sufficient to estimate H2S ambient impacts through dispersion modeling techniques.
3. All active developers shall continuously record ambient H2S concentrations through ambient monitoring techniques to help monitor program compliance.
4. All active developers shall stay below venting limits for the subject wells under:
 - a. a routine venting plan based on an acceptable range of H2S venting rates from all sources and meteorological conditions that can be used routinely without causing ambient impacts to exceed 15 parts per billion by volume (ppbv) H2S in any area where the public has access, and/or
 - b. a non-routine venting plan that utilizes real-time meteorology and venting rates from all sources in a dispersion model to ensure that ambient impacts will not exceed 15 ppbv H2S in any area where the public has access.
5. In the Coso KGRA, during Naval Air Weapons Station approved Native American visits all active developers will utilize real-time meteorology and venting rates from all sources in a dispersion model to ensure that ambient impacts will not exceed 15 ppbv H2S at the upwind boundary of the visitation area.
6. All active developers shall monitor and control worker exposure to H2S so that it does not exceed the permissible exposure limits established by Cal-OSHA.
7. If hourly average H2S readings at any RMP-designated ambient monitor site;
 - a. exceeds an average of 15 ppbv for any one hour period, all active developers shall reduce well venting so that the one-hour average reading is reduced to less than 15 ppbv within one hour, or
 - b. exceeds an average of 18 ppbv for any one hour period, all active developers shall suspend well venting until the hourly average ambient H2S reading is reduced to less than 15 ppbv.

If the APCO grants the petition for an RMP, all the terms of the RMP automatically become permit conditions of all existing well authorities to construct and permits to operate held by active developers in that KGRA. If wells are to be added later, the developer of the well must submit with the application for authority to construct an updated venting plan using worst-case assumptions for the new well emissions.

The RMP will be revoked if any active developer withdraws from the agreement, or if a new active developer does not wish to join the agreement. The APCO can, upon 30 days notice to all developers, withdraw permission for the RMP for any reasonable cause.

RULE 425. GASOLINE VAPOR RECOVERY

Adopted: 12/14/88 Revised: 11/10/93

A. PURPOSE

To comply with the Air Resources Board's airborne toxic control measure for emissions of benzene from retail service stations as required by California Health and Safety Code Section 39666. This Rule does not apply to service stations with an annual gasoline throughput of less than 120,000 gallons.

B. DEFINITIONS

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

1. "ARB-certified vapor recovery system" means a vapor recovery system which has been certified by the state board pursuant to Section 41954 of the Health and Safety Code.
2. "Excavation" means exposure to view by digging.
3. "Gasoline" means any organic liquid (including petroleum distillates and methanol) having a Reid vapor pressure of four pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.
4. "Motor vehicle" has the same meaning as defined in Section 415 of the Vehicle Code.
5. "Owner or operator" means an owner or operator of a retail service station.
6. "Phase I vapor recovery system" means a gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery tanks into stationary storage tanks.
7. "Phase II vapor recovery system" means a gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage tanks.
8. "Retail service station" means any new or existing motor vehicle fueling service station subject to payment of California sales tax on gasoline sales.
9. "Existing retail service station" means any retail service station operating, constructed, or under construction as of December 14, 1988.
10. "New retail service station" means any retail service station which is not constructed or under construction as of December 14, 1988.
11. "Tank replacement" means replacement of one or more stationary storage tanks at an existing retail service station or excavation of 50 percent or more of an existing retail service station's total underground liquid piping from the stationary storage tanks to the gasoline dispensers.

12. "Throughput" means the volume of gasoline dispensed at a retail service station.

C. PHASE I - GASOLINE LOADING INTO STATIONARY TANKS

1. Requirements

No owner or operator shall transfer, permit the transfer, or provide equipment for the transfer of gasoline, and no other person shall transfer gasoline from a gasoline delivery tank equipped with a vapor recovery system into a stationary storage tank at a retail service station unless an ARB-certified Phase I vapor recovery system is installed on the stationary storage tank and used during the transfer.

2. Exemptions

- a. A transfer to a stationary storage tank with a capacity of less than 260 gallons.
- b. A transfer to a stationary storage tank used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.
- c. A transfer to a stationary storage tank used exclusively to fuel motor vehicles with a fuel capacity of five gallons or less.
- d. A transfer to a stationary storage tank at an existing retail service station which receives gasoline exclusively from delivery tanks that are not required to be equipped with vapor recovery systems.
- e. An existing retail service station with an annual station gasoline throughput from tanks other than those described above of 450,000 or fewer gallons during 1987. If during any calendar year thereafter the gasoline throughput from such tanks at the existing retail service station exceeds 450,000 gallons, this exemption shall cease to apply, commencing with the first day of the following calendar year. However, at the time of tank replacement at an existing retail service station with an annual station gasoline throughput of 120,000 gallons or more, ARB-certified Phase I vapor recovery systems shall be installed and used thereafter on all of the station facilities that are not exempt under Sections 2 (a), (b), (c), or (d).

3. Permit Fee

All retail service stations subject to this rule shall obtain an Authority to Construct/Permit to Operate at the time of installation of Phase I equipment, and shall pay a fee in accordance with Regulation III, Schedule 5.

D. PHASE II - TRANSFER OF GASOLINE INTO VEHICLE FUEL TANKS

1. Requirements

No owner or operator shall transfer, permit the transfer or provide equipment for the transfer of gasoline from a stationary storage tank at a retail service station into a motor vehicle fuel tank unless an ARB-certified Phase II vapor recovery system is installed and used during the transfer.

2. Exemptions

An owner/operator seeking an exemption from any section of this rule must supply the APCO with all information necessary for the APCO to determine whether such an exemption should be granted. A photo copy of the owner's/operator's Franchise Tax Board report will be sufficient to meet this requirement. Owners/Operators seeking exemption on throughput criteria must petition annually to renew such exemptions. All information must be certified to be correct under penalty of perjury by the applicant and should be supplied to the District within 60 days of the start of each calendar year.

- a. A transfer of gasoline from a stationary storage tank which is exempt from Phase I requirements under Sections C. 2 (a), (b), or (c).
- b. An existing retail service station which is exempt from Phase I requirements under Section C. 2 e.

3. Correction of Defects

No owner or operator shall use or permit the use of any Phase II system or any component thereof containing a defect identified in Title 17, California Administrative Code, Section 94006, Part III, Chapter 1, Subchapter 8:

- a. Absence or disconnection of any component required to be used in the system as certified by the California Air Resources Board;
- b. A nozzle hose which is crimped or flattened such that the vapor passage is blocked;
- c. A nozzle boot which is torn in one or more of the following manners:
 - 1. Triangular-shaped or similar tear 1/2-inch or greater to a side, or hole 1/2-inch or greater in diameter or,
 - 2. Slit 1-inch or greater in length.
- d. Faceplate or flexible cone which is damaged in the following manner:
 - 1. For balance nozzles and for aspirator assist type nozzles, tears or separation resulting in improper interface seal for an additive 1/4 of the circumference of the Faceplate;

2. For vacuum assist type nozzles, greater than 1/4 of the flexible cone missing;
- e. Nozzle shutoff mechanisms which malfunction in any manner;
- f. Vapor return lines, including such components as swivels anti-recirculation valves and underground piping, which malfunction or are blocked;
- g. Vapor processing device which is inoperative or severely malfunctioning;
- h. Vacuum producing device which is inoperative or severely malfunctioning;
- i. Pressure/vacuum relief valves, vapor check valves, or dry breaks which are inoperative;
- j. Any equipment defect which is identified in a California Air Resources Board system certification as substantially impairing the effectiveness of the system in reducing air contaminants;
- k. Any improper or non California Air Resources Board certified equipment or components.

