

REGULATION IV - PROVISIONS

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 4:1 Visible Emissions

Adopted 8/10/71

- 1 No person shall discharge into the atmosphere from any source, any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is:
 - 1.1 As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
 - 1.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection [1.1](#) of this rule.
- 2 Exceptions
 - 2.1 The above provisions do not apply to:
 - 2.1.1 Smoke from fires permitted by any public officer in the performance of his official duty, and such fire is necessary:
 - 2.1.1.1 for prevention of a fire or health hazard which cannot reasonably be abated by any other means or
 - 2.1.1.2 for the instruction of public employees in fighting fire.
 - 2.1.2 Smoke from fires set pursuant to permit on industrial property for the purpose of instruction of employees in the methods of fighting fire.
 - 2.1.3 Smoke from open burning for which a permit has been issued by the Air Pollution Control Officer.
 - 2.1.4 Smoke from agricultural burning.
 - 2.1.5 Smoke from orchard heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.
 - 2.1.6 The use of other equipment in agricultural operations in growing of crops or raising of fowls or animals.
 - 2.1.7 Emissions which result from equipment breakdown. A responsible person shall initiate and complete appropriate action to correct the breakdown as soon as possible and reduce the frequency of occurrence of such condition. He shall report such breakdown to the Control Officer within 24 hours of such occurrence.
 - 2.1.8 Smoke or fumes which result from acts of God.
 - 2.1.9 Smoke emitted during switch-over from gas to liquid fuel such as required during periods of gas curtailment.
 - 2.1.10 Steam or wet plumes.

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

Rule 4:2 Orchard Heaters
Adopt 8/10/71

- 1 No orchard heater shall be used or sold in the District unless it has been approved by the Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

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Rule 4:3 Particulate Matter

Adopt 8/10/71, Amend/Adopt 9/10/85, Amend 8/4/87

- 1 A person shall not discharge into the atmosphere from any source particulate matter in excess of 0.15 grains per cubic foot of gas at standard conditions.
- 2 Exceptions
 - 2.1 Sources above 500 foot elevation constructed prior to 1-1-86 shall be limited to 0.3 grains per cubic foot of gas.

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Rule 4:4 Nuisance

Adopt 8/10/71

1 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 any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

2 Exceptions

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

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Rule 4:5 Reduction of Animal Matter
Adopt 08/10/71

- 1 A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas entrained effluents from such an article, machine, equipment or other contrivance are:
 - 1.1 At temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second or
 - 1.2 Processed in a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than 1 above.
 - 1.2.1 A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.
 - 1.2.2 For the purpose of this prohibition, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.
 - 1.2.3 The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

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Rule 4:6 Open Burning

Adopted 8/10/71, Amended 4/25/89, Repealed/Adopted 6/16/92, Amended 6/22/93, Repealed/Adopted 6/19/01, Repealed/Adopted 12/16/03, Repealed/Adopted 09/09/08

1 Definitions

- 1.1 Burn Barrel means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal.
- 1.2 Census Zip Code means a Zip Code tabulation area, a statistical geographic entity that approximates the delivery area for a U.S. Postal Service five-digit Zip Code. Census zip codes are aggregations of census blocks that have the same predominate Zip Code associated with the mailing addresses in the U.S. Census Bureau's Master Address File. Census zip codes do not precisely depict Zip Code delivery areas, and do not include all Zip Codes used for mail delivery. For the purposes of this regulation, census zip codes are referenced to the most recent national decennial census completed by the U.S. Census Bureau.
- 1.3 Fire-Season means a period of the year during which wildland fires are likely to occur, spread and affect resources value sufficient to warrant organized fire management activities.
- 1.4 Incorporated Place means the city, town, municipality or village reported to the U.S. Census Bureau as being legally in existence under California law at the time of the most recent national decennial census completed by the U.S. Census Bureau. For the purposes of calculating population density for this regulation, incorporated places include the FIPS Place Class Codes C1, C7 and C8, as defined by the U.S. Census Bureau in Technical Documentation, Summary File 1, October 2002.
- 1.5 Incinerator means any device constructed of nonflammable materials, including containers commonly known as burn barrels, for the purpose of burning therein trash, debris, and other flammable materials for volume reduction or destruction.
- 1.6 Natural Vegetation means all plants, including but not limited to grasses, forbs, trees, shrubs, flowers, or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated lumber, wood products or paper products.
- 1.7 Non-Fire season means a period of the year during which wildland fires are not likely to occur.
- 1.8 Permissive Burn Day means any day on which agricultural burning, including prescribed burning, is not prohibited by the state board and burning is authorized by the air district consistent with its open burning rules.
- 1.9 Population Density means the number of people per square mile within a census zip code. It is calculated as the number of people within a census zip code divided by the area of the census zip code after subtracting the population and area of all incorporated places within the census zip code.

- 2 No person shall burn any refuse (as defined in Rule 1:2) in an open fire within the boundaries of the Tehama County Air Pollution Control District.

- 2.1 For the purpose of this Rule, the person in control of the property where any burning takes place, is the person who exercises possessory rights over the property. The person in control of the property is strictly liable for any unauthorized burning which takes place.
- 2.2 No person shall conduct any open burning of residential waste on a day designated as a no-burn day by the California Air Resources Board.

3 Exceptions:

- 3.1 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:
 - 3.1.1 To prevent a fire, health or safety hazard which cannot be abated by any other means less detrimental to the total environment than burning, or
 - 3.1.2 To instruct public or industrial employees in methods of fire fighting.
- 3.2 Conducting agricultural operation in the growing of crops, or raising of fowl or animals.
- 3.3 When the substance being burned is dry native grass or weeds in place upon any of the following premises:
 - 3.3.1 Any ditch or canal or the banks thereof.
 - 3.3.2 The right-of-way clearing by a public entity or utility or for levee, reservoir, and ditch maintenance.
 - 3.3.2.1 Exceptions 3.1.1 & 3.1.2., above apply only on those days agricultural burning is not prohibited by the state board on the day of the burn pursuant to Section 41855;
 - 3.3.2.2 The material has been prepared by stacking , drying, or other methods to promote combustion as specified by the Air Pollution Control Officer.
- 3.4 Safety flares for the combustion of waste gases.
- 3.5 When such fire is used only for the cooking of food for human consumption or recreational purposes.
- 3.6 Burning for the disposal of residential waste of a single or two family dwelling on its premises in Tehama County shall pursuant to Rule 4:6 and under the following conditions:
 - 3.6.1 This exception does not apply in areas where regular refuse disposal service is available and or which has been designated as urban by the Tehama County Air Pollution Control Board or within the boundaries of an incorporated place.
 - 3.6.2 A valid burn permit is required for a period specified by the designated agency.
 - 3.6.3 Burn hours are from 8:30 A.M. to 12:00 noon during fire season and change to 10:00 A.M. to 5:00 P.M. during non-fire season. Exception: burn hours for the Capay Fire District shall be 8:30 a.m. until 3:00 p.m. year around.

- 3.6.4 Effective January 1, 2004, no person shall ignite, or allow to become ignited, residential waste unless using an instrument or material that will ignite open fires without the production of black smoke by the ignition device, as approved by the APCO.
- 3.6.5 It is a permissive burn day as defined by section 80101 (t) Title 17 of the California Code of Regulations.
- 3.6.6 It is a day when open burning is not prohibited by the fire protection agencies for the purpose of fire control or prevention.
- 3.7 Backfires or other fire control methods used for the purpose of controlling an existing wild fire.
- 3.8 Burning for the disposal of residential waste defined in (District Rule 1:2 as only paper, cardboard, or flammable natural vegetation) originating from a single- or two-family dwelling and conducted pursuant to Rule 4:6 and under the following conditions:
 - 3.8.1 Effective January 1, 2004, no person shall dispose of residential waste as defined above from any property by burning such waste in a burn barrel or incinerator outdoors, except:
 - 3.8.1.1 as allowed by a temporary exemption provided by the California Air Resources Board in response to a resolution adopted by the District Board which must be renewed every ten years pursuant to Section 93113 (e)(10), Title 17 of the California Code of Regulations , or
 - 3.8.1.2 where the population density of the unincorporated area is less than or equal to 3.0 persons per square mile within the boundaries of the census zip code in the most recent decennial census, pursuant to Section 93113 (e)(9), Title 17, of the California Code of Regulations.
 - 3.8.1.3 no exemption for the use of a burn barrel or incinerator shall be allowed within the boundaries of any incorporated place or any census zip code where the population density, according to the most recent decennial census, is greater than 3.0 persons per square mile.
 - 3.8.2 Effective January 1, 2004, no person shall burn for the purpose of disposing of waste material outdoors at a residence, any waste or manufactured material that includes but is not limited to petroleum products and petroleum wastes, construction and demolition debris, coated wire, putrescible wastes, tires, tar, tar paper, non-natural wood waste, processed or treated wood and wood products, metals, motor vehicle bodies and parts, rubber, synthetics, plastics, including plastic film, twine, pipe, fiberglass, styrofoam, garbage, trash, refuse, rubbish, disposable diapers, ashes, glass, industrial wastes, manufactured products, equipment, instruments, utensils, appliances, furniture, cloth, rags, paper or paper products; cardboard; boxes, crates, excelsior, offal, swill, carcass of a dead animal, manure, human or animal parts or wastes, including blood, and fecal- and food-contaminated material, except:
 - 3.8.2.1 as allowed by a temporary exemption provided by the California Air Resources Board in response to a resolution by the District Board which must be renewed every ten years pursuant to section 93113 (e)(10), Title 17 of the California Code of Regulations, or
 - 3.8.2.2 that dry non-glossy paper and cardboard may be burned where the population density of the unincorporated area is less than or equal to 3.0 persons per square mile within the

boundaries of the census zip code in the most recent decennial census, pursuant to Section 93113 (e), Title 17 of the California Code of Regulations.

3.8.2.3 no exemption for the burning of non-glossy paper and cardboard shall be allowed within the boundaries of any incorporated place or any census zip code where the population density, according to the decennial census of 2000, is greater than 3.0 persons per square mile.

3.9 Certain wood waste from trees, vines or bushes on property being developed for commercial or residential purposes may be burned on the property where grown when the following conditions are met:

3.9.1 A permit is obtained from the Air Pollution Control Officer (APCO). Permits issued pursuant to this rule shall be valid a period of one year.

3.9.2 The APCO has found that such burning is less detrimental to the general public health than disposal by other means.

3.9.3 Such burning shall meet the requirements and restrictions for agricultural wastes as expressed in Rules 3:1, 3:2, 3:3, 3:4, 3:8, 3:11, and 3:12 of the rules and regulations for agricultural burning.

3.9.4 Waste shall be arranged, prepared and dried at least six (6) months prior to burn if economically and technically feasible.

3.9.5 Burning may be regulated or prohibited when wind direction is toward a nearby populated area.

3.9.6 Burning shall take place only on a day which agricultural burning is not prohibited by the state board pursuant to Section 41804 (d).

