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Air Pollution Regulations in State Implementation Plans California, Kern County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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Air Pollution Regulations in State Implementation Plans:

California

Kern County

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

Kern County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

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Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
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INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

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to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

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SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

KERN COUNTY APCD

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regs unless otherwise specified
7/19/74	8/22/77	Rules 102, 103, 108 108.1, 110, 113, 114, 301, 305, 401 404, 405, 407.3, 409, 411, 413, 414, 417-I,II, 504, 516, 518 Note: 407.3 disapproved Note: For Fed. purposes use 407 as of 6/30/72
1/10/75	8/22/77	Rule 410, 503 Note: 410.1.2 also approved
7/22/76	8/22/77	Rules 115, 407.1, 422, 423 Note: Rule 407.1 is disapproved Note: For Fed purposes use 407.1 as of 6/30/72
4/21/76	7/20/77	Rule 412, 412.1

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STATE AIR POLLUTION REGULATIONS

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REGULATION I - GENERAL PROVISIONS

(2.0) RULE 101 Title

These rules and regulations shall be known as the Rules and Regulations of the Kern County Air Pollution Control District.

(1.0) RULE 102 Definitions

Except as otherwise specifically provided in these rules and, except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

a. Air Contaminant

"Air Contaminant" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

b. Alteration

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

c. Atmosphere

"Atmosphere" means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

d. Board

"Board" means the Air Pollution Control Board of the Air Pollution Control District of Kern County.

e. Combustible Refuse

"Combustible Refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.

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f. Combustion Contaminants

"Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

g. Control Officer

"Control Officer" means the Air Pollution Control Officer of the Air Pollution Control District of Kern County.

h. District

"District" is the Air Pollution Control District of Kern County.

i. Dusts

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

j. Emission

The act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

k. Emission Point

The place at which an emission enters the atmosphere.

l. Flue

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

m. Fumes

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

n. Hearing Board

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

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o. Installation

The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

p. Institutional Facility

"Institutional Facility" means any hospital, boarding home, school, corporation yard, or like facility.

q. Multiple-Chamber Incinerator

"Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

r. Open Outdoor Fire

"Open Outdoor Fire" as used in this regulation means combustion of any combustible refuse or other material of any type outdoors in the open air not in any enclosure where the products of combustion are not directed through a flue.

s. Operation

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

t. Owner

Includes but is not limited to any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

u. Particulate Matter

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

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v. Person

"Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

w. PPM

Parts per million by volume expressed on a gas basis.

x. Process Weight Per Hour

"Process Weight" is the total weight of all materials introduced into any specific source operation, which operation may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one cycle of operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

y. Regulation

"Regulation" means one of the major subdivisions of the Rules of the Air Pollution Control District of Kern County.

z. Residential Rubbish

"Residential Rubbish" means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

aa. Rule

"Rule" means a rule of the Air Pollution Control District of Kern County.

bb. Section

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

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cc. Source Operation

"Source Operation" means the last operation preceeding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuels; and (b) is not an air pollution abatement operation.

dd. Standard Conditions

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

ee. Valley Basin and Desert Basin

"Valley Basin" is that portion of Kern County which lies westerly of and "Desert Basin" is that portion of Kern County which lies easterly of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Liebre Land Grant to the point of intersection with the range line common to R. 15 W and R. 16 W, San Bernardino Base and Meridian; north along the range line to the northwest corner of S. 2, T 32 S. R. 32 E. Mount Diablo Base and Meridian; then east along the township line common to T. 32 S, and T. 31 S; then north along the range line common to R. 35 E, and R. 34 E., then east along the township line common to T. 29 S, and T. 28 S; then north along the range line common to R. 36 E., and R. 35 E; then east along the township line common to T. 28 S, and T. 27 S; then north along the range line common to R. 37 E, and R. 37 E, to the Kern-Tulare County boundary.

(14.0) RULE 103 Confidential Information

All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance, are public records.

All air and other pollution monitoring data, including data compiled from stationary sources, are public records.

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Trade secrets are not public records under this rule. Trade secrets may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

All air pollution emission data, including those emission data which constitute trade secrets, as defined in the above paragraph, are public records. Data used to calculate emission data are not emission data for the purpose this subdivision and data which constitute trade secrets and which are used to calculate emission data are not public records.

Any person furnishing any records may label as "trade secret" any part of those records which are entitled to confidentiality. Written justification for the "trade secret" designation shall be furnished with the records so designated and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, which information, upon request, will be kept confidential in the same manner as the record sought to be protected.

(15.0) RULE 104 Enforcement

These rules and regulations shall be enforced by the Control Officer under authority of Section 24224(b), Article 2, and Sections 24260, 24262, Article 4; and all officers empowered by Section 24221, Article 2.

(2.0) RULE 105 Order of Abatement

The air pollution control board may, after notice and a hearing, issue, or provide for the issuance by the hearing board, after notice and a hearing, of an order for abatement whenever the district finds that any person is in violation of Section 24242 or 24243 or any Rule and Regulation prohibiting or limiting the discharge of air contaminants into the air. The air pollution control board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon the hearing board by Division 20, Chapter 2 of the Health and Safety Code of the State of California. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by Division 20, Chapter 2 of the Health and Safety Code of the State of California. Any person who intentionally or negligently violates any order of abatement issued by any type of air pollution control district pursuant to Section 24260.5 or by the State Air Resources Board shall be liable for a civil penalty not to exceed six thousand dollars ($6,000) for each day in which such violation occurs.

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(2.0) RULE 106 Land Use

As part of his responsibility to protect the public health and property from the damaging effects of air pollution it shall be the duty of the air pollution control officer to review and advise the appropriate planning authorities within the district on all new construction or changes in land use which the air pollution control officer believes could become a source of air pollution problems.

(9.0) RULE 107 Inspections

Inspections shall be made by the enforcement agency for the purpose of obtaining information necessary to determine whether air pollution sources are in compliance with applicable rules and regulations, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources.