4. Prohibition of Use

Whenever the Air Pollution Control Officer (APCO) determines that a Phase II vapor recovery system, or any component thereof, contains a defect specified by the California Air Resources Board pursuant to Section 41960.2 (c) of the Health and Safety Code or specified in Section 3 of this rule the APCO or his delegate shall mark such system or component "Out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced or adjusted, as required to permit proper operation, and the APCO or his delegate has reinspected it or has authorized its use pending reinspection.

5. Posting of Operating Instructions

The owner or operator of each gasoline dispensing facility requiring a Phase II vapor recovery system shall conspicuously post in the gasoline dispensing area operating instructions for the system and the District's or the Air Resource Board's telephone number for complaints. The instructions shall clearly describe how to fuel vehicles correctly with the vapor recovery nozzles, and shall include a warning that topping off may result in spillage or recirculation of gasoline.

6. Compliance Schedule

For the purposes of the Rule, the following compliance schedule shall apply:

- a. The owner or operator of any new retail service station subject to this rule shall comply with the provisions of this rule at the time gasoline is first sold from the station.

- b. The owner or operator of any existing retail service station without ARB-certified Phase I and II vapor recovery systems shall notify the air pollution control officer in writing in advance of an intended tank replacement and shall secure all necessary permits and other approvals for the installation of Phase I and II vapor recovery systems. The owner or operator of an existing retail service station shall comply with the provisions of this section upon completion of the tank replacement.
- c. The owner or operator of an existing retail service station subject to this rule, who has not earlier complied in accordance with (6) (b), shall by March 14, 1990 secure all permits and other approvals necessary for installation of the equipment required by this rule. The owner or operator shall comply with the provisions of this rule by December 14, 1990.
- d. Excluding those existing retail service stations subject to this rule as a result of tank replacement, the owner or operator of a previously exempt stationary storage tank or retail service station where the operation or annual throughput has changed such that the exemption from either the Phase I or II requirements or both is no longer applicable, shall within 15 months after loss of exemption secure all permits and other approvals necessary for installation of the equipment required by this rule. The owner or operator shall comply with the provisions of this rule within 24 months after loss of exemption.

7. Permit Fee

All retail service stations subject to this rule shall obtain an Authority to Construct/Permit to Operate at the time of installation of Phase II equipment, and shall pay a fee in accordance with Regulation III, Schedule 5.

RULE 426. CHROME PLATING AND CHROMIC ACID ANODIZING

Adopted: 09/05/74

A. PURPOSE

To comply with the Air Resource Board's Hexavalent Chromium Airborne Toxic Control Measure for Decorative and Hard Chrome Plating and Chromic Acid Anodizing Facilities, as required by California Health and Safety Code Section 39666.

B. DEFINITIONS

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

1. "Ampere-hours" means the integral of electrical current applied to a plating tank (amperes) over a period of time (hours).
2. "Anti-mist additive" means a chemical which reduces the emission rate from the tank when added to and maintained in the plating tank.
3. "Chrome" means metallic chrome.
4. "Chrome plating" means either hard or decorative chrome plating.
5. "Chromic acid" means an aqueous solution of chromium trioxide (CrO_3) or a commercial solution contain in chromic acid, dichromic acid (H_2CrO_7) or trichomic acid ($\text{H}_2\text{Cr}_3\text{O}_{10}$).
6. "Chromic acid anodizing" means the electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.
7. "Chromium" means hexavalent chromium.
8. "Control equipment" means any device which reduces emissions from the emissions collection system.
9. "Decorative chrome plating" means the process by which chromium is electrodeposited from a solution containing compounds of chromium onto an object resulting in a chrome layer 1 micron (0.04 mil) thick or less.
10. "Emission factor" means the mass of chromium emitted during a test conducted in the emissions collection system in accordance with ARB Test Method 425, divided by the ampere-hours consumed by the tanks in the tested emissions collection system, expressed as the mass of chromium emitted per ampere-hour of electrical current consumed.
11. "Emissions collection system" means a device or apparatus used to gather chromium emissions from the surface of a chrome plating or chromic acid anodizing tank or tanks.

12. "Facility" means a business or businesses engaged in chrome plating or chromic acid anodizing which are owned or operated by the same person or persons and are located on the same parcel or on contiguous parcels.
13. "Facilitywide emissions from hard chrome plating or chromic acid anodizing" means the total emissions from all hard chrome plating or chromic acid anodizing at the facility over a calendar year. Emissions shall be calculated as the sum of emissions from the emissions collection system at the facility. The emissions from an emissions collection system shall be calculated by multiplying the emission factor for that emissions collection system by the sum of ampere-hours consumed during that year for all of the tanks served by the emissions collection system.
14. "Hard chrome plating" means the process by which chromium is electrodeposited from a solution containing compounds of chromium onto an object resulting in a chrome layer thicker than 1 micron (0.04 mil).
15. "Plating tank" means any container used to hold a chromium or chromic acid solution for the purposes of chrome plating or chromic acid anodizing.
16. "Uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility" means the chromium emissions from the emissions collection systems at the facility calculated as if no control equipment is in use. For the purpose of determining compliance with this rule, the uncontrolled chromium emissions shall be calculated using an emission factor based on tests conducted in accordance with ARB Test Method 425 or 14 mg/ampere-hour, whichever is less.

C. REQUIREMENTS FOR DECORATIVE CHROME PLATING FACILITIES

1. No person shall operate a decorative chrome plating tank unless an anti-mist additive is continuously maintained in the plating tank, or control equipment is installed and used, in a manner which has been demonstrated to and approved by the Air Pollution Control Officer as reducing chromium emissions by 95 percent or more relative to chromium emissions when an anti-mist additive is not maintained, or control equipment is not installed and used.

D. REQUIREMENTS FOR HARD CHROME PLATING AND CHROMIC ACID ANODIZING FACILITIES

1. The owners or operators of all hard chrome plating and chromic acid anodizing facilities shall maintain a continuous record of current integrated over time (ampere-hours) for all plating tanks for each collection system used in the hard chrome plating or chromic acid anodizing operations and shall, by December 19, 1989, and upon request thereafter, submit the information to the Air Pollution Control Officer.
2. No person shall operate a plating tank for hard chrome plating or chromic acid anodizing unless the tank has an emissions collection system.

3. No person shall operate a hard chrome plating or chromic acid anodizing tank unless:
 - a. the chromium emissions from the emissions collection system serving the plating tank have been reduced by 95 percent or more of the uncontrolled chromium emissions or
 - b. the chromium emissions from the emissions collection system serving the plating tank have been reduced to less than 0.15 milligrams (mg) of chromium per ampere-hour of electrical charge applied to the plating tank.

4. No person shall operate a hard chrome plating tank or chromic acid anodizing tank at a facility if facilitywide chromium emissions from hard chrome plating or chromic acid anodizing are greater than 2 pounds per year, but less than 10 pounds per year, unless:
 - a. the chromium emissions from the emissions collection systems serving the plating tanks have been reduced by at least 99 percent of the uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility or
 - b. the chromium emissions from the emissions collection systems are reduced to less than 0.03 mg of chromium per ampere-hour of electrical charge applied to the tanks.

5. No person shall operate a hard chrome plating or chromic acid anodizing tank at a facility if facilitywide chromium emissions from hard chrome plating or chromic acid anodizing are 10 pounds per year or greater, unless:
 - a. the chromium emissions from the emissions collection systems serving the plating tanks have been reduced by at least 99.8 percent of the uncontrolled chromium emissions from the hard chrome plating or chromic acid anodizing facility or
 - b. the chromium emissions from the emissions collection systems are reduced to less than 0.006 mg of chromium per ampere-hour electrical charge applied to the tanks.