3.9.7 Other conditions which the Air Pollution Control Officer deems reasonable and necessary to assure burning with a minimum of smoke and to maintain suitable air quality standards.

Rule 4:7 Incinerator Burning

Adopt 8/10/71

- 1 Incinerator burning of any type shall be prohibited within the boundaries of the Tehama County Air Pollution Control District except:
 - 1.1 As provided for by Rule 4:6 3.6 above.
 - 1.2 In a multiple chamber incinerator or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

Rule 4:8 Dust and Condensed Fumes
Adopt 8/10/71, Amend/Adopt 9/10/85

- 1 No person shall discharge in any one hour from any source whatsoever dust or fumes of a weight in excess of the amount calculated using the following formulas:

$$E = \text{Rate of emission in pounds/hour} \\ P = \text{Process weight rate in ton/hour}$$

- 2 Process weights up to 60,000 pounds/hour shall be accomplished by the use of the equation:

$$E = 4.10 p^{0.67}$$

- 3 For all process weights in excess of 60,000 pounds/hour shall be accomplished by the use of the equation:

$$E = 55.0 p^{0.11} - 40$$

- 4 As an example; if "a" has a process which emits contaminants into the atmosphere and which process takes four (4) hours to complete, you will divide the weight of all materials in the specific process, in this example, 2,400 lbs., by "4" giving a process weight per hour of 600 lbs.

Using the formula:

$$E = 4.10 p^{0.67}$$

$$E = 4.10 (.3)^{0.67}$$

$$E = 1.83 \text{ lbs.}$$

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Rule 4:9 Specific Contaminants

Adopt 8/10/71, Amend/Adopt 9/19/85

- 1 A person shall not discharge into the atmosphere from any single source of emission whatsoever, any one or more of the contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:
 - 1.1 Sulfur compounds calculated as sulfur dioxide (SO₂) 250 ppm.
 - 1.2 Combustion contaminants: 0.15 grains per cubic foot of gas calculated to 12 percent of carbon dioxide (CO₂) at standard conditions, except during the start of an operation or change in energy source, during the time necessary to bring the combustion process up to operating level. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuel shall be excluded from the calculation to 12 percent of carbon dioxide (CO₂).

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Rule 4:10 Sulfur Content of Fuel
Adopt 8/10/71, Amend/Adopt 9/19/85

1 The use of any liquid or solid fuel with a sulfur content in excess of 0.5% by weight is prohibited.

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Rule 4:11 Circumvention
Adopt 8/10/71

- 1 A person shall not build, erect, install or use any article, machine, equipment or other contrivance, the use of which does not result in a reduction in the total release of air contaminants to the atmosphere or conceal an emission which would otherwise constitute a violation.

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Rule 4:12 Storage of Petroleum
Adopt 8/10/71, Repealed 4/25/89

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Rule 4:13 Fuel Burning Equipment - New
Adopt 8/10/71, Repealed 9/19/85

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Rule 4:14 Fuel Burning Equipment

Adopt 8/10/71, Amended 9/19/85, Repealed/Adopted 4/22/97, Repealed/Adopted 11/3/98

- 1 Purpose: The purpose of this rule is to limit emissions of oxides of nitrogen (NO_x) from non-mobile fuel burning equipment.
- 2 Applicability:
 - 2.1 This rule applies to new and existing non-mobile fuel burning equipment which has a maximum heat input rating of 50 million British Thermal Units (BTU) per hour (gross) or more.
- 3 Definitions:
 - 3.1 For the purpose of this rule the following definitions shall apply:
 - 3.1.1 Air Contaminant: Any discharge, release, or other propagation into the atmosphere directly or indirectly caused by man and includes, but is not limited to, smoke, charred paper, dust, soot grime, carbon, fumes, gases, odors, particulate matter, acids or any combination thereof.
 - 3.1.2 California Air Resources Board (CARB): The California State Air Resources Board the powers and duties of which are described in Part 2 of Division 26 of the California Health & Safety Code (commencing with §39500).
 - 3.1.3 Fuel Burning Equipment: Any article, machine, equipment or contrivance which combusts any fuel. If the simultaneous operations of more than one such article, machine, equipment or contrivance are required for the production of useful heat or power, then the minimum number necessary shall be considered as one piece of fuel burning equipment.
 - 3.1.4 Heat Input: The chemical heat released due to fuel combustion in a piece of fuel burning equipment, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.
 - 3.1.5 Mobile: Describes a device by which any person or property may be propelled, moved, or drawn upon the surface, waterways, or through the atmosphere, and which emits air contaminants. For the purpose of this rule, the description "Mobile" includes registered motor vehicles which are licensed and/or driven on the public roadways of the state of California.
 - 3.1.6 Particulate Matter: Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
 - 3.1.7 Rated Heat Input: The heat input capacity in MMBTU per hour specified on the nameplate(s) of the fuel burning equipment, unless the fuel burning equipment is operated, consistent with the permit to operate above the heat input capacity specified on the nameplate(s), in which case the maximum operated rate(s) shall be used as the Rated Heat Input.
 - 3.1.8 Start-up Period: The one hour time frame immediately following the start-up of the fuel burning equipment.

3.1.9 Shut-down Period: The one hour time frame immediately preceding the shut-down of the fuel burning equipment.

3.1.10 United States Environmental Protection Agency (US EPA): Refers to the administrator or the appropriate designee of the United States Environmental Protection Agency.

4 Requirements

4.1 Fuel burning equipment shall not emit NO_x, referenced at dry stack-gas conditions, and 3 percent by volume stack-gas oxygen (O₂) in excess of:

4.1.1 125 parts per million by volume (ppmv), when operated on gaseous fuel; and

4.1.2 225 ppmv, when operated on liquid and/or solid fuels; and

4.1.3 The heat input weighted average of the limits specified in 4.1.1. and 4.1.2. above, when operated on combinations of both gaseous and liquid and/or solid fuels.

4.1.4 Emissions concentrations shall be corrected to 3 percent oxygen (O₂) as follows:

$$[\text{ppm NO}_x]_{\text{corrected}} \times [\text{ppm NO}_x]_{\text{measured}} = \frac{20.95\% - 3\%}{20.95\% - [\%O_2]_{\text{measured}}}$$

5 Exemption

5.1 The provisions of this rule shall not apply to any fuel burning equipment which is subject to NO_x emission limits as specified in District Rule 4:31 Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters Oxides of Nitrogen Control Measure, Rule 4:34 Stationary Internal Combustion Engines, and Rule 4:37 Determination Of Reasonably Available Control Technology For The Control Of Oxides Of Nitrogen From Stationary Gas Turbines.

6 Monitoring and Recordkeeping Provisions

6.1 Any owner or operator of fuel burning equipment subject to this section shall maintain all records necessary to demonstrate compliance with this section for a period of two (2) calendar years at the facility where the subject equipment is located. The owner or operator shall maintain records of the following information for each day the equipment is operated:

6.1.1 Identification and location of equipment subject to the requirements of this section; and

6.1.2 Calendar date of record; and

6.1.3 The number of hours the equipment is operated during each day; and

6.1.4 Unit load, fuel type, actual time of start-ups and shut-downs, breakdown periods, and the type and duration of maintenance and repairs; and

6.1.5 The results of all compliance tests and monitored stack gas oxygen (O₂) concentrations; and

6.1.6 If a flue gas recirculation system is used a record of the percentage of the flue gas that is recirculated to the combustion chamber shall be maintained.

- 6.1.7 If continuous emission monitoring (CEM) is used the following procedures shall be followed and recorded:
 - 6.1.7.1 NOx emission concentrations shall be measured and corrected to 3 percent volume stack gas O₂, on a dry basis; NOx emission concentrations shall be averaged over a period of 15 consecutive minutes.
 - 6.1.7.2 Identify all time periods during which NOx standards were exceeded, the reason that standards were exceeded, the action taken to correct the exceedence(s), and how the owner or operator will prevent any similar future exceedence(s).
 - 6.1.7.3 Identify all time periods for which operating conditions and pollutant data were not obtained, including reasons for not obtaining sufficient data, and a description of all corrective actions taken.
- 6.1.8 Any owner or operator that uses an alternate fuel other than the designated standard fuel in any fuel burning equipment shall maintain daily records of each occurrence. Each record shall specify the reason why an alternate fuel was used in fuel burning equipment and shall include the type of fuel, quantity of fuel, and the hours of operation during which an alternate fuel was used. Each record shall be summarized for each calendar year. If non-gaseous fuel is used during a natural gas curtailment, the owner or operator shall obtain information from the natural gas supplier to verify the time period of curtailment.
- 6.1.9 Record the heat input weighted average of the limits specified in section [4.1.1](#) and [4.1.2](#) when operated on combinations of both gaseous and liquid fuels and/or solid fuels.

7 Compliance Source Testing

7.1 Frequency

- 7.1.1 All fuel burning equipment covered under section [4.1](#) shall demonstrate compliance through compliance source testing not less than once every two calendar years, or 8760 hours, whichever occurs first. Determination of hours of operation shall be by a non-resetting hour meter that shall be automatically activated whenever the fuel burning equipment is in operation.

8 Test Methods

- 8.1 Compliance with NOx emission limits in section [4.1](#) shall be determined using one of the following test methods, as appropriate:
 - 8.1.1 US EPA Method 7, 7A, 7C, 7E, or CARB Method 7 or 100.
- 8.2 Determination of percent by volume stack-gas oxygen shall be determined using US EPA Method 3 or 3A, or CARB Method 3 or 100.
- 8.3 A source test protocol shall be submitted and approved in writing by the Air Pollution Control Officer prior to conducting source testing.
- 8.4 Alternative test methods may be used upon obtaining the approval of the Air Pollution Control Officer.

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Rule 4:15 Separation of Emission
Adopt 8/10/71

- 1 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 this regulation cannot exceed the quantity which would be the allowable emission through a single emission point; and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the exhaust gas volume through all emission points, unless the person responsible for the source operation establishes the correct total emitted quantity

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Rule 4:16 Combination of Emissions
Adopt 8/10/71

- 1 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, this regulation shall apply to each such source operation separately.

- 2 If air contaminants from two or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the requirements of Rule 4:16 [1](#), this regulation shall be applied to the combined emission as if originated in a single source operation subject to the most stringent limitations and requirements placed by this regulation on any of the source operations whose air contaminants are so combined.