(9.0) RULE 108 Source Monitoring

Upon the request of the Control Officer and as directed by him, the owner shall provide, install, and operate continuous monitoring equipment on such operations as directed. The equipment shall be capable of monitoring emission levels within ±20% with confidence levels of 95%. The owner shall maintain, calibrate, and repair the equipment and shall keep the equipment operating at design capabilities.

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

In the event a person finds that a request by the Control Officer to install and maintain monitoring facilities or equipment is unreasonable, he may appeal the request before the Air Pollution Control Board.

(9.0) *RULE 108.1 Source Sampling

Upon the request of the Control Officer and as directed by him, the owner of any source operation which emits or may emit air contaminants, for which emission limits have been established, shall provide the following facilities, constructed in accordance with the general industry safety orders of the State of California:

a. Sampling ports
b. Sampling platforms
c. Access to sampling platforms
d. Utilities for sampling equipment

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The owner of such a source operation, when requested by the Control Officer, shall provide records or other information which will enable the Control Officer to determine when a representative sample can be taken.

In addition, upon the request of the Control Officer and as directed by him, the owner of such a source operation shall collect, have collected, or allow the Control Officer to collect, a source sample.

All source samples collected to determine the compliance status of an emission source shall be collected in a manner specified or approved by the Control Officer.

(15.0) RULE 109 Penalty

Every person who violates any provision of these rules is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

(15.0) RULE 110 Arrests and Notices to Appear

Pursuant to the provisions of the Penal Code Section 836.5 the officers and employees hereinafter set forth are authorized to arrest without a warrant and issue written notices to appear whenever they have reasonable cause to believe that the person to be arrested has committed a misdemeanor in their presence which is a violation of a rule or regulation of the Kern County Air Pollution Control District or a violation of a section of Chapter 2 of Division 20 or Chapter 3.5 of Part 1 of Division 26 of the Health and Safety Code of the State of California, or any provision of the Vehicle Code relating to the emission or control of air contaminants:

Air Pollution Control Officer
Chief Air Sanitation Officer and Air Sanitation Supervisor,
Air Sanitation Engineer and Air Sanitation Chemist,
Air Sanitation Specialist and Air Sanitation Technician,
Employees of the Kern County Health Department who are in the Sanitation and Environmental Health Classification, and
Captains and Chief Officers of the Kern County Fire Department.

(7.0) RULE 111 Equipment Shutdown, Breakdown and Startup

In the event that any source operation, air pollution control equipment, or related equipment requires shutdown, and will cause emission of air contaminants in violation of these regulations, the intent to shutdown such equipment shall be reported to the Control Officer at least 24 hours prior to the planned shutdown.

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In the event that any source operation, air pollution control equipment, or related equipment breaks down or suffers upset conditions so as to cause the emission of air contaminants in violation of these regulations, the person responsible for such equipment shall promptly report such breakdown or upset condition to the Control Officer.

The report to the Control Officer shall include, but is not limited to the following:

a. Identification of the specific facility, location and permit number.

b. The expected length of time the air pollution control equipment will be out of service.

c. The nature and quantity of emissions of air contaminants to occur during this period.

d. Measures, such as using off shift labor and equipment, to be taken to minimize the emissions.

e. The reasons why it would be impossible or impractical to shutdown the source operation during the maintenance period.

In the event that startup of any source operation, air pollution control equipment, or related equipment will be likely to result in the emission of air contaminants in violation of these regulations, the person responsible for such emissions shall notify the Control Officer at least 24 hours prior to such startup.

(2.0) RULE 112 Circumvention

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces, dilutes, or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2, of the Health and Safety Code of the State of California or of these Rules and Regulations. This rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California, or of Rule 419 of these Rules and Regulations. Violation of Rule 112 is a misdemeanor pursuant to the provisions of Section 24281 of the Health and Safety Code of the State of California.

(2.0) *RULE 113 Separation and Combination

a. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant, limited in these Regulations cannot exceed the quantity which would be the allowable emission through a single emission point; and the total emitted quantity

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of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points,and the exhaust gas volume through all emission points, unless the person responsible for the source operation establishes the correct total emitted quantity.

b. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the control officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, these Regulations shall apply to each such source operation separately.

c. If air contaminants from two or more source operations are combined prior to emission, and the combined emission cannot be separated according to the requirements of Rule 113 (b), these Regulations shall be applied to the combined emission as if it originated in a single source operation subject to the most stringent limitations and requirements placed by these Regulation on any of the source operations whose air contaminants are so combined.

(2.0) *RULE 114 Severability

If any provision, clause, sentence, paragraph, section or part of these Regulations or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect or invalidate the remainder of this Regulation and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Kern County Air Pollution Control Board that these Regulations would have been adopted in any case had such invalid provision or provisions not been included.

(2.0) RULE 115 Applicability of Emission Limits

Whenever more than one rule of these Rules and Regulations applies to any article, machine, or equipment or other contrivance, the rule or combination of rules resulting in the smallest rate or smallest concentration of air contaminants released to the atmosphere shall apply unless otherwise specifically exempted or designated.

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REGULATION II - PERMITS

(3.0) RULE 201 Permits Required

a. Authority to Construct

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

b. Permit to Operate

Before any equipment described in Rule 201(a) may be operated, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate shall be granted either by the Air Pollution Control Officer or the Hearing Board for any equipment described in Rule 201(a), constructed or installed without authorization as required by Rule 201(a), until the information required is presented to the Air Pollution Control Officer and such equipment is altered, if necessary, and made to conform to the standards set forth in Rule 208 (Standards for Granting Application) and elsewhere in these Rules and Regulations.

c. Posting of Permit to Operate

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

d. Altering of Permit

A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to operate any equipment.