E. COMPLIANCE SCHEDULE - DECORATIVE CHROME PLATING FACILITIES

1. No later than December 19, 1989, the owners or operators of decorative chrome plating tanks must comply with the provisions of C (1).

F. COMPLIANCE SCHEDULE - HARD CHROME PLATING AND CHROMIC ACID ANODIZING FACILITIES

1. No later than June 19, 1990, the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to Sections D (3) or D (5) shall submit to the Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of D (2) and D (3) and no later

than December 19, 1990, the facility shall be in compliance with the requirements of D (2) and D (3).

2. No later than December 19, 1990, the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to D (4) shall submit to the Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of D (2) and D (4) and no later than June 19, 1991 the facility shall be in compliance with the requirements of D (2) and D (4).
3. No later than December 19, 1991 the owner or operator of a hard chrome plating or chromic acid anodizing facility subject to D (5) shall submit to the Air Pollution Control Officer an application for an Authority to Construct the equipment necessary to meet the requirements of D (5) and no later than June 19, 1993 the facility shall be in compliance with the requirements of D (5).

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RULE 427. CHROMATE TREATED COOLING TOWERS

Adopted: 12/12/90

A. PURPOSE

To comply with the Air Resources Board's Hexavalent Chromium Airborne Toxic Control Measure for Chromate Treated Cooling Towers, as required by California Health and Safety Code Section 39666.

B. DEFINITIONS

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

1. "Chromium": Hexavalent chromium.
2. "Cooling tower": A device which evaporates circulating water to remove heat from a process, building, or refrigerator and transfers the heat to the ambient air.
3. "Water treatment chemicals": Any combination of chemicals which are added to cooling tower water including, but not limited to, corrosion inhibitors, antiscalants, tracers, dispersants and biocides.
4. "Wooden cooling tower": A cooling tower containing wood components which are exposed to the circulating water.

C. REQUIREMENTS

The requirements of this rule shall apply to any cooling tower in which the circulating water is exposed to the ambient air. A person shall not operate any cooling tower unless the following requirements are met:

1. No chromium containing compounds shall be added to the cooling tower circulating water;
2. The concentration of chromium in the cooling tower circulating water shall not exceed:
 - a. 0.15 milligrams per liter (mg/l) in any non-wooden cooling tower, effective June 12, 1991;
 - b. 8.0 mg/l, effective June 12, 1991, and 0.15 mg/l, effective December 12, 1991, in any wooden cooling tower. Between June 12, 1991 and December 12, 1991, the measured concentrations must decrease each month.
3. Compliance shall be determined by testing the concentration of chromium in the circulating water every six months in non-wooden cooling towers and monthly in wooden cooling towers. Testing may be discontinued if two required consecutive tests show chromium concentrations less than 0.15 mg/l. The Air Pollution Control District (APCD) may require testing of

the circulating water at any time, to confirm that the water does not contain chromium in excess of 0.15 mg/l;

4. A compliance plan, as defined in Section D, shall be submitted to the APCD by March 12, 1991 or 90 days prior to placing a new cooling tower in operation.

D. COMPLIANCE PLAN

Owners or operators of cooling towers located at separate stationary sources shall submit a separate compliance plan for each stationary source. A compliance plan shall be accompanied by the fee specified and shall contain the following:

1. The name, address, and phone number of the cooling tower operator and owner;
2. The cooling tower location including the address and the site specific location;
3. The cooling tower specifications including type of construction and materials of construction.
4. The trade and chemical names of the water treatment additives currently in use, the Material Safety Data Sheets for these additives, and the name and address of the manufacturer and supplier;
5. The date when the addition of chromium containing compounds to the circulating water ceased, or will cease.

E. EXEMPTIONS

1. If chromium containing compounds have not been added to the circulating water in a cooling tower since June 12, 1990, or have never been added, the APCD may waive the requirements of subsections C.3 and C.4. A person seeking an exemption pursuant to this subsection shall submit to the APCD written certification, signed by a company officer, stating that chromium containing compounds have not been added to the cooling tower circulating water since June 12, 1990, or have never been added. In addition, the written certification shall contain the information specified in subsections D.1, D.2, and D.4. The APCD may require the testing of the circulating water at any time, to confirm that the circulating water does not contain chromium in excess of 0.15 mg/l.
2. Any cooling tower in which the circulating water is completely contained and is not exposed to the ambient air is exempt from the provisions of this rule.

F. RECORDKEEPING REQUIREMENTS

Any person subject to the requirements of subsection C.3 shall maintain records of all circulating water tests performed pursuant to subsection C.3. The records shall be retained for at least two years and shall be made available to the APCD upon request.

G. REPORTING REQUIREMENTS

By January 12, 1992 and annually thereafter, any person subject to the requirements of subsection C.3 shall submit to the APCD the results of all circulating water tests performed pursuant to subsection C.3. In addition, the submitted test results shall include the date the test was performed, and the name and address of the laboratory performing the test.

H. TEST METHODS

Compliance with the chromium concentration limits in sub section C.2, shall be determined by American Public Health Association Method 312B.

I. COMPLIANCE SCHEDULE

Any person subject to the provisions of Section C shall meet the following compliance schedule:

1. Achieve compliance with the requirements of subsection C.1 by April 12, 1991;
2. Begin testing pursuant to the requirements of subsection C.3, by July 12, 1991.

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RULE 428. STERILIZERS AND AERATORS USING ETHYLENE OXIDE

Adopted: 11/06/91

A. PURPOSE

To comply with the Air Resources Board's Ethylene Oxide Toxic Control Measure for Sterilizers and Aerators, as required by California Health and Safety Code Section 39666.

B. DEFINITIONS

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

1. "Acute care facility" means any facility currently licensed by the California Department of Health Services as a general acute care hospital (as defined in Title 22, CCR, Section 70005), or any military hospital.
2. "Aeration" is the process during which residual ethylene oxide dissipates, whether under forced air flow, natural or mechanically assisted convection, or other means, from previously sterilized materials after the sterilizer cycle is complete.
3. "Aeration-only facility" means a facility which performs aeration on materials which have been sterilized with ethylene oxide at another facility.
4. "Aerator" means any equipment or space in which materials previously sterilized with ethylene oxide are placed or remain for the purpose of aeration. An aerator is not any equipment or space in which materials that have previously undergone ethylene oxide sterilization and aeration can be handled, stored, and transported in the same manner as similar materials that have not been sterilized with ethylene oxide.
5. "Aerator exhaust stream" means all ethylene oxide contaminated air which is emitted from an aerator.
6. "Back-draft valve exhaust stream" is the air stream which results from collection of ethylene oxide-contaminated air which may be removed from the sterilizer through a back-draft valve or rear chamber exhaust system during unloading of the sterilized materials.
7. "Control device" means an article, machine, equipment, or contrivance which reduces the amount of ethylene oxide between its inlet and outlet and which is sized, installed, operated, and maintained according to good engineering practices, as determined by the district.