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Rule 4:17 Upset or Breakdown Conditions

Adopt 8/10/71, Repealed/Adopted 12/20/94, Repealed/Adopted 10/30/07

- 1 Purpose: This rule defines a breakdown condition and the procedures to follow if one occurs. The corrective action, the issuance of an emergency variance, and the reporting requirements are also specified.
- 2 Applicability: This rule shall apply to any owner or operator of any source operation with any air pollution control equipment or related operating equipment which controls air emissions or any continuous monitoring equipment.
- 3 Definitions: Breakdown Condition: an unforeseeable failure or malfunction of any air pollution control equipment, or related operating equipment, which causes a violation of any emission limitation or restriction prescribed by these Rules and Regulations, or by State Law; or any in-stack continuous monitoring equipment, where such failure or malfunction:
 - 3.1 Is not the result of neglect or disregard of any air pollution control law, rule or regulation; and
 - 3.2 Is not intentional or the result of negligence; and
 - 3.3 Is not the result of improper maintenance; and
 - 3.4 Does not constitute a nuisance; and
 - 3.5 Is not a recurrent breakdown of the same equipment, as determined by the APCO.
- 4 Criteria for Determining a Breakdown Condition: An occurrence which constitutes a breakdown condition shall constitute a violation of any applicable emission limitation or restriction prescribed by these Rules and Regulations. However, if the occurrence persists only until the end of the production run or 24 hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be 96 hours), the APCO may take no enforcement action if the owner or operator demonstrates to the APCO's satisfaction that a breakdown condition exists and the following requirements are met:
 - 4.1 The owner or operator submits the notification required by Section [6.1](#) of this rule;
 - 4.2 The owner or operator immediately undertakes appropriate corrective measures and comes into compliance; and
 - 4.3 The APCO determines that the attainment or maintenance of ambient air quality standards will not be endangered.
- 5 Emergency Variance:
 - 5.1 An occurrence which constitutes a breakdown condition shall not persist longer than the end of the production run or 24 hours, whichever is sooner (except for continuous monitoring equipment, for which the period shall be 96 hours), unless the owner or operator has obtained an emergency variance.
 - 5.2 If the breakdown condition will either require more than 24 hours to correct or persist longer than the end of the production run (except for continuous monitoring equipment, for which the period shall be 96 hours), the owner or operator may, in lieu of shutting down, request the APCO to commence the emergency variance procedure set forth in Rule 4:41 (Emergency Variance).
- 6 Breakdown Procedures

- 6.1 The owner or operator shall notify the APCO of any occurrence which constitutes a breakdown condition; such notification shall identify the time, specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence. Such notification shall be given as soon as reasonably possible, but no later than one (1) hour after its detection, unless the owner or operator demonstrates to the APCO's satisfaction that the longer reporting period was necessary.
 - 6.2 Upon receipt of notification pursuant to Section [6.1](#) the APCO shall promptly investigate and determine whether the occurrence constitutes a breakdown condition. If the APCO determines that the occurrence does not constitute a breakdown condition, the APCO may take appropriate enforcement action, including, but not limited to seeking fines, an abatement order, or an injunction against further operation.
- 7 Reporting Requirements: Within ten (10) days after a breakdown condition has been corrected, the owner or operator shall submit a written report to the APCO which includes:
 - 7.1 A statement that the breakdown condition has been corrected, together with the date of correction and proof of compliance;
 - 7.2 A specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the APCO to determine whether the occurrence was a breakdown condition;
 - 7.3 A description of the corrective measures undertaken and/or to be undertaken to avoid such an
 - 7.4 occurrence in the future. (The APCO may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the description required by this section); 7.4 An estimate of the emissions caused by the breakdown condition ; and
 - 7.5 Pictures of the equipment or controls which failed, if available.
- 8 Burden of Proof
 - 8.1 The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the APCO may undertake appropriate enforcement action.
- 9 Failure to Comply with Reporting Requirements
 - 9.1 Any failure to comply, or comply in a timely manner, with the reporting requirements established in Sections [6.1](#), and [7.1](#) through [7.5](#) of this rule shall constitute a separate violation of this rule.
- 10 False Claim of Breakdown Occurrence
 - 10.1 Any failure to comply, or comply in a timely manner, with the reporting requirements established in Sections [6.1](#), and [7.1](#) through [7.5](#) of this rule shall constitute a separate violation of this rule.

Rule 4:18 Disclosure of Data
Adopt 8/10/71

- 1 The Air Pollution Officer shall, when requested, make available to the public for examination all information and data compiled by or submitted to him in the performance of his duties except data deemed to be "trade secrets" by application of section 6254.7 (d) of the Government Code.

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Rule 4:19 Federal Requirements
Adopt 8/10/71, Deleted 8/4/87

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Rule 4:20 Accumulation of Waste
Adopt 8/10/71

- 1 No person shall throw or deposit, or cause to be thrown or deposited any garbage, waste or refuse, or allow any accumulation of same to remain in or upon any public right-of-way, watercourse, or banks of watercourses, or upon any premises whatsoever except at an approved disposal area.

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Rule 4:21 Garbage Burning
Adopt 8/10/71

- 1 It shall be unlawful to burn garbage or refuse containing garbage or to burn any other materials of a type which creates an offensive odor.

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Rule 4:22 Industrial Use of Organic Solvents
Adopt 8/4/87

- 1 A person shall not discharge more than 15 pounds of organic solvents into the atmosphere in any one day from any article, machine, equipment, or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat cured, or heat polymerized, in the presence of oxygen at temperatures above 400°F., unless all organic solvents discharged from such article, machine, equipment, or other contrivance have been reduced by at least 85 percent overall or to not more than 15 pounds in any one day.
- 2 A person shall not discharge more than 40 pounds of photochemically reactive solvents into the atmosphere in any one day from any article, machine, equipment, or other contrivance used under conditions other than described in section 1., for employing, applying, evaporating or drying any photochemically reactive solvent, as defined in Rule 1:2, or material containing such solvent, unless all photochemically reactive solvents discharged from such article, machine, equipment, or other contrivance have been reduced either by at least 85 percent over-all or to not more than 40 pounds in any one day.
 - 2.1 The provisions of this rule shall not apply to:
 - 2.1.1 The spraying or other employment of insecticides, pesticides, or herbicides.
 - 2.1.2 The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.
 - 2.1.3 The employment or application of polyester resins or acetone used in a fiberglass reinforced plastics operation.
 - 2.2 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 groups, that is, the groups having the least allowable percent of the total of solvents.
- 3 No person shall discharge from any device, contrivance, or machine more than forty (40) pounds per day of any photochemically reactive substance other than those described in 1. and 2. above unless such discharge is controlled to reduce emissions by 85%.
- 4 No person shall discharge any photochemically reactive substance from an entire operation, in amounts greater than those designated in Table 5 of this rule by the employment or application of polyester resins used in a fiberglass reinforced plastic operation. However, in no event shall more than 450 pounds per day e discharged into the atmosphere.

Table 5:
Photochemically Reactive Substances Limitations

| Emission Source | Maximum Percent Loss ¹ |
|-----------------|-----------------------------------|
| | September 1, 1987 |
| Gel Coat | 25 |

¹ Percent by weight. Emission to be measured by methods approved by the Tehama County Air Pollution Control Officer.

- 5 Hourly emissions limitations, limitations for non-photochemically reactive solvents, limitations for cleaning equipment with organic solvents, limitations in the use of architectural coatings containing organic solvents, limitations on the evaporation and disposal of solvents, and other provisions contained in 40 CFR, Part 52.254, Nov. 12, 1973, Vol. 38, No. 217, are incorporated herein by reference.

Rule 4:23 Petroleum Solvent Dry Cleaners
Adopt 8/4/87

- 1 Effective September 1, 1987, a person shall not operate any dry cleaning equipment in the Tehama County Air Pollution Control District which uses petroleum-based solvent unless:
 - 1.1 There are no leaks from any portion of the equipment.
 - 1.2 Solvents are stored in closed containers, which may be equipped with vents approved by the Air Pollution Control Officer.
 - 1.3 All washer lint traps, button traps, access doors, and other parts of the equipment, where solvent may be exposed to the atmosphere, are kept closed at all times except as required for proper operation or maintenance.
 - 1.4 The still residue is stored in sealed containers or underground tanks and is disposed of at a Class I dump or disposed of by other procedures approved by the Air Pollution Control Officer.
 - 1.5 The used filtering material is put into a sealed container immediately after removal from the filter and; is disposed of at a Class I dump, unless the dry cleaning system is equipped with one of the following filter systems.
 - 1.5.1 Cartridge filters containing paper or carbon or a combination thereof, which are fully drained in the filter housing for at least 12 hours before removal.
 - 1.5.2 Diatomaceous earth filtering system, connected to a centrifugal solvent extractor or other device capable of removing sufficient solvent, so that the remaining diatomaceous earth and soil does not contain more than 0.4 kilogram of solvent per kilogram of filter powder and soil removed.
 - 1.5.3 Any other type of filtering system or process found by the Air Pollution Control Officer to emit into the atmosphere 1 kilogram or less of solvent in the discarded soil, lint, and filtering material per 100 kilograms of articles cleaned

Rule 4:24 Fugitive Dust Emissions
Adopt 8/4/87, Repealed/Adopted 2/5/08

- 1 Purpose: The purpose of this Rule is to control fugitive dust emissions to the atmosphere emitted from significant man-made fugitive dust sources.
- 2 Applicability: The provisions of this rule shall apply to any active operation, disturbed surface area, or man-made condition capable of generating fugitive dust, including, but not limited to, bulk material handling, earthmoving, construction and demolition activity, storage piles, unpaved roads, or track-out.
- 3 Definitions:
 - 3.1 Active Operation – any activity or condition capable of generating fugitive dust, including any open storage pile, earth-moving activity, construction and demolition activity, demolition disposal, fly ash used as ground cover (not soil amendment for on-field farming operations), disturbed surface areas, non-emergency movement of motor vehicles on unpaved roadways, and operation of commercial or industrial unpaved roads or parking facilities.
 - 3.2 Bulk Material - sand, gravel, soil, aggregate, and any other organic or inorganic solid matter capable of releasing dust.
 - 3.3 Construction and Demolition Activity - any on-site mechanical activity preparatory to or related to building, alteration, rehabilitation, demolition or improvement of property, including but not limited to the following activities: grading, excavation, loading, crushing, cutting, leveling, shaping or other ground breaking.
 - 3.4 Contractor -any person or company, or licensed construction contractor having a contractual arrangement to conduct an active operation subject to this Rule.
 - 3.5 Disturbed Surface Area - portion of the earth's surface having been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural condition, thereby increasing the potential for emission of fugitive dust. Disturbed surface area does not include areas restored to a natural state with vegetative ground cover and soil characteristics similar to adjacent or nearby natural conditions.
 - 3.6 Dust Suppressant - water, hygroscopic materials, or non-toxic chemical stabilizers used as treatment to reduce fugitive dust emissions. A suppressant shall not be used if prohibited by the Regional Water Quality Control Board, the California Air Resources Board, the Environmental Protection Agency, or any applicable law, rule or regulation. All suppressants shall meet all specifications, criteria, or tests required by any federal, state, or local water agency. The use of dust suppressants shall be of sufficient concentration and application frequency to maintain a stabilized surface.
 - 3.7 Earth-Moving Activity - grading, earth cutting and filling, loading or unloading of dirt or bulk material, adding to or removing from open storage piles of bulk material, landfilling, or soil mulching.
 - 3.8 Fly ash (bottom ash from boilers) - a byproduct of steam generation that is produced by burning wood fuels from in-forest operations, orchards, sawmills (bark, sawdust, shavings, or wood chips), and occasionally urban trees and shrubs (tree stems, limbs, stumps, leaves, or needles).
 - 3.9 Fugitive Dust - any particulate matter becoming airborne, other than being emitted from an exhaust stack, directly or indirectly as a result of human activity.