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(2.0) RULE 202 Exceptions

Any authority to construct or a permit to operate shall not be required for:

a. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.

b. Vehicles used to transport passengers or freight.

c. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

d. The following equipment:

1. Comfort air conditioning or comfort ventilating systems, which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3. Piston type internal combustion engines.

4. Water cooling towers and water cooling ponds not used for evaporative cooling of water from barometric jets or from barometric condensers.

5. Equipment used exclusively for steam cleaning.

6. Presses used exclusively for extruding metals, minerals, plastics, or woods.

7. Equipment used exclusively for space heating, other than boilers.

8. Equipment used for hydraulic or hydrostatic testing.

9. Equipment used in eating establishments for the purpose of preparing food for human consumption.

10. Equipment used exclusively to compress or hold dry natural gas.

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e. The following equipment or any exhaust system or collector serving exclusively such equipment:

   1. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

   2. Brazing, soldering or welding equipment.

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

   1. Natural gas.

   2. Liquefied petroleum gas.

   3. A combination of natural gas and liquefied petroleum gas.

g. Natural draft hoods, natural draft stacks or natural draft ventilators.

h. Self-propelled mobile construction equipment other than pavement burners.

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

j. Agricultural implements used in agricultural operations.

k. Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

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

m. Identical replacements in whole or in part of any equipment where a permit to operate has previously been granted for such equipment.

(2.0) RULE 203 <u>Transfer</u>

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

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(3.0) RULE 204 Applications

Every application for a permit required under Rule 201 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 208 hereof.

(3.0) RULE 205 Cancellation of Applications

a. An authority to construct shall expire and the application shall be cancelled two years from the date of issuance of the authority to construct.

b. An application for a permit to operate shall be cancelled two years from the date of filing of the application.

(3.0) RULE 206 Action on Applications

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

(9.0) RULE 207 Provision of Sampling and Testing Facilities

A person operating or using any equipment for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the permit.

(3.0) RULE 208 Standards for Granting Applications

a. The Air Pollution Control Officer shall deny a permit, except as provided in Rule 202, if the applicant does not show that the use of any equipment, which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of Section 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

b. Before a permit is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants

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discharged into the atmosphere from the equipment described in the permit. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the general industry safety orders of the State of California.

c. In acting upon a permit to operate, if the Air Pollution Control Officer finds that the equipment has been constructed not in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the equipment so constructed until he finds that the equipment has been constructed in accordance with the permit to construct.

(2.0) RULE 209 Conditional Approval

The Air Pollution Control Officer may issue an authority to construct or a permit to operate, subject to conditions which will bring the operation of any equipment within the standards of Rule 208, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of Rule 208 under revised conditions.

(3.0) RULE 210 Denial of Applications

In the event of denial of an authority to construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons servced or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as to his reasons for denial of the authority to construct or permit to operate.

(2.0) RULE 211 Further Information

Before acting on an application for a permit the Air Pollution Control Officer may require the applicant to furnish information or further plans or specifications.

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(3.0) RULE 212 Applications Deemed Denied

The applicant may at his option deem the permit denied if the Air Pollution Control Officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) RULE 213 Appeals

Within 10 days after notice, by the Air Pollution Control Officer, of denial of a permit, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(3.0) RULE 214 Existing Sources

Existing sources, where control equipment has been installed, that were in compliance and sources that are on a compliance schedule approved by the control district, on the effective date of Rule 201, shall be issued a conditional permit to operate. The conditional permit to operate will not be valid if there is a significant change in the process or significant increase in production.

Existing sources, requiring the installation of control equipment, shall be issued a conditional permit to operate provided that an acceptable time for compliance is filed with the Control Officer. The time for compliance shall include each of the following time: time for engineering, time for procurement, time for fabrication, and time for installation and adjustment. The Control Officer may require such periodic reports on each phase of the progress toward compliance. Failure at any phase to make reasonable progress toward completion of such installations as are required for final compliance shall be deemed an unreasonable delay in compliance and is subject to revocation of the conditional permit to operate.

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REGULATION III - FEES

(3.0) RULE 301 Permit Fee

a. Filing Fee

Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate equipment for which a permit is required by (the State Law or) the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of $20.00. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 201 and no alteration, addition or transfer of location has been made, the applicant shall pay only a $10.00 filing fee.

b. Permit Fee

Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files application with the Air Pollution Control Officer, shall in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in the following schedules, provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

c. Cancellation or Denial

If an application for an authority to construct or a permit to operate is cancelled, or if an authority to construct or a permit to operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

d. Transfer of Location or Owner

Where an application is filed for a permit to operate any equipment by reason of transfer of location or transfer from one person to another, or both, and where a permit to operate has previously been granted for such equipment under Rule 201 and an alteration or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations

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or additions, as described in the fee schedules contained herein. Where the application is for transfer of location and no alteration or addition has been made, the applicant shall pay only the amount of the filing fee required herein.

e. Alteration of Equipment

Where an application is filed for an authority to construct or a permit to operate exclusively involving revisions to the conditions of an existing permit to operate or involving alterations or additions resulting in a change to any existing equipment holding a permit under the provisions of Rule 201 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such rating, the applicant shall pay only the amount of the filing fee required herein.

f. Permit Fee Penalty

After the provisions for granting permits as set forth in Chapter 2, Division 20, of the Health and Safety Code and the Rules and Regulations have been complied with, the applicant shall be notified by the Air Pollution Control Officer, in writing, of the fee to be paid for issuance of the permit to operate. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall serve as a temporary permit to operate for 30 days from the date of personal service or mailing. Nonpayment of the fee within this period of time shall result in the automatic cancellation of the application.

g. Permit Granted by Hearing Board

In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within 30 days after the date of the decision of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application.