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8. "Control efficiency" is the ethylene oxide (EtO) mass or concentration reduction efficiency of a control device, as measured with ARB Test Method 431 (Title 17, CCR, Section 94143) according to the source testing requirements herein, and expressed as a percentage calculated across the control device as follows:

$$\frac{\text{EtO in} - \text{EtO out}}{\text{EtO in}} \times 100 = \% \text{ Control Efficiency}$$

9. "Ethylene oxide (EtO)" is the substance identified as a toxic air contaminant by the Air Resources Board in 17 CCR, Section 93000.
10. "Facility" means any entity or entities which: own or operate a sterilizer or aerator, are owned or operated by the same person or persons, and are located on the same parcel or contiguous parcels.
11. "Facility-wide pounds of ethylene oxide used per year" is the total pounds of ethylene oxide used in all of the sterilizers at the facility during a one-year period.
12. "Leak-free" refers to that state which exists when the concentration of sterilant gas measured 1 cm. away from any portion of the exhaust system of a sterilizer or aerator, during conditions of maximum sterilant gas mass flow, is less than:
- 30 ppm for sterilant gas composed of 12% ethylene oxide/88% chlorofluorocarbon-12 by weight, and
 - 10 ppm for other compositions of sterilant gas, as determined by ARB Test Method 21 (Title 17, CCR, Section 94124) using a portable flame ionization detector, or a non-dispersive infrared analyzer, calibrated with methane, or an acceptable alternative method or analytical instrument approved by the district. A chlorofluorocarbon-12 specific audible detector using a metal oxide semiconductor sensor shall be considered an acceptable alternative for exhaust systems carrying a sterilant gas mixture of ethylene oxide and chlorofluorocarbon-12.
13. "Local medical emergency" means an unexpected occurrence in the area served by the acute care facility resulting in a sudden increase in the amount of medical treatments which require a significant increase in the operation of a sterilizer or aerator.
14. "Sterilant gas" means ethylene oxide or any combination of ethylene oxide and (an)other gas(es) used in a sterilizer.
15. "Sterilizer" means any equipment in which ethylene oxide is used as a biocide to destroy bacteria, viruses, fungi, and other unwanted organisms on materials. Equipment in which ethylene oxide is used to fumigate foodstuffs is considered a sterilizer.
16. "Sterilizer cycle" means the process which begins when ethylene oxide is introduced into the sterilizer, includes the initial purge or evacuation after

sterilization and subsequent air washes, and ends after evacuation of the final air wash.

17. "Sterilizer door hood exhaust stream" is the air stream which results from collection of fugitive ethylene oxide emissions, by means of an existing hood over the sterilizer door, during the time that the sterilizer door is open after the sterilizer cycle has been completed.
18. "Sterilizer exhaust stream" is all ethylene oxide-contaminated air which is intentionally removed from the sterilizer during the sterilizer cycle.
19. "Sterilizer exhaust vacuum pump" means a device used to evacuate the sterilant gas during the sterilizer cycle, including any associated heat exchanger. A sterilizer exhaust vacuum pump is not a device used solely to evacuate a sterilizer prior to the introduction of ethylene oxide.

C. APPLICABILITY

Any person who owns or operates a sterilizer or an aerator must comply with this regulation.

D. NOTIFICATION

Any person subject to this regulation must provide the District with the following information, in writing, by December 6, 1991:

1. the name(s) of the owner and operator of the facility, and
2. the location of the facility, and
3. the number of sterilizers and aerators at the facility, and
4. an estimate of the total pounds of ethylene oxide and sterilant gas used by the facility, in all sterilizers, during the previous calendar year, as determined by a method approved by the district.

E. REPORTING

Any person who owns or operates a sterilizer shall furnish a written report to the District annually in December. This report shall include the total pounds of sterilant gas and the total pounds of ethylene oxide purchased, used, and returned in the previous calendar year, as shown on invoices.

F. REQUIREMENTS

No person shall operate a sterilizer or aerator after the applicable date shown in column (d), Table I, unless all of the following requirements are satisfied:

1. there is no discharge of sterilizer exhaust vacuum pump working fluid to wastewater streams, and

2. the exhaust systems including, but not limited to, any piping, ducting, fittings, valves, or flanges, through which ethylene oxide-contaminated air is conveyed from the sterilizer and aerator to the outlet of the control device are leak-free, and
3. all of the control requirements shown in Table I below for the applicable control category are met; and
4. for facilities using more than 600 pounds of ethylene oxide per year, the back-draft valve is ducted to the control device used to control the sterilizer exhaust stream or the aerator exhaust stream; and
5. for facilities using more than 5,000 pounds of ethylene oxide per year, the sterilizer door hood exhaust stream is ducted to the control device used to control the aerator exhaust stream.

G. EXEMPTIONS

1. The requirements set forth in subsection F above, do not apply to any facility which treats materials in a sterilizer and which uses a total of 25 pounds or less of ethylene oxide per calendar year.
2. The District Hearing Board may grant an emergency variance from items (a) and (c) in Table I of subsection F, Requirements, to a person who owns or operates an acute facility if response to a local medical emergency requires increased operation of a sterilizer or aerator such that the requirements cannot be met.
3. The demonstrated need for such increased operation shall constitute "good cause" pursuant to Health and Safety Code Section 42359.5. The emergency variance shall be granted in accordance with this section and any applicable district rule regarding the issuance of emergency variances for such occurrences, including the requirement that the emergency variance shall not remain in effect longer than 30 days; however, the emergency variance shall be granted only for the period of time during which increased operation of a sterilizer or aerator is necessary to respond to the local medical emergency.

H. COMPLIANCE

The facility shall be in compliance with all provisions specified in subsection F, Requirements, no later than the date specified in column (d) of Table I.

1. For the purpose of determining compliance with the control efficiency requirement shown in column (c) of Table I, subsection F, if a reduction in the amount of ethylene oxide across the control device is demonstrated, but the control efficiency cannot be affirmatively demonstrated because the concentration of ethylene oxide measured in the outlet of the control device is below 0.2 parts per million ethylene oxide, the facility shall be considered to be in compliance with this requirement.

I. ALTERNATE COMPLIANCE DATE

The owner or operator of any facility which uses more than 600 pounds of ethylene oxide per year may choose this alternate compliance option which addresses the date for compliance with the requirements of subsection F. If this compliance option is chosen, the owner or operator shall:

1. by February 6, 1992, comply with the requirements shown in subsection F.1 and F.2, and demonstrate a control efficiency of 99.9% for the sterilizer exhaust stream, in accordance with the source testing requirements set forth in subsection J; and
2. by May 6, 1992, submit to the District a plan to discontinue operation of all sterilizers and aerators or comply with the district requirements to submit a plan to comply with the requirements of subsections F.3, F.4, and F.5; and
3. by May 6, 1993, do one of the following:
 - a. demonstrate to the satisfaction of the District that operating of all sterilizers and aerators at the facility has been permanently discontinued; or
 - b. demonstrate compliance with the requirements of subsections F.3, F.4, and F.5, in accordance with the source testing provisions set forth in subsection J, below.