- 3.10 Grading – movement of any earth materials.
- 3.11 Inactive Disturbed Surface Area - any disturbed surface area upon which an active operation has not occurred for a period of at least ten consecutive days.
- 3.12 Open Storage Pile - any accumulation of bulk material with 5 percent or greater silt content not fully enclosed, covered or chemically stabilized, and attaining a volume of 40 cubic yards or greater. A 40 cubic yard storage pile is roughly equivalent to the volume of soil of an 8.5 foot high pile at a 37 degree angle of repose, and a surface area of 500 square feet. Silt content level in an accumulation of bulk material shall be presumed to be 5 percent or greater unless a person shows, by sampling and analysis in accordance with ASTM Method C-136, the silt content is less. Results of ASTM Method C-136 are valid for 60 days from the date the sample was taken, or such longer period as designated by the Air Pollution Control Officer. If the Air Pollution Control Officer concurs it is constant, future sampling may be required to confirm this conclusion.
- 3.13 Large Operation - any active operation, including vehicle movement on unpaved roadways, involving in excess of 100 contiguous acres of disturbed surface area, or any earth-moving activity exceeding a daily volume of 7,700 cubic meters (10,000 cubic yards) three or more times during the preceding 365-day period.
- 3.14 Particulate Matter - any solid material, existing in finely divided form.
- 3.15 Prevailing wind - from south to north, unless otherwise specified by the Air Pollution Control Officer.
- 3.16 Property Line - boundaries of the contiguous area over which the person causing or allowing fugitive dust has ownership or legal right to use the property.
- 3.17 On-field Agricultural Operations - Activities conducted for the primary purpose of the commercial growing of agricultural or horticultural commodities, tree fruits, or the commercial raising of fowl or animals, (excluding construction and construction related activities), upon the premises on which the agricultural or horticultural commodities, tree fruits, or fowl or animals are grown or raised. Such activities include, but are not limited to:
- 3.17.1 Brush or timber clearing, grubbing, scraping, ground excavation, land leveling, grading, turning under stalks, disking or tilling.
- 3.17.2 Drying, pre-cleaning, handling, or storing of agricultural commodity material on the field where it was harvested.
- 3.17.3 Handling of fowl, or animal feed materials at sites where animals or fowl are raised.
- 3.17.4 Disturbing of cultivated land as a result of fallowing, planting, plowing, disking, fertilizing the soil, cultivating, irrigating, controlling weeds, thinning, heating, pruning, fumigating, spraying, dusting, or harvesting.
- 3.18 Reasonably Available Control Measure (RACM) - any technique or procedure used to prevent or reduce the emission and airborne transport of fugitive dust. RACM's include, but are not limited to, application of dust suppressants, use of coverings or enclosures, paving, enshrouding, planting, control of vehicle speeds, and any other measure recognized by the Air Pollution Control Officer as providing equivalent dust control. Table I (Page 4:24-3) and U.S. EPA's reference document "Control of Open Fugitive Dust Sources", Midwest Research Institute, September 1988 shall be used for guidance.

- 3.19 Simultaneous sampling - operation of two PM10 samplers such that one sampler is started within five minutes of the other, and each sampler is operated for a consecutive period of not less than 290 minutes and not more than 310 minutes.
- 3.20 Stabilized surface - previously disturbed surface area showing visual or other evidence of surface particle conglomeration after application of a dust suppressant.
- 3.21 Track-Out- any bulk material that adheres to and agglomerates on the exterior surface of motor vehicles, haul trucks, and equipment (including tires) that have been released onto a paved road and can be removed by a vacuum sweeper or a broom sweeper under normal operating conditions.
- 3.22 Unpaved Road - any straight or curved length of well-defined travel way for motor vehicles not covered by one or the following: concrete, asphaltic concrete, or asphalt.
- 3.23 Wind gusts- maximum instantaneous wind speed as measured by an anemometer or as provided by the nearest local meteorological station.

Table I
SUGGESTED
FUGITIVE DUST REASONABLY AVAILABLE CONTROL MEASURES

| Source Category: | Control Measure: |
|----------------------------------|---|
| Unpaved Road | Improve Road Surface Control Vehicular Traffic Speed Apply Dust Suppressants |
| Construction/Demolition Activity | Use Wind Breaks Apply Dust Suppressants Daily Clean Up of Track Out |
| Earth-moving or | Use Wind Screens |
| Open Storage Pile | Use Enclosures Around Storage Piles Apply Dust Suppressants Daily Clean Up of Track Out |
| Disturbed Surface Area | Use Fences/Barriers Vegetate Apply Dust Suppressants Cover with Gravel Compact Surface Daily Clean Up of Track Out |

NOTE: If water is selected as a dust suppressant, use of nonpotable water is encouraged.

4 Exemptions:

- 4.1 The following exemptions are established as set forth in this subsection:
 - 4.1.1 On-field Agricultural Operations are exempt from the provisions of this rule;
 - 4.1.2 A permitted stationary source located within the District that has a valid air pollution Permit to Operate (PTO) issued by the District and has fugitive dust permit condition(s)

listed in the permit is not required to have a separate Fugitive Dust Permit to Operate, but shall otherwise be subject to the provisions of this rule

- 4.1.3 Construction activities (including maintenance, remodeling, or addition to an existing building) of four or fewer single family residential dwellings, none of which is located within an incorporated city, where such construction or demolition is not part of any other development project (other than a subdivision of four or fewer single family residential or agricultural parcels), shall not be subject to the provisions of this rule;
- 4.1.4 Construction activities (including maintenance, remodeling, or addition to an existing building) of two or fewer single family residential dwellings, any of which is located within an incorporated city, where such construction or demolition is not part of any other development project (other than a subdivision of two or fewer single family residential or agricultural parcels), shall not be subject to the provisions of this rule;
- 4.1.5 Grading activities that disturb less than 10,000 square feet of surface area shall not be subject to the provisions of this rule;
- 4.1.6 Movement of less than 2,000 cubic yards of earth shall not be subject to the provisions of this rule;
- 4.1.7 Active operations conducted in response to an emergency life-threatening situation, or in accordance with any officially-declared disaster or state of emergency shall not be subject to the provisions of this rule;
- 4.1.8 Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and sewer during periods of service outages and emergency disruptions shall not be subject to the provisions of this rule;
- 4.1.9 Restorative grading of unpaved shoulders of paved roads shall not be subject to the provisions of this rule;
- 4.1.10 The construction, operation, maintenance, or vacation of any public road by a public entity shall not be subject to the provisions of this rule;
- 4.1.11 Emergency maintenance of flood control channels and water spreading basins shall not be subject to the provisions of this rule
- 4.1.12 Weed and dried vegetation removal required by a governmental fire prevention/control agency shall not be subject to the provisions of this rule;
- 4.1.13 Active operations conducted during freezing weather if the only applicable RACM involves application of water shall be subject to the provisions of this rule pertaining to Fugitive Dust Permits to Operate, but shall otherwise be exempt from the provisions of this rule;
- 4.1.14 Blasting operations permitted by the California Division of Industrial Safety shall not be subject to the provisions of this rule;
- 4.1.15 Motion picture, television, and video production activities when dust emissions are required for visual effects shall not be subject to the provisions of this rule, provided that a certificate of exemption is obtained from the Air Pollution Control Officer in advance;

- 4.1.16 Activities conducted within officially designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, state recreational areas, County regional parks, and City parks, by the officials responsible for such public parks and recreational areas shall not be subject to the provisions of this rule;
- 4.1.17 Provisions of Subsection [5.2](#) (visible emissions limit) shall not apply when wind gusts exceed 25 miles per hour, provided
 - 4.1.17.1 Table I (Page 4:24-3) Reasonably Available Control Measures are implemented for each applicable fugitive dust source type, or;
 - 4.1.17.2 A person has on file with the District an approved "High Wind Fugitive Dust Control Plan" indicating technical reasons why any Reasonably Available Control Measure cannot be implemented. Such Plan shall provide an alternative measure of fugitive dust control, if technically feasible, and shall be subject to the same approval conditions as specified in Section [5](#).

5 Requirements:

- 5.1 No person shall conduct, cause, suffer, or permit any activity or condition to which this rule applies without first obtaining a Fugitive Dust Permit to Operate (FDPTO) from the Tehama County Air Pollution Control District and paying the applicable permit fee. A FDPTO shall be valid for a period of one year from date of issuance. Any FDPTO shall be subject to the provisions of Rule 2.19 ("District Indemnification")
- 5.2 No person shall discharge into the atmosphere from any fugitive source for a period aggregating more than three (3) minutes in one hour which is:
 - 5.2.1 As dark or darker in shade as that designated as No. 1 on the Ringelman Chart, as published by the United States Bureau of Mines, or
 - 5.2.2 Opacity as to obscure an observer's view to a degree equal to or greater than does smoke as described in subdivision [5.2.1](#).
- 5.3 Every person conducting, causing, suffering, or permitting any active operation subject to this rule shall utilize all applicable Reasonably Available Control Measures to minimize fugitive dust emissions from each fugitive dust source type which is part of that active operation.
- 5.4 For any large operation, except those in compliance with their district approved dust control plan, no person shall cause, suffer, or permit downwind PM10 ambient concentrations to increase more than 50 micrograms per cubic meter above upwind concentrations as determined by simultaneous upwind and downwind sampling. Any person conducting, causing, suffering, or permitting a large operation shall conduct sampling as follows: High-volume particulate matter samplers, or other EPA-approved equivalent method(s) for PM10 monitoring shall be used. Samplers shall be:
 - 5.4.1 Operated, maintained, and calibrated in accordance with 40 Code of Federal Regulations (CFR), Part 50, Appendix J, or appropriate EPA-published documents for EPA-approved equivalent methods(s) for PM10 sampling;
 - 5.4.2 Reasonably placed upwind and downwind of the large operation based on prevailing wind direction and as close to the property line as feasible, such that other sources of fugitive dust between the sampler and the property line are minimized; and

5.4.3 Operated during active operations.

5.5 Additional Special Requirements for Large Operations:

5.5.1 No person shall conduct, cause, suffer, or permit a large operation to which this rule applies without either: 1) conducting on-site PM10 air quality monitoring and associated recordkeeping, or 2) filing for, obtaining, and complying with an approved fugitive dust emissions control plan pursuant to Subsection [5.5.3.1](#).