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h. Annual Renewal Fee

Annually on the anniversary of the issuance of a permit to operate granted under Rule 201, the permittee shall pay a renewal fee amounting to one-fourth of the initial permit fee under current fee schedules. The holder of permits with more than one anniversary date may adjust annual renewal payments to a single anniversary date by prorating renewal fee(s) as necessary. If the renewal fee is not paid within 30 days after it becomes due, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit shall be automatically revoked and the Air Pollution Control Officer shall so notify the permittee by mail.

i. Multiple Locations

When permits have been issued to operate movable equipment at two or more locations, only one annual renewal fee will be charged. The anniversary date on which the annual renewal fee will be due will be that noted on the original permit.

j. Duplicate Permit

A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit to operate. A fee of $2.00 shall be charged, except to any state or local governmental agency or public district, for issuing a duplicate permit to operate.

(3.0) RULE 302 Permit Fee Schedules

It is hereby determined that the cost of issuing permits, and of inspections pertaining to such issuance, exceeds the fees prescribed herein. In determining the fees to be charged, the applicable equipment within each process that requires a permit will be totalled for each schedule. In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

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SCHEDULE I

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any equipment which may cause the emission of air contaminants where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all electric motors included in any article, machine, equipment or other contrivance, in accordance with the following schedule:

Horsepower	Fee
Up to and including 25	$ 20.00
Greater than 25 but less than 50	28.00
50 or greater but less than 100	48.00
100 or greater but less than 200	76.00
200 or greater but less than 400	100.00
400 or greater but less than 800	148.00
800 or greater but less than 1,600	200.00
1,600 or greater	252.00

SCHEDULE 2

FUEL BURNING EQUIPMENT SCHEDULE

Any equipment which may cause the emission of air contaminants in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design of the equipment expressed in British Thermal Units (BTU) per hour in accordance with the following schedule:

1000 British Thermal Units Per Hour	Fee
Up to and including 150	$ 20.00
Greater than 150 but less than 400	28.00
400 or greater but lees than 650	48.00
650 or greater but less than 1,500	76.00
1,500 or greater but less than 2,500	100.00
2,500 or greater but less than 5,000	148.00
5,000 or greater but less than 15,000	200.00
15,000 or greater	252.00

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SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any equipment which may cause the emission of air contaminants and which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) ratings, in accordance with the following schedule:

Kilovolt Amperes	Fee
Up to and including 45	$ 20.00
Greater than 45 but less than 145	28.00
145 or greater but less than 450	48.00
450 or greater but less than 1,450	60.00
1,450 or greater but less than 4,500	88.00
4,500 or greater but less than 14,500	148.00
14,500 or greater	252.00

SCHEDULE 4

INCINERATOR SCHEDULE

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

Area in Square Feet	Fee
Up to and including 8	$ 20.00
Greater than 8 but less than 16	28.00
16 or greater but less than 27	36.00
27 or greater but less than 47	56.00
47 or greater but less than 90	76.00
90 or greater	112.00

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SCHEDULE 5

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container, the contents of which may emit an air contaminant, shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent:

Gallons	Fee
Up to and including 5,000	$ 20.00
Greater than 5,000 but less than 20,000	24.00
20,000 or greater but less than 50,000	36.00
50,000 or greater but less than 100,00	48.00
100,000 or greater but less than 500,00	64.00
500,000 or greater but less than 1,000,000	80.00
1,000,000 or greater.	100.00

SCHEDULE 6

MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance which may cause the issuance of air contaminants as defined in Rule 102 of the Rules and Regulations, which is not included in the preceding schedules, shall be assessed a permit fee of $20.00.

(9.0) RULE 303 Analysis Fees

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the Air Pollution Control District. The time required for collecting samples, making the analysis, the preparing the necessary reports, but excluding time required in going to and from such premises, may be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(13.0) RULE 304 Technical Reports - Charge For:

Information, circulars, reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or

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groups requesting copies of the same may be charged for by the district in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said district.

(16.0) RULE 305 Hearing Board Fees

a. Every applicant or petitioner for variance, or for the extension revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct or permit to operate, except any state or local governmental agency or public district, shall pay the clerk of the Hearing Board, on filing, a fee in the sum of $50.00. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, Health and Safety Code exceeds $50.00 per petition.

b. Any person requesting a transcript of the hearing shall pay the cost of such transcript.

c. This rule shall not apply to petitions filed by the Air Pollution Control Officer.

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REGULATION IV - PROHIBITIONS

(50.1.2) RULE 401 Visible Emissions

A person shall not discharge into the atmosphere, from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than 3 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.

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.

RULE 401 (a) and 401 (b) shall not apply if it is shown by the owner or operator of the emission source that the emission source was, at the time of violation of Rules 401 (a) and (b), in compliance with other applicable emission standards of Regulation IV.

(2.0) RULE 402 Exceptions

The provisions of Rule 401 do not apply to:

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

   1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

   2. For the instruction of public employees in the methods of fighting fire.

b. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

c. Agricultural operations in the growing of crops or raising of fowl or animals.

d. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

e. The use of other equipment in agricultural operations in the growing of crops, or the raising of fowl or animals.

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(50.1.2) RULE 403 Wet Plumes

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 401, that rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to come within its provisions.

(50.1) RULE 404 Particulate Matter Concentration - Valley Basin

A person shall not discharge into the atmosphere from any single source operation particulate matter in excess of 0.1 grains per cubic foot of gas at standard conditions.

(50.1) RULE 404.1 Particulate Matter Concentration - Desert Basin

A person shall not discharge into the atmosphere from any single source operation, in service on the date this rule is adopted, particulate matter in excess of 0.2 grains per cubic foot of gas at standard conditions.

A person shall not discharge into the atmosphere from any single source operation, the construction or modification of which commended after the adoption of this rule, particulate matter in excess of 0.1 grains per cubic foot of gas at standard conditions.