TABLE I
CONTROL AND COMPLIANCE REQUIREMENTS

CONTROL CATEGORY	REQUIREMENTS			
	(a)	(b)	(c)	(d)
Facility-wide Pounds of Ethylene Oxide Used per Year	Exhaust Streams to be Controlled	Control to be Tested	Efficiency (%)	Date of Compliance Months
less than or equal to 25	None	None	None	
more than 25 and less than or equal to 600	Sterilizer	Sterilizer	99.0	24
more than 600 and less than or equal to 5,000	Sterilizer	Sterilizer	99.0	18
	Aerator	Aerator	95.0	
	Back-draft Valve		N/A*	
more than 5,000	Sterilizer	Sterilizer	99.9	12
	Aerator & Sterilizer Door Hood	Aerator	99.0 N/A*	
	Back-draft Valve		N/A*	
Aeration-Only Facilities	Aerator	Aerator	95.0	18

* Not Applicable

J. SOURCE TESTING

Source testing shall be conducted according to ARB Test Method 431 (Title 17, CCR, Section 95143) and the method evaluations cited therein or an acceptable source test method approved by the Executive Officer of the Air Resources Board. Specific requirements for application are given below:

1. The test on a control device for a sterilizer exhaust stream shall be run with a typical load, as approved by the district, in the sterilizer.
2. The test on a control device for an aerator exhaust stream shall be run with a typical load, as approved by the district, in the aerator.
3. The inlet and outlet of the control device shall be sampled simultaneously during testing to measure the control efficiency.
4. The efficiency of each control device shall be determined under conditions of maximum ethylene oxide mass flow to the device, under normal operating conditions. To measure the control efficiency of the control device on the sterilizer exhaust stream, sampling shall be done during the entire duration of the first sterilizer evacuation after ethylene oxide has been introduced. To measure the control efficiency of the control device on an aerator exhaust stream with a constant air flow, sampling shall be done during a period of at least 60 minutes, starting 15 minutes after aeration begins. To measure the control efficiency of the control device on an aerator exhaust stream with a non-constant air flow, sampling shall be done during the entire duration of the first aerator evacuation after aeration begins.
5. There shall be no dilution of the air stream between the inlet and outlet test points during testing.

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RULE 429. MEDICAL WASTE INCINERATORS

Adopted: 11/06/91

A. PURPOSE

To comply with the Air Resources Board's Dioxins Toxic Control Measure for Medical Waste Incinerators as required by California Health and Safety Code Section 39666.

B. DEFINITIONS

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

1. "ARB": The State of California Air Resources Board.
2. "ARB Test Method 2": The test method specified in Title 17, California Code of Regulations, Section 94102.
3. "ARB Test Method 428": The test method specified in Title 17, California Code of Regulations, Section 94139.
4. "Control equipment": Any device which reduces emissions from medical waste incinerators.
5. "Dioxins": Dibenzo-p-dioxins and dibenzofurans chlorinated in the 2,3,7, and 8 positions and containing 4,5,6, or 7 chlorine atoms, which is expressed as 2,3,7,8,tetrachlorinated dibenzo-para-dioxin equivalents using current California Department of Health Services toxic equivalency factors.
6. "Facility": Every building, structure, appurtenance, installation, or improvement located on land which is under the same or common ownership or operation, and is on one or more contiguous or adjacent properties.
7. "Medical facilities": All unlicensed and licensed medical facilities, medical and dental offices, clinics and hospitals, skilled nursing facilities, research facilities, research laboratories, clinical laboratories, surgery centers, diagnostic laboratories, and other providers of health care.
8. "Medical waste incinerator": All of the furnaces or other closed fire chambers that are located at a facility and used to dispose of waste generate at medical facilities by burning.
9. "Uncontrolled emissions": The dioxins emissions measured from the incinerator at a location downstream of the last combustion chamber, but prior to the air pollution control equipment.
10. "Waste": All discarded putrescible and nonputrescible solid, semisolid, and liquid materials, including garbage, trash, refuse, paper, rubbish, food, ashes, plastics, industrial wastes, demolition and construction wastes, equipment, instruments, utensils, appliances, manure, and human or animal solid and semisolid wastes.

C. REQUIREMENTS FOR MEDICAL WASTE INCINERATORS THAT INCINERATE MORE THAN 25 TONS OF WASTE PER YEAR

1. No person shall operate a medical waste incinerator unless:
 - a. The dioxins emissions have been reduced by 99 percent or more of the uncontrolled emissions; or
 - b. The dioxins emissions have been reduced to 10 nanograms or less per kilogram of waste burned.
2. No person shall operate a medical waste incinerator unless the control equipment is installed and used in a manner which has been demonstrated to and approved by the Air Pollution Control Officer to meet the following requirements:
 - a. The flue gas temperature at the outlet of the control equipment shall not exceed 300 degrees Fahrenheit, unless it has been demonstrated to, and approved in writing by, both the ARB and the Air Pollution Control Officer that lower emissions are achieved at a higher outlet temperature; and
 - b. For a single chamber incinerator, the combustion chamber shall be maintained at no less than 1800 degrees (\pm 200 degrees) Fahrenheit. For a multiple chamber incinerator, the primary combustion chamber shall be maintained at no less than 1400 degrees Fahrenheit, and the secondary chamber shall be maintained at no less than 1800 degrees (\pm 200 degrees) Fahrenheit. The furnace design shall provide for a residence time for combustion gas of at least one second. Residence time shall be calculated using the following equation:

$$\text{Residence Time} = \frac{V}{Q_c}$$

where:

V : volume, as expressed in cubic feet, from the point in the incinerator where maximum temperature has been reached until the maximum temperature has dropped to 1600 degrees Fahrenheit

Qc: the combustion gas flow through V expressed in actual cubic feet per second, which is measured according to ARB method 2, after adjusting the measured flow rate to the maximum combustion chamber temperature (Tc) by using Tc instead of Tstd in the Method 2 calculation for Qc.

The volumetric flow rate measured at the sampling points must be adjusted to chamber pressures.

Alternative methods may be used if conditions for determining the combustion gas flow rate by method 2 are unacceptable. The

determination shall be within the guidelines of Method 2 and at the discretion of the Air Pollution Control Officer.

3. No person shall operate a medical waste incinerator unless the bottom ash, fly ash and scrubber residuals are handled and stored in a manner that prevents entrainment into ambient air.
4. The owner or operator of a medical waste incinerator shall maintain the following:
 - a. A continuous data recording system which provides for each day of operation continuous recording of the primary and secondary combustion chamber temperatures; carbon monoxide emissions; the key operating parameters of the air pollution control equipment, as specified by the Air Pollution Control Officer; the hourly waste charging rates; and the opacity of stack emissions or other indicator of particulate matter which is approved by the Air Pollution Control Officer;
 - b. Maintenance records for the incinerator, control equipment, and monitoring equipment; and calibration records for the monitoring equipment; and
 - c. Equipment for determining and recording the weight of waste charged to the incinerator.
5. For purposes of demonstrating compliance with subsection C.1. of this rule the owner or operator of a medical waste incinerator shall conduct a minimum of two annual source tests for the dioxins stack emissions using the high resolution mass spectrometry option of ARB Test Method 428. Annual source tests shall be conducted until at least two consecutive tests demonstrate compliance, at which time the frequency of future source tests is at the discretion of the Air Pollution Control Officer. For purposes of determining compliance with subsection C.1.a. of this rule, emissions shall be sampled simultaneously from the flue at a location downstream of the last combustion chamber, but prior to the control equipment, and from the stack during source testing. For purposes of determining compliance with subsection C.1.b. of this rule, the source testing shall be conducted at the stack. The information regarding the composition (moisture content, and amount of total weight that is infectious, pathological, hazardous, or radioactive) and feed rate of the fuel charged during the source test shall be provided with the test results. The Air Pollution Control Officer can require additional necessary information regarding the composition of the waste. Source testing shall be conducted at maximum waste firing capacity (± 10 percent) allowed by the permit to operate. A copy of all source test results conducted for purposes of demonstrating compliance with this rule shall be provided to the ARB at the time that it is provided to the Air Pollution Control District.
6. Any violation, malfunction, or upset condition on the incinerator, the air pollution control equipment, or the continuous data recording system shall be reported to the District within 1 hour of occurrence or by 9 a.m. the next business day if the malfunction occurs outside of normal business hours and the District does not maintain a radio room or an answering machine.