5.5.2 Any person subject to Subsection [5.5.1](#), electing to conduct on-site PM10 monitoring and recordkeeping shall take the following actions:

5.5.2.1 Notify the Air Pollution Control Officer of intent to monitor PM10 at least seven days prior to initiating such monitoring. Notification shall contain, at a minimum, the person's name, address, telephone number, brief description and location of the operation(s), and anticipated first date of sampling.

5.5.2.2 Be responsible for acquisition, calibration and operation of PM10 samplers.

5.5.2.3 Collect one sample per calendar month. Sampling shall be conducted during typical operations, and during prevailing wind direction conditions. All other provisions of this Rule shall continue to be applicable on days when monitoring is not conducted.

5.5.2.4 Collect up to two additional samples per calendar month if requested by the Air Pollution Control Officer based on receipt of complaints from the public, visible dust emissions, or other determinations by District personnel indicating that violations of conditions specified in Subsection [5.4](#) may be occurring. Each sampling day shall be conducted during typical operations, and during prevailing wind direction conditions.

5.5.2.5 Conduct laboratory analyses in accordance with 40 CFR, Part 50, Appendix J, for all samples collected as required by Subsections [5.5.2.3](#) and [5.5.2.4](#).

5.5.2.6 Compile and submit records to the District on a quarterly basis, not later than 30 days after the end of each calendar quarter. Such records shall include:

5.5.2.6.1 Brief description and location of the operation(s);

5.5.2.6.2 Hours of active operations on days when particulate sampling occurred;

5.5.2.6.3 Location, vendor, model, and serial number of PM10 samplers used on each sampling day;

5.5.2.6.4 Date, start and end times of all PM10 sampling;

5.5.2.6.5 Laboratory results (measured ambient concentrations) of all PM10 samples;

5.5.2.6.6 List of consultants, laboratories, and other groups of individuals responsible for collection, analysis, evaluation and validation of each PM10 sample; and

5.5.2.6.7 Documentation of any maintenance and calibration actions performed on each PM10 sampler conducted in accordance with 40 CFR, Part 50, Appendix J.

5.5.3 Any person subject to Subsection [5.5.1](#) electing to obtain an approved fugitive dust emissions control plan shall take the following actions:

5.5.3.1 At least 45 calendar days prior to a calendar quarter during which air monitoring would otherwise be conducted in accordance with Subsection [5.5.2](#), submit to the Air Pollution Control Officer a fugitive dust emissions control plan, including at least:

5.5.3.1.1 Name(s), address(es), and phone number(s) of person(s) responsible for the preparation, submission, and implementation of the plan;

5.5.3.1.2 Description and location of operation(s);

5.5.3.1.3 Listing of all fugitive dust emissions sources included in the large operation;

5.5.3.1.4 Description of Reasonably Available Control Measures to be applied to each source identified in Subsection [5.3](#). Such description must be sufficiently detailed to demonstrate Reasonably Available Control Measures will be utilized and/or installed during all periods of active operations.

5.5.3.2 If there are special technical, e.g., non-economic, circumstances preventing use of Reasonably Available Control Measures for any source identified in Subsection [5.3](#), justification shall be provided in lieu of the description required in Subsection [5.5.3.1.4](#). Justification statement shall explain reason(s) why Reasonably Available Control Measures cannot be implemented.

5.5.4 The Air Pollution Control Officer shall either approve, conditionally approve, or disapprove the plan, in writing, within 30 calendar days of receipt of the plan. For a plan to be approved or conditionally approved, three conditions shall be satisfied:

5.5.4.1 All sources of fugitive dust emissions shall be identified, e.g., earth-moving, storage piles, vehicular traffic on unpaved roads, etc.;

5.5.4.2 For each source identified, at least one Reasonably Available Control Measure shall be implemented, unless the Air Pollution Control Officer approves a justification statement for that source in accordance with [5.5.3.2](#); and

5.5.4.3 If, after implementation of control measures, visible dust emissions cross property line(s), standby control measures, e.g., increased watering, shall be specified for immediate implementation.

5.5.5 If a plan can be conditionally approved with actions not specified in the plan, the applicant shall be notified in writing. Such modifications shall be incorporated into the plan within 30 days of receipt of the notice of conditional approval, or the plan shall be disapproved. A letter to the Air Pollution Control Officer stating such modifications will be incorporated into the plan shall be used as a basis to approve the plan.

- 5.5.6 An approved plan for a specific project shall be valid for a period of one year from date of approval or conditional approval. Plans shall be resubmitted, annually, at least 60 days prior to expiration date, or the plan shall be disapproved as of the expiration date. If all fugitive dust sources and corresponding Reasonably Available Control Measures or special circumstances remain identical to those identified in the previously approved plan, the resubmittal may contain a simple statement of "no-change". Otherwise a resubmittal shall contain all items specified in Subsections [5.5.3.1](#) and [5.5.3.2](#).
- 5.5.7 A contractor may have on file with the District a pre-approved plan or plans for one or more types of large projects subject to Subsection [5.5.3](#). Prior to initiation of any project, one or more applicable preapproved plan or plans may be specified by the contractor in lieu of filing a new plan or plans. However, a FDPTO shall be applied for each new project.
- 5.5.8 Any person subject to requirements of Subsection [5.5.1](#) making changes to an active operation resulting in it not fitting the definition for a large operation for a period of at least one year, may request reclassification as a non-large operation. To obtain this reclassification, a person shall submit a request in writing to the Air Pollution Control Officer specifying actions which have taken place and have reduced disturbed surface area and/or earth-moving process rate to levels below criteria for large operations. A person shall also indicate criteria for a large operation will not be exceeded during the subsequent 12-month period. The Air Pollution Control Officer shall either approve or disapprove reclassification within 60 days from receipt of a reclassification request. The Air Pollution Control Officer shall disapprove the request if indicated changes cannot be verified. If approved, a person shall be relieved of all requirements under Subsections [5.5.1](#), [5.5.2](#), and [5.5.3](#). Any person so reclassified shall again be subject to requirements of Subsection [5.5.1](#) if, at any time subsequent to reclassification, criteria for large operations are met.

Rule 4:25 Federal Requirements
Adopt 6/16/92

- 1 The provisions of Part 60, Chapter 1, Title 40, Subpart I--Standards of Performance for Hot Mix Asphalt Facilities, Code of Federal Regulations (40 CFR Part 60) which are in effect as of June 16, 1992 are incorporated herein as a part of the Rules and Regulations of the Tehama County Air Pollution Control District.

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Rule 4:26 Cutback and Emulsified Asphalt
Adopt 2/1/94, Repealed/Adopted 6/3/97

1 Purpose: To limit emission of volatile organic compounds (VOCs) from the use, manufacture, or sale of cutback and emulsified asphalt in paving, construction, or maintenance of parking lots, driveways, streets and highways.

2 Exemptions:

2.1 The provisions of this rule shall not apply to the use of:

2.1.1 Cutback and emulsified asphalt sold in the Sacramento Valley Air Basin (Basin) for shipment and use outside of the Basin, if cutback and emulsified asphalt is approved for use by the receiving District.

2.2 Medium-cure cutback asphalt used as a penetrating prime coat or in road patching material, until such time as the Air Pollution Control Officer determines that a suitable substitute material is available. This exemption shall be reviewed annually.

2.3 Medium-cure cutback asphalt when the National Weather Service forecasts that the atmospheric temperature for the 24-hour period following application will not exceed 50/F (10/C).

2.4 Medium-cure cutback asphalt at any elevation in the District from November 1st to May 1st each calendar year.

2.5 Medium-cure cutback asphalt above 1,000 feet in elevation year-round.

2.6 Medium-cure cutback asphalt for emergency road maintenance at any elevation in the District year-round.

3 Definitions:

3.1 For the purpose of this Rule, the following definitions shall apply:

3.1.1 Asphalt: A brownish-black cementitious material (solid, semi-solid, or liquid mixture) of which the main constituents are bitumens which occur naturally or are obtained by distillation from coal or petroleum.

3.1.2 Cutback Asphalt: Paving-grade asphalt liquid with petroleum distillate and as further defined by American Society for Testing and Materials (ASTM) specifications as follows:

Rapid-Cure Type ASTM D2028
Medium-Cure Type ASTM D2027
Slow-Cure Type ASTM D2026

3.1.3 Dust Palliative: Any light application of liquified asphalt (cutback or emulsified asphalt) for the express purpose of controlling loose dust.

3.1.4 Emergency Road Maintenance: Road maintenance activities required for traffic safety consideration requiring immediate response and of a nature that the maintenance cannot be rescheduled.

- 3.1.5 Emulsified Asphalt: Rapid, medium, or slow setting grade as described under section 94 of the January 1981, State of California Department of Transportation Standard Specifications.
- 3.1.6 Penetrating Prime Coat: Any application of asphalt to an absorptive surface to penetrate and bind the aggregate surface and promote adhesion between it and the new superimposed construction. Prime coats do not include dust palliatives or tack coats.
- 3.1.7 Road Oils: Shall be synonymous with slow cure asphalt.
- 3.1.8 Tack Coat: Any application of asphalt to an existing surface to provide a bond between new surfacing and existing surfacing and to eliminate slippage places where the new and existing surfaces meet.
- 3.1.9 Volatile Organic Compounds (VOC's): Any compound as defined in District Rule 1:2 Definitions.

4 Requirements:

- 4.1 Cutback Asphalt: A person shall not manufacture, sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets or highways any:
 - 4.1.1 Rapid or medium-cure cutback asphalt, or
 - 4.1.2 Slow-cure cutback asphalt material that contains more than 0.5 percent by volume VOCs that evaporate at 500/F (260/C) or less.
- 4.2 Emulsified Asphalt: A person shall not manufacture, sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets or highways any emulsified asphalt material that contains more than 3.0 percent by volume VOCs that evaporate at 500/F (260/C) or less.

5 Test methods:

- 5.1 Measurement of VOC content in cutback asphalt pursuant to Subsection [4.1](#) of this rule shall be conducted and reported in accordance with ASTM Test Method D 402-76.
- 5.2 Measurement of VOC content in emulsified asphalt pursuant to Subsection [4.2](#) of this rule shall be conducted and reported in accordance with ASTM Test Method D 244-89.
- 5.3 Measurement of exempt compound content in cutback and emulsified asphalt pursuant to Subsection [4.1](#) and [4.2](#) of this rule shall be conducted and reported in accordance with ASTM Test Method D 4457-85.

6 Record keeping:

- 6.1 Any person who manufactures, sells, offers for sale, uses or applies any asphalt material subject to this rule shall maintain a record of the specifications for each asphalt material which is sold, offered for sale, used or applied such that compliance with Subsections [4.1](#) or [4.2](#) of this rule can readily be determined. These records shall be kept for three years and be made available to the District upon request.