(50.1) RULE 405 Particulate Matter - Emission Rate

A person shall not discharge into the atmosphre from any source operation particulate matter in excess of the following process weight tables:

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Process Weight Table - Valley Basin

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Lbs./Hr.	Emission Rate Lbs./Hr.
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

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

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

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

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

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

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Process Weight Table - Desert Basin

ALLOWABLE WEIGHT OF EMISSION BASED ON PROCESS WEIGHT RATE

Process Wt. lbs/hr	Emission Rate lbs/hr	Process Wt. lbs/hr	Emission Rate lbs/hr
250 or less	1.03	6500	7.71
300	1.20	7000	8.05
350	1.35	7500	8.39
400	1.50	8000	8.71
450	1.63	8500	9.03
500	1.77	9000	9.36
600	2.01	9500	9.67
700	2.24	10000	10.00
800	2.43	12000	11.28
900	2.62	14000	12.50
1000	2.80	16000	13.74
1200	3.12	18000	14.97
1400	3.40	20000	16.19
1600	3.66	30000	22.22
1800	3.91	40000	28.30
2000	4.14	50000	34.30
2500	4.64	60000 or more	40.00
3000	5.10		
3500	5.52		
4000	5.93		
4500	6.30		
5000	6.67		
5500	7.03		
6000	7.37		

Where the process weight per hour falls between figures listed in the table, the exact weight of permitted discharge shall be determined by linear interpolation.

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(50.1.1) RULE 406 Process Weight - Portland Cement Kilns

Cement kilns, the construction or modification of which is commenced after August 17, 1971 shall not discharge into the atmosphere particulate matter in excess to the Environmental Protection Agency Standards of Performance. Cement kilns regulated by this rule are not subject to other process weight rules.

(50.2) RULE 407 Sulfur Compounds

A person shall not discharge into the atmosphere sulfur compounds, which would exist as a liquid or gas at standard conditions, exceding in concentration at the point of discharge: 0.2 percent by volume calculated as sulfur dioxide (SO_2).

(51.9) RULE 407.1 Disposal of Solid and Liquid Waste

A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(51.5) RULE 407.2 Fuel Burning Equipment - Combustion Contaminants

A person shall not discharge into the atmosphere combustion contaminants exceeding in concentration at the point of discharge, 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions.

(51.5)
(51.6) RULE 408 Fuel Burning Equipment - Valley Basin
(51.7)

A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

1. 200 pounds per hours of sulfur compounds, calculated as sulfur dioxide (SO_2);

2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

3. 10 pounds per hour of combustion contaminants as defined in Rule 102h and derived from the fuel.

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(51.5) RULE 409 Fuel Burning Equipment - Desert Basin
(51.6)
(51.7) Fuel burning equipment, the construction or modification of which is commenced after August 17, 1971, shall not discharge into the atmosphere particulate matter, sulfur dioxide or nitrogen oxides in excess of the Environmental Protection Agency Standards of Performance.

For the purpose of Rule 408 and 409, "fuel burning equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of Rule 408 and 409.

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

(50.4) RULE 410 Organic Solvents

a. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any 1 day from any article, machine, equipment, or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at leat 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

b. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any 1 day from any article, machine, equipment, or other contrivance used under conditions other than those described in paragraph (a) of this section for employing or applying any photochemically reactive solvent, as defined in paragraph (j) of this section, 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 heated-drying of products for the first 12 hours after their removal from any article, machine, or other contrivance described in

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this section shall be included in determining compliance with this paragraph. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (a) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designated for processing a continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

c. A person shall not, after August 31, 1976, discharge into the atmosphere more than 3,000 pounds of organic materials in any 1 day from any article, machine, equipment, or other contrivance in which any non-photochemically reactive organic solvent or any material containing such a solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. 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 paragraph (a) of this section 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 that emit organic materials in the course of using 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 of 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

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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, absorbing, 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 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 composition, 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 411, 412, 412.1, 413, and 414, 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 the material consists only of water and organic solvents, and

(ii) the organic solvents content comprises not more than 20% by volume of the total volatile content, and

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(iii) the volatile content is not photochemically reactive, and

(iv) the 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) until January 1, 1977, the organic solvent content of a material does not exceed 30% by volume of said material; after January 1, 1977, the organic solvent content of such material shall not exceed 20% by volume, and

(ii) the volatile content is not photochemically reactive, and

(iii) the organic solvent content does not come into contact with flame.

i. For the purpose 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 exhibiting a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having 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, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of 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 ketones having an olefinic or cycloolefinic 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, ketones having branched hydrocarbon structures trichloroethylene or tuoluene: 20 percent.

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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 of 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 purpose 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.

(50.4) Rule 410.1 Architectural Coatings

a. A person shall not sell or offer for sale for use in Kern County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 410 (k).

b. A person shall not employ, apply, evaporate or dry in Kern County any architectural coating, in containers of one quart capacity or larger, containing photochemically reactive solvent as defined in Rule 410 (k).

c. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent as defined in Rule 410 (k).

d. For the purposes of this Rule an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

(50.4) Rule 410.2 Disposal and Evaporation of Solvents

A person shall not during any one day dispose of a total of more than 1 1/2 gallons of any photochemically reactive solvent as defined in Rule 410 (k), or of any material containing more than 1 1/2 gallons of any such photochemically reactive solvent into the atmosphere.

This Rule shall become effective on January 1, 1974, for all sources which are either in operation or under construction on June 21, 1972. This Rule shall be effective for all other sources on June 21, 1972.

(51.16) Rule 411 Storage of Petroleum Products

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

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a. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

b. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

c. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

(51.16) RULE 412 <u>Transfer of Gasoline into Stationary Storage Containers</u>

a. A person shall not transfer or permit the transfer of gasoline from any delivery vessel (i.e., tank truck or trailer) into any stationary storage container with a capacity or more than 250 gallons unless such container is equipped with a permanent submerged fill pipe and unless 90 percent by weight of the gasoline vapors displaced during the filling of the stationary storage container are prevented from being released to the atmosphere.

b. The provisions of this Section shall be subject to the following exceptions:

1. The transfer of gasoline into any stationary storage container used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000 et seq.) of the California Vehicle Code, if such container is equipped by July 1, 1976 with a permanent submerged fill pipe.