7. No person shall operate a medical waste incinerator unless each individual who operates or maintains the incinerator obtains either a certificate of training in medical waste incineration issued by the American Society of Mechanical Engineers within nine months of the commencement of the training program, or equivalent training as determined by the Air Pollution Control Officer. Copies of the training certificates for the operators and maintenance engineers shall be submitted to the District and the original certificates shall be available for inspection at the facility with the permit to operate.

D. REQUIREMENTS FOR MEDICAL WASTE INCINERATORS THAT INCINERATE 25 TONS OR LESS OF WASTE PER YEAR

1. No person shall operate a medical waste incinerator that incinerates 25 tons or less of waste per year unless requirements specified in subsections C.3., C.4.c. and C.7. are met.
2. The owner or operator of a medical waste incinerator that incinerates more than 10 but less than 25 tons of waste per year shall conduct one initial source test at the incinerator stack as specified in subsection C.5.

E. COMPLIANCE SCHEDULE

1. No later than February 6, 1992, the owner or operator of a medical waste incinerator that incinerates more than 25 tons of waste per year shall submit to the Air Pollution Control Officer an application for an authority to construct the equipment necessary to meet the requirements of the sections C.1. or C.2., and no later than February 6, 1993, the owner or operator of a medical waste incinerator shall be in compliance with this rule.
2. The owner or operator of a medical waste incinerator who intends to permanently shut down operation of the incinerator shall notify the District of the shutdown date by February 6, 1992. The shutdown date shall be no later than May 6, 1992.
3. The owner or operator of a medical waste incinerator that incinerates 25 tons or less of waste per year who intends to remain in operation shall notify the District by February 6, 1992. The owner or operator of a medical waste incinerator shall be in compliance with this rule no later than February 6, 1993.

F. EXEMPTIONS

This rule shall not apply to those incinerators which are exclusively crematoria of human or animal remains.

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RULE 430. ASBESTOS-CONTAINING SERPENTINE MATERIAL

Adopted: 11/06/91

A. PURPOSE

To comply with the Air Resources Board's Asbestos-Containing Serpentine Material Airborne Toxic Control Measure, as required by California Health and Safety Code Section 39666.

B. DEFINITIONS

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

1. "Aggregate": A mixture of mineral fragments, sand, gravel, rocks, or similar materials.
2. "Alluvial deposit": Any deposit of sediments laid down by running water including but not limited to streams and rivers.
3. "ARB Test Method 435": The test method specified in Title 17, California Code of Regulations, Section 94147.
4. "Asbestos": Asbestiforms of the following hydrated minerals: chrysotile (fibrous serpentine), crocidolite (fibrous riebeckite), amosite (fibrous cummingtonite--grunerite), fibrous tremolite, fibrous actinolite, and fibrous anthophyllite.
5. "Asbestos-containing serpentine material": Serpentine material that has an asbestos content greater than five percent (5.0%) as determined by ARB Test Method 435.
6. "Receipt": Any written acknowledgement that a specified amount of serpentine material was received, delivered, or purchased. Receipts include, but are not limited to, bills of sale, bills of lading, and notices of transfer.
7. "Road surface": The traveled way of a road and any shoulder which extends up to 10 feet from the edge of the traveled way.
8. "Sand and gravel operation": Any aggregate-producing facility operating in alluvial deposits.
9. "Serpentine": Any form of hydrous magnesium silicate minerals -including, but not limited to, antigorite, lizardite, and chrysotile.
10. "Serpentine material": Any material that contains at least ten percent (10%) serpentine as determined by a registered geologist. The registered geologist must document precisely how the serpentine content of the material in question was determined.
11. "Surfacing": The act of covering any surface used for purposes of pedestrian, vehicular, or nonvehicular travel including, but not limited to, roads, road

shoulders, streets, alleys, lanes, driveways, parking lots, playgrounds, trails, squares, plazas, and fairgrounds.

C. REQUIREMENTS FOR USE OR SALE OF ASBESTOS-CONTAINING SERPENTINE MATERIAL

1. No person shall use or apply serpentine material for surfacing in California unless the material has been tested using ARB Test Method 435 and determined to have an asbestos content of five percent (5.0%) or less. A written receipt or other record documenting the asbestos content shall be retained by any person who uses or applies serpentine material, for a period of at least seven years from the date of use or application, and shall be provided to the Air Pollution Control Officer or his designee for review upon request.
2. Any person who sells, supplies, or offers for sale serpentine material in California shall provide with each sale or supply a written receipt containing the following statement: "Serpentine material may have an asbestos content greater than five percent (5.0%). It is unlawful to use serpentine material for surfacing unless the material has been tested and found to contain less than or equal to five percent (5.0%) asbestos. All tests for asbestos content must use California Air Resources Board Test Method 435, and a written record documenting the test results must be retained for at least seven years if the material is used for surfacing."
3. No person shall sell, supply, or offer for sale serpentine material for surfacing in California unless the serpentine material has been tested using ARB Test Method 435 and determined to have an asbestos content of five percent (5.0%) or less. Any person who sells, supplies, or offers for sale serpentine material that he or she represents, either orally or in writing, to be suitable for surfacing or to have an asbestos content that is five percent (5.0%) or less, shall provide to each purchaser or person receiving the serpentine material a written receipt which specifies the following information: The amount of serpentine material sold or supplied; the dates that the serpentine material was produced, sampled, tested, and supplied or sold; and the asbestos content of the serpentine material as measured by ARB Test Method 435. A copy of the receipt must, at all times, remain with the serpentine material during transit and surfacing.
4. Any person who sells, supplies, or offers for sale serpentine material, shall retain for a period of at least seven years from the date of the sale or supply, copies of all receipts and copies of any analytical test results from asbestos testing of the serpentine material. All receipts and test results shall be provided to the Air Pollution Control Officer or his designee for review upon request.
5. If ARB Test Method 435 has been used to perform two or more tests on any one volume of serpentine material, whether by the same or a different person, the arithmetic average of these test results shall be used to determine the asbestos content of the serpentine material.

D. EXEMPTIONS

1. The provisions of subdivision C.2. through C.5. shall not apply to sand and gravel operations.

2. The provisions of subdivision C.1. shall not apply to roads located at serpentine quarries, asbestos mines, or mines located in serpentine deposits.
3. The provisions of subdivision C.1. shall not apply to maintenance operations on any existing road surfaces, or to the construction of new roads in serpentine deposits, as long as no additional asbestos-containing serpentine material is applied to the road surface.
4. Emergency Road Repairs. The Air Pollution Control Officer may issue a temporary exemption from the requirements of subdivision C.1. to an applicant who demonstrates that a road repair is necessary due to a landslide, flood, or other emergency and that the use of material other than serpentine is not feasible for this repair. The Air Pollution Control Officer shall specify the time during which such exemption shall be effective, provided that no exemption shall remain in effect longer than six (6) months.
5. Bituminous and Concrete Materials. The provisions of subdivision C. shall not apply to serpentine material that is an integral part of bituminous concrete, portland cement concrete, bituminous surface, or other similar cemented materials.
6. The provisions of subdivision C.1. shall not apply to landfill operations other than the surfacing of public-access roads dedicated to use by vehicular traffic.

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RULE 431. PARTICULATE EMISSIONS - TOWN OF MAMMOTH LAKES

Adopted: 12/07/90 Revised: 11/06/91

A. PURPOSE

The purpose of this chapter is to improve and maintain the level of air quality of the Town of Mammoth Lakes so as to protect and enhance the health of its citizens by controlling the emissions of particulate matter into the air of the community of Mammoth Lakes.