Rule 4:27 Fireplace and Solid Fuel Heating Device Usage
Adopt 3/14/95

- 1 Purpose: To reduce particulate matter and carbon monoxide emissions from fireplaces and solid fuel heating devices.
- 2 Applicability: This rule applies to any person who owns, sells, installs or uses solid fuel heating device(s) or fireplace(s).
- 3 Definitions:
 - 3.1 EPA-Certified Wood Heating Device: Any wood heating device that meets the performance and emission standards as set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.
 - 3.1.1 Phase I appliances must meet the emission requirements of no more than 5.5 grams per hour particulate matter emission for catalytic and 8.5 grams per hour for noncatalytic appliances. 3.1.2 Phase II emission requirements are 4.1 and 7.5 grams per hour, respectively.
 - 3.2 Fireplace: Any permanently installed masonry or factory built device designed to be used with an air-to-fuel ratio greater than or equal to 35-to-1. Fireplaces installed with a dedicated natural gas connection as decorative units under the Uniform Building Code section 3707 (n) are exempt from the requirements of this rule.
 - 3.3 Garbage: All solid, semisolid, and liquid waste generated from residential, commercial and industrial sources, excluding paper and cardboard, but including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solid and semisolid wastes.
 - 3.4 Paints: Exterior and interior house and trim paints, enamels, varnishes, lacquers, stains, primers, sealers, undercoaters, roof coatings, wood preservatives, shellacs, and other paints or paint-like products.
 - 3.5 Paint Solvents: Organic solvents sold or used to thin paints or clean up painting equipment.
 - 3.6 Pellet-Fueled Wood Heater: Any wood heater that operates on pellet wood and is either EPA certified or is exempted under EPA requirements set forth in Part 60, Title 40, Subpart AAA of the Code of Federal Regulations, February 26, 1988.
 - 3.7 Solid Fuel Appliances: Any fireplace or wood heater that burns wood, coal, or any other nongaseous or nonliquid fuels, or any similar device burning any solid fuel, used for aesthetics or space-heating purposes in a private residence or commercial establishment, which has a heat input less than one million British thermal units per hour.
 - 3.8 Used Wood Heater: Any wood heater that has been used at least once, except wood heaters that have been used by retailers for the purpose of demonstration.
 - 3.9 Waste Petroleum Product: Any petroleum product other than gaseous fuels that has been refined from crude oil, and has been used, and as a result of use has been contaminated with physical or chemical impurities.
 - 3.10 Wood-Heating Device: Any enclosed wood-burning appliance capable of and intended for space heating or domestic water heating. This term does not include fireplaces.

4 Requirements:

- 4.1 All wood-heating devices used for the first time in existing buildings and those used in all new residential and commercial building projects constructed after July 1, 1995 within the boundaries of Tehama County shall meet emission and performance requirements equivalent to EPA Phase II devices as set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.
- 4.2 No person shall cause or allow any of the following materials to be burned in a fireplace or wood-heating device: garbage, chemically treated wood, plastic products, rubber products, waste petroleum products, paints, paint solvents or coal.
- 4.3 No person shall sell, offer for sale, supply, install or transfer a used wood heating device unless:
 - 4.3.1 It is certified by the EPA, or Oregon Department of Environmental Quality, or
 - 4.3.2 It is exempted from certification by EPA, or
 - 4.3.3 It is a pellet-fueled wood heater, or
 - 4.3.4 It has been rendered permanently inoperable by the Air Pollution Control Officer (APCO).
- 4.4 The APCO shall issue an advisory through local communications media to voluntarily curtail the use of uncertified solid fuel appliances whenever weather conditions are projected to cause ambient air quality concentrations of inhaleable particulate matter (PM10) that exceed 60 micrograms per cubic meter.
- 4.5 After October 1, 1995 all masonry and factory-built fireplaces used in new construction or remodel projects within the boundaries of Tehama County shall conform to a maximum emission limit of 7.5 grams per hour of total particulate matter by either:
 - 4.5.1 being initially and permanently equipped with an insert device which is EPA-certified to meet or exceed the above standard, or
 - 4.5.2 being certified and labeled in a permanent and accessible manner to meet the above emission limit by an EPA accredited laboratory.

Rule 4:28 Organic Solvent Degreasing Operations
Adopt 3/14/95, Repealed/Adopted 6/3/97

- 1 Purpose: To control volatile organic compound emissions from solvent cleaning and degreasing operations.
- 2 Applicability: This rule shall apply to all volatile organic compound solvent cleaning and degreasing operations.
- 3 Exemptions:
 - 3.1 Solvents Containing Less Than 2% VOC. Solvent cleaning operations using solvent (including emulsions) containing no more than 2 percent of volatile organic compounds (wt) as determined by EPA Method 24 shall not be subject to the requirements of this determination.
 - 3.2 Cold Cleaners with less than 929 square centimeters (1 square foot) of liquid surface area are exempt from the equipment requirements in section [5.1](#) of this determination, except for the requirements that the cleaners shall be covered when work is not being processed.
- 4 Definitions:
 - 4.1 Air-Vapor Interface: The top of the solvent-vapor layer, and the air touching this layer.
 - 4.2 Batch-loaded: Material placed in a nonconveyorized container for cleaning.
 - 4.3 Cold Cleaner: Any cleaner using solvent which, if heated, is maintained below the initial boiling point temperature. The cleaners include, but are not limited to, remote reservoirs, spray sinks and batch-loaded dip tanks.
 - 4.4 Condenser (or primary condenser): A device, such as cooling coils, used to condense (liquify) solvent vapor.
 - 4.5 Condenser Flow Switch: A safety switch connected to a thermostat which shuts off the sump heater if the condenser coolant is either not circulating or exceeds its designed operating temperature.
 - 4.6 Control Device: A device for reducing emissions of VOC to the atmosphere.
 - 4.7 Conveyorized Solvent Cleaner: Any conveyorized cold or vapor solvent cleaner, including but not limited to gyro, vibra, monorail, cross-rod, mesh, belt and strip cleaners. Strip cleaners clean material by drawing the strip itself through the unit for cleaning prior to coating or other fabrication processes.
 - 4.8 Emulsion: A suspension of small droplets of one liquid in a second liquid.
 - 4.9 Evaporation: To change into a vapor, normally from a liquid state.
 - 4.10 Evaporative Surface Area:
 - 4.10.1 Cold Cleaner:
 - 4.10.1.1 The surface area of the top of the solvent.

- 4.10.1.2 The surface area of the solvent sink or work area for a remote reservoir.
- 4.10.2 Vapor Solvent Cleaner:
 - 4.10.2.1 The Surface area of the top of the solvent vapor-air interface.
- 4.10.3 Conveyorized Solvent Cleaner:
 - 4.10.3.1 Cold Cleaner: The surface area of the top of the solvent.
 - 4.10.3.2 Vapor Solvent Cleaner: The surface area of the top of the solvent vapor-air interface.
- 4.11 Executive Officer: The Executive Officer or Air Pollution Control Officer, or his or her delegate, of an air quality management district or an air pollution control district.
- 4.12 Freeboard Height means:
 - 4.12.1 Cold Cleaner: The vertical distance from the top of the solvent, or the solvent drain of a remote reservoir cold cleaner, to the top of the cold cleaner.
 - 4.12.2 Batch-loaded Vapor Solvent Cleaner: The vertical distance from the top of the solvent vapor-air interface to the top of the solvent cleaner.
 - 4.12.3 Conveyorized Solvent Cleaner:
 - 4.12.3.1 For non-boiling solvent, the vertical distance from the top of the solvent to the bottom of the lowest opening in the solvent cleaner where vapors can escape.
 - 4.12.3.2 For boiling solvent, the vertical distance from the top of the solvent vapor-air interface to the bottom of the lowest opening in the solvent cleaner where vapors can escape.
- 4.13 Freeboard Ratio: The freeboard height divided by the smaller of the inside length or the inside width of the solvent cleaner evaporative area.
- 4.14 Initial Boiling Point: The boiling point of a solvent as defined by ASTM D-1078-86.
- 4.15 Leak: 3 or more drops of liquid solvent per minute.
- 4.16 Lip Exhaust: A system which collects solvent vapors escaping from the top of a cleaner and directs them away from personnel using the cleaner.
- 4.17 Low Volatility Solvent: A solvent with an initial boiling point which is greater than 120/C (248/F) and with a temperature as used, at least 100/C (180/F) below the initial boiling point.
- 4.18 Make-up Solvent: That solvent added to the solvent cleaning operation to replace solvent lost through evaporation or other means.
- 4.19 Refrigerated Freeboard Chiller: A secondary cooling coil mounted above the primary condenser which provides a chilled air blanket above the solvent vapor air-interface to cause the condensation of additional solvent vapor.

- 4.20 Remote Reservoir: A cold cleaner with a tank which is completely enclosed except for a solvent return opening no larger than 100 square centimeters which allows used solvent to drain into it from a separate solvent sink or work area and which is not accessible for soaking workloads.
- 4.21 Solvent: Compounds which are used as diluents, thinners, dissolvers, viscosity reducers, cleaning agents or for other similar uses.
- 4.22 Spray Safety Switch: A manually reset switch which shuts off the spray pump if the vapor level drops more than 10 cm (4 in.).
- 4.23 Ultrasonics: Enhancement of the cleaning process by agitation of liquid solvents with high frequency sound wave vibrations.
- 4.24 Vapor Level Control Thermostat: A manually reset safety switch which turns off the sump heater if the thermostat senses the temperature rising above the designed operating level at the air-vapor interface.
- 4.25 Vapor Solvent Cleaner: Any solvent cleaner that cleans through the condensation of hot solvent vapor on colder workloads.
- 4.26 Volatile Organic Compound: Any compound as defined in District Rule 1:2 Definitions.
- 4.27 Volatile Solvent: Any solvent that is not a low volatility solvent.
- 4.28 Waste Solvent Residue: Material which may contain dirt, oil, metal particles, and/or other waste products concentrated after heat distillation of the waste solvent either in the solvent cleaner itself or after distillation in a separate still.
- 4.29 Wipe Cleaning: That method of cleaning which utilizes a material such as a rag wetted with a solvent, coupled with a physical rubbing process to remove contaminants from surfaces.
- 4.30 Workload: The objects put in a cleaner for the purpose of removing oil, grease, soil, coating, dirt or other undesirable matter from the surface of the objects.
- 4.31 Workload area:
- 4.31.1 The plane geometric surface area of the top of the submerged parts basket, or
- 4.31.2 The combined plane geometric surface area(s) displaced by the submerged workload, if no basket is used.