2. The transfer of gasoline into any stationary storage container having a capacity of 2,000 gallons or less which was installed prior to July 1, 1975, if such container is equipped by July 1, 1976 with a permanent submerged fill pipe.

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3. The transfer of gasoline into any stationary storage container in existence prior to July 1, 1975 which is served by a delivery vessel exempted by the Air Pollution Control Officer pursuant to Section d(1) of this Rule, if such container is equipped by July 1, 1976 with a permanent submerged fill pipe.

4. The transfer of gasoline into any stationary storage container which was installed prior to July 1, 1975, and located in the Desert Basin of Kern County.

5. The transfer of gasoline into any stationary storage container which the Air Pollution Control Officer finds is equipped with equipment to control emissions at least as effectively as required by this Section.

6. The transfer of gasoline into any stationary storage container in existence prior to July 1, 1975 which is equipped with an offset fill pipe.

c. No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor tight. Any delivery vessel into which gasoline vapors have been transferred shall be refilled only at a loading facility that is equipped with a system that prevents at least 90 percent by weight of the gasoline vapors displaced from entering the atmosphere.

d. 1. The owner or operator of any bulk loading facility not subject to the provisions of Rule 413 which was in operation on or before July 1, 1975, and for which the annual throughput to stationary storage containers that are not exempted by Sections b(1) and b(2) does not exceed 500,000 gallons, may petition the Air Pollution Control Officer to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility exempted from the provisions of Section c. The owner or operator of such a facility must petition annually to renew such exemptions.

2. A person shall not load gasoline into any delivery vessel from any loading facility granted an exemption pursuant to Section d(1) of this Rule unless, by July 1, 1976, such delivery vessel is loaded through a submerged fill pipe.

3. A person shall not operate any gasoline loading facility which is not subject to the provisions of Rule 413 after July 1, 1976 unless:

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a. The facility is equipped with a system or systems to prevent the release to the atmosphere of at least 90 percent by weight of the gasoline vapors displaced during the filling of the facility's stationary storage containers; and

b. The facility is equipped with a pressure -vacuum valve on the above ground stationary storage containers with a minimum pressure valve setting of 15 ounces, provided that such setting will not exceed the container's maximum pressure rating.

e. The owner or operator of any stationary storage container or gasoline loading facility which is subject to this Rule and which is installed or constructed on or after July 1, 1975 shall comply with the provisions of this Rule at the time of installation.

f. The owner or operator of any stationary storage container subject to this Rule or gasoline loading facility granted an exemption pursuant to Section d(1) of this Rule which is operating or in the process of being installed or constructed prior to July 1, 1975 shall comply with the provisions of this Rule by July 1, 1976, and shall comply with the following schedule:

(1) By November 1, 1975 - Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system;

(2) By January 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installations of the required emission control system have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

(3) By March 1, 1976 - Initiate on-site construction or installation of emissions control equipment.

(4) By June 1, 1976 - Complete on-site construction or installation of emission control equipment; and

(5) By July 1, 1976 - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

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g. Any gasoline loading facility not granted an exemption pursuant to Section d(1) of this Rule and non-exempt accounts served by such facility shall comply with the provisions of this Rule by January 1, 1977, and shall comply with the following schedule:

(1) By May 1, 1976 - Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system;

(2) By June 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emissions control systems have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

(3) By September 1, 1976 - Initiate on-site construction or installation of emission control equipment;

(4) By December 1, 1976 - Complete on-site construction or installation of emissions control equipment; and

(5) By January 1, 1977 - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

h. Vapor-return and/or vapor recovery systems used to comply with the provisions of this Rule shall comply with all safety, fire, weights and measures, and other applicable codes and/or regulations.

i. (1) For the purposes of this Rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(2) For the purposes of this Rule "gasoline vapors" means the organic compounds in the displaced vapors including any entrained liquid gasoline.

(3) For the purposes of this Rule, the term "submerged fill pipe" is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

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(51.16) RULE 412.1 Transfer of Gasoline into Vehicle Fuel Tanks

a. A person shall not transfer or permit the transfer of gasoline from a stationary storage container subject to the provisions of Section a. of Rule 412 into any motor vehicle fuel tank with a capacity of greater than 5 gallons unless such transfer is made in a manner by which the emissions to the atmosphere of the gasoline vapors displaced during filling of the vehicle fuel tank are reduced by at least 90 percent by weight.

b. Any gasoline dispensing system subject to this Rule, installed on or after July 1975, shall comply with the provisions of this Rule at the time of installation.

c. Any gasoline dispensing system subject to this Rule, installed or in the process of being installed prior to July 1, 1975, shall comply with the provisions of this Rule by May 31, 1977, and the owner or operator of such system shall comply with the following schedule:

1. By July 1, 1976 - Apply for an authority to construct from the Air Pollution Control Officer for the installation of the needed control system;

2. By August 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emission control systems have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

3. By February 1, 1977 - Initiate on-site construction or installation of emission control equipment;

4. By May 1, 1977 - Complete on-site construction or installation of emission control equipment; and

5. By May 31, 1977 - Secure the Air Pollution Control Officer's approval of all equipment and a permit to operate.

d. Gasoline dispensing equipment used to comply with the provisions of this Rule shall comply with all applicable safety, fire, weights and measures, and other applicable codes and/or regulations.

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e. 1. For the purposes of this Rule, the term "gasoline" is defined as any petrodistillate having a Reid vapor pressure of 4 pounds or greater.

2. For the purposes of this Rule, "motor vehicle" is defined as any vehicle registered with the California Department of Motor Vehicles.

(51.16) RULE 413 Organic Liquid Loading

A person shall not load organic liquids having a vapor pressure of 1.5 pounds per square inch or greater under actual loading conditions into any truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

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

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

a. An absorber system or condensation system which processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

b. A vapor handling system which directs all vapors to a fuel gas system.

c. Other equipment of an efficiency equal to or greater than (a) or (b) if approved by the Air Pollution Control Officer.