B. DEFINITIONS

1. "EPA" shall mean the United States Environmental Protection Agency.
2. "EPA-Certified Appliance" means any wood or other solid fuel burning appliance utilized for space or water heating or cooking that meets the performance and emission standards as set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988. Phase I appliances must meet the emission requirements of no more than 5.5 grams per hour particulate matter emissions for catalytic and 8.5 grams per hour for non-catalytic appliances. Phase II requirements are 4.1 and 7.5 grams per hour respectively. Pellet fueled wood heaters shall be considered as meeting Phase II requirements. For existing appliances, Oregon Department of Environmental Quality (DEQ) certification shall be equivalent to EPA certification. All other solid fuel appliances, including fireplaces, shall be considered non-certified.
3. "Pellet Fueled Wood Heater" means any wood heater designed to heat the interior of a building that operates on pelletized wood and has an automatic feed.
4. "Permanently Inoperable" means modified in such a way that the appliance can no longer function as a solid fuel heater or easily be remodified to function as a solid fuel heater. Conversion to other fuels, such as gas, is permitted.
5. "Solid Fuel Burning Appliance, Heater, or Device" means any fireplace, wood heater, or coal stove or structure that burns wood, coal, or any other nongaseous or nonliquid fuels, or any similar device burning any solid fuel used for aesthetic, water heating, or space heating purposes.

C. STANDARDS FOR REGULATION OF SOLID FUEL APPLIANCES

1. After December 7, 1990 (the effective date of this ordinance), no solid fuel burning appliance shall be permitted to be installed within the Town of Mammoth Lakes unless said device is certified as meeting the emission requirements of the U.S. Environmental Protection Agency (EPA) for Phase II certification. This shall not prohibit retailers from selling, prior to January 1, 1991, stock on hand as of the date of this ordinance as long as that stock meets EPA certification for Phase I and the seller can document through invoices or other means that the device was acquired prior to the adoption of this ordinance. After January 1, 1991, all appliances installed in the Town of Mammoth Lakes must meet EPA Phase II certification.

2. The restrictions of this chapter shall apply to all solid fuel devices including unregulated fireplaces. Exceptions will be made for fireplaces supplied with gas and fitted with artificial logs and for one fireplace located in a hotel/motel lobby or similar common area lobby or in the common area of a condominium project. Said common area fireplaces shall be subject to burning curtailment episodes as administered under Section I.
3. For the purposes of enforcing this chapter, the Town shall keep a record of all certified appliances installed in Mammoth Lakes in accordance with this Chapter and of properties which have been determined to conform to the requirements of this Chapter.

D. DENSITY LIMITATIONS

1. No more than one solid fuel appliance may be installed in any new dwelling or nonresidential property. Existing properties with one or more existing solid fuel appliances may not install additional solid fuel appliances. One pellet fueled wood heater per dwelling shall be excepted from the provisions of this paragraph.
2. Solid fuel appliances shall not be considered to be the primary form of heat in any new construction.
3. All new and replacement appliances shall not be installed without first obtaining a building permit from the Town of Mammoth Lakes. All installations shall require an inspection and approval by the Building Division prior to operation.
4. Verification of compliance may be certified by an inspector of the Building Division, by an individual certified by the Wood Heating Education and Research Foundation for the installation of solid fuel appliances, or by individuals possessing equivalent certification. The inspector of record shall verify in writing that the appliance complies with the required emissions standards and shall file said certification with the Town. Inspectors independent of the Town shall verify their qualifications with the Town Building Division before appliance certification will be accepted by the Town.

E. REPLACEMENT OF NON-CERTIFIED APPLIANCES UPON SALE OF PROPERTY

1. Prior to the completion of the sale or transfer of a majority interest in any real property within the Town of Mammoth Lakes, all existing non-certified solid fuel appliances shall be replaced, removed, or rendered permanently inoperable. If the buyer assumes responsibility, in writing on a form approved by the air quality manager, for appliance replacement or removal, the deadline for such action shall be extended to 60 calendar days from the date of completion of the sale or transfer. The Building Department, or a qualified inspector as designated by the Building Department, shall inspect the appliance(s) in question to assure that they meet the requirements of this chapter. Within five working days from the date of the inspection, the Building Department shall issue a written certification of compliance or non-compliance for the affected property. If the inspection reveals that the subject property does not comply with the requirements of this chapter, all noncomplying solid fuel appliances shall be replaced, removed, or

rendered permanently inoperable. In this event reinspection shall be required prior to certification of compliance.

2. If real property is to be sold which does not contain a solid fuel appliance, a form approved by the Building Department, containing the notarized signatures of the seller, the buyer, and the listing real estate agent attesting to the absence of any solid fuel device, may be accepted in lieu of an inspection. A written exemption shall be issued by the Building Department.
3. No appliances removed under the provisions of this Section may be replaced except as provided by this Chapter.
4. This section shall not be applicable to sales or other transfers of real property which have been completed prior to February 15, 1991, nor shall this section apply to National Forest permittees located west of Old Mammoth Rd. in sections 4 and 9 of Township 4 S., Range 27 E., MDBM, or National Forest permittees located above 8500 feet elevation above sea level.

F. SOLID FUEL BURNING APPLIANCE REPLACEMENT SCHEDULE

The Town shall review emissions levels by January 1, 1993. Should emissions not have reached attainment of the NAAQS, as determined by monitoring by the Great Basin Air Pollution Control District or the Town, by January 1, 1993, all non-certified solid fuel appliances within the Town shall be replaced by November 1, 1994.

G. OPACITY LIMITS

No person shall cause or permit emissions from a solid fuel appliance to be readily visible, for a period or periods aggregating more than three minutes in any one hour period. Emissions created during a 15 minute start-up period are exempt from this regulation. Readily visible may be equated with an opacity limit of 20% or greater as designated by the shade number one on the Ringelmann Chart.

H. PERMITTED FUELS

Burning of any fuels or materials other than the following fuels within the Town of Mammoth Lakes shall be in violation of this ordinance:

1. Untreated wood
2. Uncolored paper
3. Manufactured logs, pellets, and similar manufactured fuels

I. MANDATORY CURTAILMENT

1. The Town Council shall appoint an Air Quality Manager. The duty of the Air Quality Manager shall be to determine when curtailment of solid fuel combustion in the Town of Mammoth Lakes is necessary, to notify the community that curtailment is required, and to make such other determinations as are necessary to carry out the objectives of this chapter.

2. Determination that curtailment is required shall be made when PM-10 levels have reached 130 micrograms/m³ or when adverse meteorological conditions are predicted to persist. Should it be determined that 130 micrograms/m³ is not a low enough threshold to prevent the Town from violating the National Ambient Air Quality Standard for 24 hours (NAAQS, 24hr), that threshold may be lowered by resolution of the Town Council of the Town of Mammoth Lakes.
3. Upon the determination that curtailment is required, the Air Quality Manager shall contact all radio stations and television stations in Mammoth Lakes and have them broadcast that it is required that there be no wood or other solid fuel burning. The Air Quality Manager shall also record a notice on a telephone line dedicated to this purpose and post a notice in the Town Offices. Upon such notice, all wood and other solid fuel combustion shall cease.
4. All dwelling units being rented on a transient basis which contain a non-certified solid fuel appliance shall post, in a conspicuous location near said appliance, a notice indicating that no-burn days may be called and informing the tenants about sources of information on no-burn days.
5. All persons renting units for transient occupancy shall inform their tenants that solid fuel burning may be prohibited on certain days and that the person signing the rental agreement shall be responsible for assuring that the no-burn requirements are obeyed during the rental period identified on the rental agreement.
6. For residences where a solid fuel appliance is the sole means of heat, these curtailment regulations do not apply. For a residence to be considered as having solid fuel as its sole source of heat, the owner must apply to the Building Department for an exemption and the Department must inspect the residence and certify that, in fact, no other adequate source of heat is available to the structure. Adequate source shall mean that the alternate source of heat cannot produce sufficient heat for the residence without causing a hazard. A written exemption will then be granted. Where an adequate alternate source of heat is determined to have been removed from the structure in violation of building codes, a sole source exemption shall not be issued. Sole source exemptions shall not be granted for non-residential uses. The sole source exemptions shall expire one year from the date that the Town adopts a financing or incentive program for replacement of non-certified appliances or on November 1, 1994, whichever date is earlier.
7. Households with very low income levels as defined by the Department of Housing and Urban Development may apply to the Air Quality Manager for exemption from no-burn days. The low income exemptions shall expire one year from the date that the Town adopts a financing or incentive program for replacement of non-certified appliances or on November 1, 1994, whichever date is earlier.
8. Appliances certified as meeting the emission requirements of the EPA as defined in Section B.2 and pellet fueled wood heaters shall not be subject to the provisions of this section. Should future monitoring show that exempting certified