5 Standards:

5.1 Equipment Requirements

5.1.1 All cleaners shall be equipped with the following:

5.1.1.1 An apparatus or cover(s) which reduces solvent evaporation, except as provided in section [5.1.2](#).

5.1.1.2 A permanent, conspicuous label summarizing the applicable operating requirements contained in section [5.3](#).

- 5.1.1.3 A device for draining cleaned parts which permits the drained solvent or drag-out to be returned to the cleaner solvent tank.
- 5.1.2 Remote Reservoir Cold Cleaners shall be equipped with all of the following:
 - 5.1.2.1 A sink or work area which is sloped sufficiently towards the drain to prevent pooling of solvent.
 - 5.1.2.2 A single drain hole, not larger than 100 square centimeters (15.5 square inches) in area, for the solvent to flow from the sink into the enclosed reservoir.
 - 5.1.2.3 Except for cleaners using low volatility solvents, a drain plug or a cover for placement over the top of the sink, when the equipment is not in use.
 - 5.1.2.4 A freeboard height not less than 6 inches.
- 5.1.3 Cold Cleaners:
 - 5.1.3.1 Freeboard Requirements:
 - 5.1.3.1.1 Cold cleaners using only low volatility solvents which are not agitated, shall operate with a free-board height not less than 6 inches.
 - 5.1.3.1.2 Cold cleaners (including remote reservoir cold cleaners) using solvents which are agitated, heated above 50/C (120/F) or volatile solvents, shall operate with a freeboard ratio equal to or greater than 0.75.
 - 5.1.3.1.3 A water cover may be used as an acceptable control method to meet the freeboard requirements, if the solvent is insoluble in water and has a specific gravity greater than 1.
 - 5.1.3.2 Cover Requirements: For cold cleaners using volatile solvents, a cover that is a sliding, rolling or guillotine (bi-parting) type which is designed to easily open and close.
 - 5.1.3.3 A permanent, conspicuous mark locating the maximum allowable solvent level conforming to the applicable freeboard requirements.
- 5.1.4 Batch-loaded Vapor Cleaners shall be equipped with the following:
 - 5.1.4.1 A cover that is a sliding, rolling or guillotine (bi-parting) type which is designed to easily open and close without disturbing the vapor zone.
 - 5.1.4.2 A vapor level control thermostat.
 - 5.1.4.3 A condenser flow switch.
 - 5.1.4.4 A spray safety switch.
 - 5.1.4.5 A freeboard ratio greater than or equal to 0.75.
 - 5.1.4.6 A primary condenser.

5.1.4.7 In addition to the above, cleaners with an evaporative surface area greater than or equal to 1 square meter, shall be equipped with a refrigerated freeboard chiller for which the chilled air blanket temperature (/F) at the coldest point on the vertical axis in the center of the air-vapor interface shall be no greater than 30 percent of the initial boiling point (/F) of the solvent used or no greater than 40/F. If the chiller operates below the freezing temperature of water, it shall be equipped with an automatic defrost.

5.1.5 Conveyorized Cold Cleaners shall be equipped with the following:

5.1.5.1 A rotating basket or other method, to prevent cleaned parts from carrying out solvent liquid.

5.1.5.2 Minimized entrance and exit openings which silhouette the work loads such that the average clearance between material and the edges of the cleaner openings is less than 10 centimeters (4 inches) or less than 10% of the opening width.

5.1.5.3 A freeboard ratio greater than or equal to 0.75 which is physically verifiable.

5.1.6 Conveyorized Vapor Cleaners shall be equipped with the following:

5.1.6.1 An enclosed drying tunnel or other method, such as a rotating basket, sufficient to prevent cleaned parts from carrying out solvent liquid.

5.1.6.2 Minimized entrance and exit openings which silhouette the work loads such that the average clearance between material and the edges of the cleaner openings is less than 10 centimeters (4 inches) or less than 10% of the opening width.

5.1.6.3 A primary condenser.

5.1.6.4 A vapor level control thermostat.

5.1.6.5 A condenser flow switch.

5.1.6.6 A spray safety switch.

5.1.6.7 A freeboard ratio greater than or equal to 0.75 which is physically verifiable, or a refrigerated freeboard chiller for which the chilled air blanket temperature (/F) at the coldest point on the vertical axis in the center of the air-vapor interface shall be no greater than 30 percent of the initial boiling point (/F) of the solvent used or no greater than 40/F. If the chiller operates below the freezing temperature of water, it shall be equipped with an automatic defrost.

5.2 Alternative Control Requirements

5.2.1 Alternatively, a system to collect emissions which are vented to a control device may be used to satisfy the requirements of [5.1.3.1](#), [5.1.4.5](#) and [5.1.4.7](#), [5.1.5.3](#), [5.1.6.7](#), provided that the overall efficiency (the collection efficiency multiplied by the control efficiency) of the total system shall not be less than 85 percent by weight in reducing total non-methane hydrocarbons as determined by EPA Method 25. The collection system shall have a ventilation rate not greater than 20 cubic meters per minute per square meter over the total area of the solvent cleaner openings unless the rate must be changed to meet

Federal and State Occupational Safety and Health Administration requirements. The system must be approved in writing by the Executive Officer.

5.3 Operating Requirements

5.3.1 All Cleaners

5.3.1.1 The solvent cleaning equipment and emission control device shall be operated and maintained in proper working order.

5.3.1.2 Cleaners shall not be operated when leaking.

5.3.1.3 All solvent, including waste solvent and waste solvent residues, shall be stored in closed containers at all times. The containers shall have a label indicating the name of the solvent/material they contain.

5.3.1.4 Waste solvent and residues shall be disposed of by one of the following methods:

5.3.1.4.1 A commercial waste solvent reclamation service licensed by the State of California.

5.3.1.4.2 At a facility that is federally or state licensed to treat, store or dispose of such waste.

5.3.1.4.3 Recycling in conformance with section 25143.2 of the California Health and Safety Code.

5.3.1.5 Solvent cleaners, except remote reservoir cold cleaners using low volatility solvent, shall be covered except to process work or to perform maintenance.

5.3.1.6 Solvent carry-out shall be minimized by the following methods:

5.3.1.6.1 Rack workload for drainage.

5.3.1.6.2 Limit the vertical speed of a powered hoist, if one is used, to not more than 3.3 meters per minute (11 ft/min).

5.3.1.6.3 Retain the workload below the air-vapor interface until condensation ceases, as applicable.

5.3.1.6.4 For manual operation, from the solvent cleaner until visually dry and all dripping ceases. This requirement does not apply to emulsion cleaner workload that is rinsed with water within the cleaner immediately after cleaning.

5.3.1.7 The cleaning of porous or absorbent materials such as cloth, leather, wood or rope is prohibited.

5.3.1.8 Solvent agitation shall be achieved using pump recirculation, a mixer, or ultrasonics. Air agitation shall not be allowed.

5.3.1.9 Solvent spray shall only be a continuous fluid stream. An atomized or shower type shall not be used. In conveyORIZED cleaners, a shower type spray may be allowed provided that the spray is conducted in a totally confined space that is separated from the environment.

5.3.1.10 The solvent spray system shall not be used in a manner such that liquid solvent splashes outside the container.

5.3.1.11 For those cleaners equipped with water separators, no solvent shall be visually detectable in the water exiting the water separator.

5.3.1.12 Wipe cleaning materials containing solvent shall be kept in closed containers at all times, except during use.

5.3.1.13 A cleaner shall not be located where drafts are directed across the cleaner.

5.3.1.14 Drain cleaned material, within the freeboard area, so that the drained solvent is returned to the container.

5.3.2 Batch-loaded and ConveyORIZED Vapor Cleaners. In addition to the requirements in section [5.3.1](#), the operating requirements below shall apply:

5.3.2.1 The following sequence shall be used for start-up and shut-down:

5.3.2.1.1 When starting the cleaner, the cooling system shall be turned on before, or simultaneously with, the sump heater.

5.3.2.1.2 When shutting down the cleaner, the sump heater shall be turned off before, or simultaneously with, the cooling system.

5.3.2.2 The workload area shall not occupy more than half the evaporative surface area of the solvent cleaner.

5.3.2.3 The spray must be kept below the top of the air-vapor interface.

5.4 Prohibition

5.4.1 After the date of adoption, a lip exhaust system shall not be added to any cleaner, unless it is vented to a control device, as described in section [5.2](#).

5.5 Compliance Schedule

5.5.1 Any person subject to any of the requirements of this determination, shall comply with the following increments of progress:

5.5.1.1 By (30 days from date of adoption), be in full compliance with the operating requirements of this determination.

5.5.1.2 By (one year after date of rule adoption), be in full compliance with the equipment requirements of this determination.

5.6 Test Methods

- 5.6.1 Initial Boiling Point of Solvent: The initial boiling point of the solvent shall be determined by ASTM D1078-93.
- 5.6.2 Capture Efficiency: Capture efficiency shall be determined by the appropriate method described in the Code of Federal Regulations, 40 CFR 52.741, Appendix B.
- 5.6.3 Control Efficiency: EPA Method 25 shall be used to determine control efficiency, in combination with the appropriate method in the reference mentioned in [5.6.2](#).
- 5.6.4 Volumetric Flowrate: Volumetric Flowrate shall be determined by EPA Methods 2, 2A, 2C and 2D.
- 5.6.5 Exempt Compounds: Determination of exempt compounds, shall be performed in accordance with ASTM D4457-85 (Solvents and Coatings) and be consistent with the provisions set forth in the Code of Federal Regulations (FR, Vol. 56, No. 52, March 18, 1991).
- 5.6.6 Volatile Organic Compounds: For the purposes of this determination, the content of VOCs in solvents shall be determined by the appropriate procedures contained in EPA Method 24. 5.7

5.7 Administrative Requirements

- 5.7.1 Solvent Records: The following records shall be retained for the previous 24 month period and be available at the time of a district inspection:
 - 5.7.1.1 Each time waste solvent or waste solvent residue is removed from the facility for disposal.
 - 5.7.1.2 On a quarterly or shorter basis, record the facility-wide total volume of make-up solvent used for all cleaners.
 - 5.7.1.3 Mix ratios of solvent compounds.
 - 5.7.1.4 VOC content of solvents.
 - 5.7.1.5 Maintenance records on solvent cleaning and/or degreasing operation.

Rule 4:29 Polyester Resin Operations (Volatile Organic Compound Control Measure)
Adopt 3/14/95

- 1 Purpose: To control Volatile Organic Compound emissions from polyester resin operations.
- 2 Applicability: This rule is applicable to all commercial and industrial stationary sources performing polyester resin operations.
- 3 Exemption, Touch-Up and Repair: The provisions of section [5](#) shall not apply to touch-up and repair.
- 4 Definitions:
 - 4.1 Airless Spray: A coatings spray application system using high fluid pressure to atomize the coating without compressed air.
 - 4.2 Air-Assisted Airless Spray: A coating application system in which the coating fluid is supplied to the gun under fluid pressure and air is combined at the spray cap.
 - 4.3 Catalyst: A substance added to the resin to initiate polymerization.
 - 4.4 Cleaning Materials: Materials used for cleaning, including but not limited to, hands, tools, molds, application equipment, and work areas.
 - 4.5 Closed Mold System: A method of forming an object from polyester resins by placing the material in a confining mold cavity and applying pressure and/or heat.
 - 4.6 Control System: An emission control device and its associated collection system.
 - 4.7 Corrosion-Resistant Materials: Polyester resin materials used to make products for corrosion resistant applications such as tooling, fuel, or chemical tanks and boat hulls.
 - 4.8 Cross-Linking: The process of chemically bonding two or more polymer chains together.
 - 4.9 Cure: To polymerize, i.e., to transform from a liquid to a solid or semi-solid state to achieve desired product physical properties, including hardness.
 - 4.10 Electrostatic Spray: The spray application of coatings where an electrostatic potential is created between the part to be coated and the coating particles.
 - 4.11 Fiberglass: A fiber similar in appearance to wool or cotton fiber but made from glass.
 - 4.12 Gel Coat: A polyester resin surface coating that provides a cosmetic enhancement and improves resistance to degradation from exposure to the environment.
 - 4.13 Grams of VOC Per Liter of Material: The weight of VOC per volume of material as calculated by the following equation:

$$D = \frac{(W_s - W_w - W_{es})}{V_m}$$

where: D = Grams of VOC per Liter of Material
 W_s = Mass of volatile materials in grams

W_w = Mass of water in grams
 W_{es} = Mass of exempt compounds in grams
 V_m = Volume of materials in liters.