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

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

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(51.16) RULE 414 Effluent Oil Water Separators

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

a. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

b. A floating pontoon or double-deck type cover, equipped with closure seals, to enclose any space between the cover's edge and compartment wall.

c. A vapor recovery system which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.

d. Other equipment of an efficiency equal to or greater than (a), (b), or (c), if approved by the Air Pollution Control Officer.

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

(51.21) RULE 415 Reduction of Animal Matter

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

a. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

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

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices,

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as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer for indicating temperature, pressure or other operating conditions.

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

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

(51.13) RULE 416 Open Burning

No person shall burn any refuse or other material in an open outdoor fire within the boundaries of the Kern County Air Pollution Control District.

(2.0) RULE 417 Exceptions

The exceptions to the Open Burning Rule 416 are as follows:

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 for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or for the instruction of public or industrial employees in methods of fire fighting.

b. Safety flares for the combustion of waste gases.

c. Fires used only for cooking of food for human beings.

d. When the material to be burned is residential rubbish and originates on and is being burned on premises not served by an organized solid waste disposal service, or available to a disposal site.

e. Backfires or other fire control methods used for the purpose of controlling an existing wild fire.

f. These exceptions shall not apply to any industrial, commercial, or institutional facility wherever located, or to a residential facility constructed for the use of more than 2 families.

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g. Burning for right-of-way clearing, levee and ditch bank maintenance, or open burning at dumps by a public entity or utility when a permit is obtained from the control district. This exception shall be subject to all the provisions of Rule 417h.

h. Conducting agricultural operations in the growing of crops, or raising of fowl, animals, or bees on a farm for the primary purpose of making a profit or for a livelihood; forest management, or range improvement, subject to the following;

I. General Definitions

(a) Agricultural Burning

Means open outdoor fire used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, including the burning of agricultural wastes.

(b) Agricultural Wastes

Are defined as unwanted or unsalable materials produced wholly from agricultural operations directly related to the growing of crops or the raising of animals for the primary purpose of making a profit or for a livelihood; forest management or range improvement. This also includes, for the purpose of cultural practice burns, the burning of fence rows and ditch banks for weed control and weed maintenance and burning in nontillage orchard operations, but does not include such items as shop wastes, demolition material, garbage, oil filters, tires, pesticide containers, broken boxes, pallets, and other similar material, or orchard or vineyard wastes removed for land use conversion to non-agricultural purposes.

(c) No-Burn Day

Means any day on which the Board prohibits agricultural burning.

(d) Burn Day

Means any day on which the Board does not prohibit agricultural burning.

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(e) Board

Means the California State Air Resources Board or any person authorized to act in its behalf.

(f) County and Regional Authority

Includes county air pollution control districts, regional air pollution control districts, and unified air pollution control districts which may exist within the boundaries of the San Joaquin Valley Air Basin.

(g) Approved Ignition Devices

Includes those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane, propane or diesel oil burners, and flares, but does not include the use of tires, tar paper, oil and other similar materials.

II. Prohibitions

(a) No person knowingly shall set or permit agricultural burning unless he has a valid permit from the fire control agency designated by the local air pollution control board to issue such permits in the area where the agricultural burn will take place.

(1) Each fire control agency so designated by the Board shall issue agricultural burning permits subject to the Rules and Regulations of the board and of the county air pollution control district.

(b) Each applicant for a permit shall provide information as required by the designated fire protection agency for fire protection purposes.

(c) Each applicant for a permit shall provide information as required by the Air Pollution Control District.

(d) Prior to the burn, notice of intent shall be given by the permittee to the fire control agency having jurisdiction over the site of the proposed burn.

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(e) No permit shall be valid for any day during a period in which agricultural burning is prohibited by the Board.

(f) No permit shall be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purposes of fire control or prevention.

(g) All agricultural wastes to be burned must be free of tires, rubbish, tar paper, construction debris, used pesticide containers, and all other nonagricultural wastes.

(h) All agricultural wastes to be burned shall be loosely stacked in such manner as to promote drying and insure combustion with a minimum of smoke production. All agricultural wastes to be burned shall be free of excessive dirt, soil, and visible surface moisture.

(i) All agricultural wastes to be burned shall be ignited only with approved types of ignition devices as defined herein.

(j) The following types of agricultural waste materials to be burned shall be allowed to dry for the following minimum time periods or equivalent:

(1) Rice Stubble: 4 days following harvest

(2) Dry Cereals: 0 days

(3) Prunings and small branches: 3 weeks

(4) Large branches and trees: 6 weeks

(k) Materials to be burned shall be ignited only during daylight hours, and all burning shall be terminated by sunset of each day. No material shall be added to an existing fire after 3:00 p.m., Pacific Standard Time.

(l) No burning of agricultural waste materials shall be permitted which will create a nuisance as defined in Section 24243 of the California State Health and Safety Code.

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(m) The Air Pollution Control Officer may restrict agricultural waste burning to selected permittees on designated burn days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphre sufficient to cause adverse conditions.

III. Exceptions

(a) Exceptions to Rule II-e and II-k: the Air Pollution Control Officer may grant an exception to allow burning on a No-Burn-Day so designated by the Board, and in certain situations to allow burning to continue past sunset of each day, when denial of such permit would threaten imminent and substantial economic loss.

The granting of an exception does not exempt the applicant from any other district or fire control regulation. The applicant shall submit in writing on the form provided, his reasons for the exception. The Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisor, or other informed sources.

(b) Agricultural burning at 4,000 feet or more above sea level is exempt from Rule 417-II-e.

(51.9) RULE 418 Incinerator Burning

A person shall not burn in any incinerator within the County Air Pollution Control District except in a multiple-chamber incinerator as described in Rule 102t, or in equipment found by the Air Pollution Controll Officer to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. The incineration of residential rubbish as permitted in Rule 417d shall be conducted in accordance with the Uniform Fire Code.