appliances results in violations of the NAAQS, 24hr, the Town shall implement a total ban on solid fuel burning based upon the thresholds identified above.

J. POLLUTION REDUCTION EDUCATION PROGRAMS

The Town Manager or his designee is hereby directed to undertake such public education programs as are reasonably calculated to reduce particulate air pollution within the Town of Mammoth Lakes, including particulate emissions from sources other than solid fuel burning devices. In addition to the notification measures listed in Section I.3, the public education programs shall include additional measures to inform the public of burning curtailment requirements.

K. ROAD DUST REDUCTION MEASURES

1. The Director of Public Works is hereby directed to undertake a vacuum street sweeping program to reduce PM-10 emissions resulting from excessive accumulations of cinders and dirt.
2. The Town shall, in its review of proposed development projects, incorporate such measures which reduce projected total vehicle miles traveled. Examples of such measures include, but are not limited to, circulation system improvements, mass transit facilities, private shuttles, and design and location of facilities to encourage pedestrian circulation. The goal of the Town's review shall be to limit projected peak vehicle miles traveled to 106,600 on any given day.

L. FEES

A fee shall be charged for the inspection and permitting services of the Town of Mammoth Lakes. Said fee shall be established in the Town Master Fee Schedule.

M. PENALTIES

1. It is illegal to violate any requirements of this chapter. Any owner of any property which is in violation of the requirements of this chapter shall be guilty of an infraction. Any person operating a solid fuel appliance in violation of this chapter is guilty of an infraction. The third violation by the same person within a 12 month period shall constitute a misdemeanor. Prosecution of any violation of Subsection I.6 and 7, relating to exemptions from curtailment, may be against the property owner, the occupant, or both.
2. Violation of any portion of this chapter may result in assessment of civil penalties against the property and against an individual person or persons as follows:

First violation within a 12 month period, \$50.

Second violation within a 12 month period, \$100.

Third violation within a 12 month period, \$250.

Four or more violations within a 12 month period \$500 per violation.

3. Each and every day a violation exists is a new and separate violation. Right of appeal, hearings, and collection of civil penalties shall be pursuant to the procedures set forth in Chapter 7.20, "Nuisances," of the Municipal Code of the Town of Mammoth Lakes.
4. Nothing in this section shall prevent the Town from pursuing criminal penalties or using any other means legally available to it in addressing violations of this chapter.
5. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the Air Quality Manager or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which violates the provisions of this chapter, the Air Quality Manager or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Air Quality Manager by this code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or if the owner or person having charge or control of the building or premises cannot be contacted, the Air Quality Manager or his authorized representative shall have recourse to every remedy provided by law to secure entry.

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RULE 432. OPEN BURN/OPEN DETONATION OPERATIONS ON MILITARY BASES

Adopted: 05/08/96

- A. No open burn/open detonation (OB/OD) operation may be done without prior approval from the Air Pollution Control Officer (APCO) through the approval of an OB/OD burn plan. The burn plan approval shall not be valid for longer than one year, but may be renewed annually based on the approval of the APCO.
- B. No person shall conduct OB/OD operations on "no burn" days as announced daily by the State Air Resources Board for Inyo, Mono and Alpine Counties or when such burning is prohibited by the Air Pollution Control Officer.
- C. Open burn/open detonation operations, when allowed, shall conform to the following criteria:
 - 1. Before an OB/OD operation takes place, a plan for the OB/OD operation shall be submitted by the Base Commanding Officer or the Commanding Officer's designated representative for the military base, to the Air Pollution Control Officer, and other designated agencies having jurisdiction over the proposed OB/OD operation. The plan shall be approved by the Air Pollution Control Officer in advance of the proposed OB/OD operations. This plan shall:
 - a. Specify methods that will be used to achieve detonation or combustion.
 - b. Limit the category and amount of waste propellants, explosives, and pyrotechnics that may be disposed of each year to an amount with a projected lifetime toxic cancer risk less than one-in-one million (1×10^{-6}). Treatment amounts shall not cause impacts above the chronic or acute toxic effect thresholds contained in the most current guidance issued by the California Air Resources Board for toxic risk management. The toxic risk shall be demonstrated with modeling approved by the Air Pollution Control Officer.
 - c. Limit open burn/open detonation operations 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 waste propellants, explosives, and pyrotechnics (PEP) disposed of be free of non-PEP hazardous wastes.
 - e. Require the waste propellants, explosives, and pyrotechnics to be in a condition which will facilitate combustion and minimize the amount of smoke emitted during combustion.
 - f. Include the following information:
 - i. location of the burn project,
 - ii. category and amount of waste propellants, explosives, and pyrotechnics to be disposed of,

- iii. directions and distances to nearby sensitive receptor areas,
 - iv. an air quality analysis showing the expected ambient impacts with respect to State and Federal Ambient Air Quality Standards,
 - v. a risk assessment for acute and chronic health effects,
 - vi. meteorological prescription elements developed for the project,
 - vii. projected schedule or frequency of OB/OD events,
 - viii. specifications for monitoring and recording of critical project parameters, and
 - ix. specifications for reporting and disseminating project information.
2. The material to be disposed of shall be limited to the treatment of PEP generated from operations at the military base where the OB/OD operation is to take place.
 3. Open burn/open detonation operations shall not be allowed on Sundays or legal holidays.
 4. All open burn/open detonation operations shall conform to the applicable jurisdictional fire code(s).
 5. Open burn/open detonation operations shall not be initiated if smoke may drift into a populated area or create a public nuisance.
 6. Open burn/ open detonation operations shall comply with applicable requirements under the California Hazardous Waste Control Act for the treatment, storage, and disposal of hazardous waste (Title 22, California Code of Regulations).
- D. The total amount of material treated in any one day, may be limited by the District, taking into consideration matters which would affect the ambient air quality.
- E. Records shall be maintained for the type and amount of PEP for each open burn/open detonation operation and shall be submitted to the District sixty (60) days prior to the end of the burn plan approval period. Records shall be maintained for five years.
- F. District staff shall be permitted:
1. To enter the premises where the source is located or in which any records are required to be kept under requirements of the burn plan.
 2. To inspect any equipment, operation, or method required by the burn plan.
 3. To require emission samples from the source.

- G. A summary of the data required to determine compliance with applicable provisions of this rule shall be submitted to the Air Pollution Control Officer. This summary shall be presented in the manner, frequency and form as prescribed by the Air Pollution Control Officer.

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