(50.7) RULE 419 Nuisance

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

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(2.0) RULE 420 Exception

The provisions of Rule 419 do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

(51.1) RULE 421 Orchard Heaters

a. Definition: "Orchard heater" means any article, machine, equipment, or other contrivance burning any type of fuel, or charcoal briquettes or similiar substances burned by an open flame, capable of being used for the purpose of giving protection from frost damage. For the purpose of this rule, "orchard heater" shall include heaters used for frost protection for orchards, vineyards, field crops and truck crops. The contrivance commonly known as a wind machine is not included.

b. No new orchard heater produced or manufactured shall be sold for use against frost damage after January 1, 1971, unless it has been approved by the State Air Resources Board.

c. No person shall use any orchard heater after January 1, 1973, unless it has been approved by the State Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

d. It shall be unlawful to sell or offer to sell for frost protection any orchard heater which does not comply with Rule 421c.

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

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

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(10.0) *RULE 422 New Source Performance Standards

All new sources of air pollution and modifications of existing sources of air pollution shall to the extent required therein, comply with the standards, criteria and requirements set forth in the Kern County Air Pollution Control District New Source Performance Standards, adopted April 15, 1975.

(11.0) **RULE 423 Emission Standards for Hazardous Air Pollutants

All sources of hazardous air pollutants shall, to the extent required therein, comply with the standards, criteria and requirements set forth in the Kern County Air Pollution Control District Emission Standards for Hazardous Air Pollutants, adopted April 15, 1975.

*The New Source Performance Standards (NSPS) are basically the same as the NSPS adopted by the EPA. These are being adopted in order that the EPA can delegate the program to Kern County. Standards have been adopted for:

1. Fossil fuel fired steam generators (more than 250 million BTU).
2. Incinerators (more than 50 tons per day)
3. Portland Cement Plants
4. Nitric Acid Plants
5. Sulfuric Acid Plants
6. Asphalt Concrete Plants
7. Petroleum Refineries
9. Petroleum Storage Vessels (more than 40,000 gals)
10. Secondary Lead Smelters (more than 650 lbs. charging)
11. Brass and Bronze Plants (more than 650 lbs. charging)
12. Iron and Steel Plants
13. Sewage Treatment Plants

**The Emission Standards for Hazardous Air Pollutants (ESHAPS) are basically the same as the National ESHAPS adopted by the EPA. These are being adopted in order that the EPA can delegate the program to Kern County. Standards have been adopted for:

a. Abestos b. Beryllium c. Mercury

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REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

(2.0) RULE 501 Applicable Articles of the Health & Safety Code

The provisions of Article 5 and Article 6, Chapter 2, Division 20 of the State of California Health and Safety Code, respectively entitled Variances and Procedure.

(2.0) RULE 502 General

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

(2.0) RULE 503 Filing Petitions

Request for hearing shall be initiated by the filing of a petition in quintuplicate with the clerk of the Hearing Board, and the payment of the fee of $50.00 provided for in Rule 305 of these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the persons served or by the affidavit of the person making the service.

(2.0) RULE 504 Contents of Petitions:

Every petition shall state:

a. The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

b. Whether the petitioner is an individual, co-partner, corporation or other entity, and names and addresses of the partners if a co-partnership, names and addresses of the officers if a corporation, and the names and addresses of the persons in control, if other entity.

c. The type of business or activity involved in the application and the street address at which it is conducted.

d. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

e. The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:

   1. To determine whether a permit shall be revoked, or a suspended permit reinstated under Section 24274, Health and Safety Code of the State of California;

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2. For a variance under Section 24292, Health and Safety Code;

3. To revoke or modify a variance under Section 24298, Health and Safety Code;

4. To review the denial or conditional granting of an authority to construct or permit to operate under Rule 201 of these Rules and Regulations.

f. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner it shall set forth his authority to sign.

g. Petitions for revocation of permits shall allege in addition the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

h. Petitions for reinstatement of suspended permits shall allege in addition the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and if so, when it will be furnished.

i. All petitions shall be typewritten, double-spaced, on legal or letter-size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) Rule 505 <u>Petitions for Variances</u>

In addition to the matters required by Rule 504, petitions for variances shall state briefly:

a. The section, rule or order complained of.

b. The facts showing why compliance with the section, rule, or order is unreasonable.

c. For what period of time the variance is sought and why.

d. The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

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e. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

f. The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

g. Whether or not operations under such variance, if granted, would constitute a nuisance.

h. Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

i. Whether or not the subject, equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(2.0) RULE 506 Appeal from Denial

A petition to review a denial or conditional approval of a permit shall, in addition to the matters required by Rule 504 set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(2.0) RULE 507 Failure to Comply with Rules

The clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions unless the Chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 508 Answers

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under Rule 505.

(2.0) RULE 509 Dismissal of Petition

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The clerk of the Hearing Board shall notify all interested persons of such dismissal.

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(16.0) RULE 510 Place of Hearing

All hearings shall be held at a place designated by the Hearing Board.

(16.0) RULE 511 Notice of Hearing

The clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295, or 24299, Health and Safety Code.

(2.0) RULE 512 Evidence

a. Oral evidence shall be taken only on oath or affirmation.

b. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Heresay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissable over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, irrelevant and unduly repetitious evidence shall be excluded.

(2.0) RULE 513 Preliminary Matters

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

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(2.0) RULE 514 Official Notice

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this state.

(2.0) RULE 515 Continuances

The chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) RULE 516 Decision

The decision shall be in writing, served and filed within 30 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearings.

(2.0) RULE 517 Effective Date of Decision

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in rule, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) RULE 518 Lack of Permit

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any equipment until a permit has been granted or denied by the Air Pollution Contol Officer; except that an appeal from a denial of a permit and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board may include a permit for the duration of the variance.

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