- 4.14 High Volume-Low Pressure: Spray equipment used to apply coatings by means of a gun which operates between 0.1 and 10 psi air pressure at the air cap of the spray gun.
- 4.15 Inhibitor: A substance used to slow down or prevent a chemical reaction.
- 4.16 Low-VOC Emissions Resin Systems: Polyester resin materials which contain vapor suppressants to reduce monomer evaporation loss.
- 4.17 Monomer: A comparatively volatile unsaturated compound such as styrene used to dissolve and subsequently copolymerize with less volatile unsaturated polyesters, for practical purposes, the volatile portion of a polyester resin liquid.
- 4.18 Polyester: A polymer containing repeating ester groups and multiple sites of unsaturation and which is soluble in styrene.
- 4.19 Polyester Resin Materials: Materials including, but not limited to, unsaturated polyester resins such as isophthalic, orthophthalic, halogenated, bisphenol-A, vinyl-ester, or furan resins; cross-linking agents; catalysts, gel coats, inhibitors, accelerators, promoters, and any other VOC-containing materials in polyester resin operations.
- 4.20 Polyester Resin Operations: Methods used for the production, rework, repair or touch-up of products by mixing, pouring, hand lay-up, impregnating, injecting, forming, winding, spraying, and/or curing unsaturated polyester resin materials.
- 4.21 Polymer: A chemical compound comprised of a large number of chemical units and which is formed by the chemical linking of monomers.
- 4.22 Repair: That part of the fabrication process that requires the addition of polyester resin material to portions of a previously fabricated product in order to mend structural damage.
- 4.23 Resin: Any of a class of organic polymers of natural or synthetic origin used in reinforced products to surround and hold fibers, and is solid or semi-solid in the cured state.
- 4.24 Specialty Resin: Any halogenated, furan, bisphenol-A, vinyl ester, or isophthalic resin used to make products for exposure to one or more of the following extreme environmental conditions: acute or chronic exposure to corrosive, caustic or acidic agents, or flame.
- 4.25 Touch-Up: That portion of the fabrication process that is necessary to cover minor imperfections.
- 4.26 Volatile Organic Compound (VOC): Any compound as defined in District Rule 1:2 - Definitions.
- 4.27 Vapor Suppressant: A substance added to a resin to minimize the outward diffusion of monomer vapor into the atmosphere.
- 4.28 Waste Materials: Those materials that include, but are not limited to, scraps resulting from cutting and grinding operations, any paper or cloth used for cleaning operations, waste resins, and any spent cleaning materials.

5 Standards:

5.1 Process and Control Requirements:

5.1.1 Any person operating a polyester resin operation shall comply with one or more of the following, as applicable:

5.1.1.1 The use of polyester resin material with a monomer content of no more than the following limits:

| Monomer Content in Uncatalyzed Polyester Resin Materials as Applied (Weight Percent as Determined by South Coast) | |
|--|-----------------|
| Polyester Resin Materials | AQMD Method 312 |
| General Purpose Polyester Resin | 35 |
| Corrosion-Resistant | 48 |
| Fire Retardant | 42 |
| High Strength | 48 |
| Clear Gel Coat | 50 |
| Pigmented Gel Coat | 45 |
| Specialty Resin | 50 |

5.1.1.2 The use of a resin containing a vapor suppressant, so that weight loss from VOC emissions does not exceed 60 grams per square meter of exposed surface area during resin polymerization; as determined by section [5.1.1](#), [6.1.1](#) of this rule; or
5.1.1.3 The use of a closed-mold system; or

5.1.1.3 The use of an emissions control system approved by the APCO which is designed and operated for the collection of fugitive emissions from polyester resin material, and which has a control device with an overall control and capture efficiency of 85 percent or more on a mass basis as determined by sections [6.1.2](#) and [6.1.7](#) of this rule.

5.1.1.4 Only airless, air-assisted airless, high volume-low pressure, or electrostatic spray equipment shall be used for the application of polyester resin materials in spraying operations.

5.2 Cleaning Material Requirements:

5.2.1 Where the use of cleaning materials containing more than 1.7 pounds of VOC per gallon of material as applied and as determined by section [6.1.6](#) of this rule or having a initial boiling point less than 190 oC, as determined by section [6.1.4](#) of this rule, exceeds four (4) gallons per day, a cleaning material reclamation system shall be used. Such a reclamation system shall operate with at least 80 percent efficiency. Solvent residues for on-site reclamation systems shall not contain more than 20 percent VOC by weight as determined by section [6.1.5](#) of this rule.

5.3 Storage and Disposal Requirements:

5.3.1 Closed containers shall be used for the storage of all uncured polyester resin materials, cleaning materials, and any unused VOC containing materials except when being accessed for use.

5.3.2 Self-closing containers shall be used in such a manner that effectively controls VOC emissions to the atmosphere for the disposal of all uncured polyester resin materials, cleaning materials, waste materials, and any unused VOC containing materials.

5.4 Compliance Dates:

5.4.1 Any person subject to the requirements of this Rule shall be in compliance with all provisions within twelve months from date of adoption.

5.4.2 Facilities operating prior to the date of adoption of this Rule which elect to install and operate an emission control system pursuant to the requirements of section [5.1.1.4](#) shall have the control system installed and operating within 18 months from date of adoption of this Rule.

6 Monitoring And Recordkeeping:

6.1 Test Methods: The analysis of cleaning materials, polyester resin materials, and control/collection efficiency shall be determined by the appropriate test methods as follows:

6.1.1 South Coast AQMD Method 309, "Static Volatile Emissions" shall be used to determine weight loss of volatile organic compound from vapor suppressed resins.

6.1.2 EPA Method 25A, "Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer".

6.1.3 EPA Method 18, "Measurement of Gaseous Organic Compound Emissions by Gas Chromatography".

6.1.4 ASTM D1078-86, "Distillation Range of Volatile Organic Liquids".

6.1.5 California Air Resources Board Method 401, "Gravimetric Purge and Trap".

6.1.6 EPA Method 24, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings".

6.1.7 40 CFR 52.741, Appendix B, "VOM Measurement Techniques for Capture Efficiency".

6.2 Recordkeeping: Any person subject to this rule shall comply with the following requirements:

6.2.1 A person shall maintain, or have available, a current list of polyester resins and cleaning materials in use which provides all of the data necessary to evaluate compliance, including the following information:

6.2.1.1 Polyester resin, catalyst, and cleaning materials used;

6.2.1.2 The weight percent of monomer in each of the polyester resin materials, and the grams of VOC per liter for the cleaning materials.

- 6.2.1.3 For approved vapor suppressed resins, the weight loss (grams per square meter) during resin polymerization, the monomer percentage, and the gel time for each resin.
 - 6.2.1.4 The amount of each of the polyester resin materials and cleaning materials used during each day of operations.
 - 6.2.1.5 The volume of polyester resin materials and cleaning materials used for touch-up and repair during each day of operation.
 - 6.2.1.6 Records of hours of operation and key operating parameters for any emissions control system.
- 6.2.2 All records required by this rule shall be retained and made available for inspection by the Air Pollution Control Officer for the previous 24 month period.

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Rule 4:30 Volatile Organic Waste Disposal Control Measure
Adopt 3/14/95

- 1 Purpose: To reduce Volatile Organic Waste emissions during the generation, storage, transfer, treatment, recycling or disposal of volatile organic wastes.
- 2 Applicability: This rule applies to any person who generates, stores, transfers, treats, recovers, recycles or disposes of volatile organic wastes.
- 3 Exemptions:
 - 3.1 Household Wastes: Wastes generated by household users shall be exempt from the requirements of this rule.
 - 3.2 Exempt Wastes: Organic agricultural chemicals (pesticides, insecticides, herbicides, and fertilizers) used to grow and harvest crops or raise fowls, animals, or bees in order to make a profit, provide a livelihood or to conduct agricultural research or instruction by an educational institution are exempt from the requirements of this rule.
- 4 Definitions:
 - 4.1 Dispose: To abandon, deposit, or otherwise discard any volatile organic waste, contained or non-contained, into or on any land or water so that such waste or any constituent of it may be emitted to the atmosphere.
 - 4.2 Generator: Any person whose act or process produces volatile organic waste.
 - 4.3 Incompatible Volatile Organic Wastes: Volatile organic wastes which are unsuitable for mixing under controlled conditions because the mixing could render some or all of the volatile organic wastes unsuitable for recycling or for application of other resource recovery process.
 - 4.4 Leak: (1) the dripping of liquid volatile organic compounds in excess of three drops per minute, (2) a reading as methane on a portable hydrocarbon detection instrument of 10,000 ppm or greater above background when measured within one centimeter of the source using EPA Reference 21—Determination of VOC Compounds Leaks, and (3) the appearance of a visible mist.
 - 4.5 Organic Compound: Any compound of carbon except:
 - 4.5.1 Carbonates
 - 4.5.2 Metallic carbides
 - 4.5.3 Carbon monoxide
 - 4.5.4 Carbon dioxide
 - 4.5.5 Carbonic acid
 - 4.5.6 Methane
 - 4.6 Resource Recovery Process: Any method, technique, or process which transforms a volatile organic waste into a useable material (such as a fuel supplement or recyclable solvent).

- 4.7 Storage: The containment of volatile organic waste prior to treatment, recovery, transfer, or disposal.
- 4.8 Treatment: Any method, technique, or process designed to reduce the organic compound content of any volatile organic waste.
- 4.9 Volatile Organic Waste: Any waste which contains organic compounds in excess of one percent by weight as determined by ARB Method 401 (Gravimetric Purge and Trap Method) or by an equivalent method approved by the Air Pollution Control Officer.

5 Standards:

- 5.1 Condition of Containers: All containers holding volatile organic waste shall be maintained in a leak-free condition.
- 5.2 Compatibility of Waste With Container: The owner or operator must use a container made of or lined with materials which will not react with the volatile organic waste to be stored so that the ability of the container to contain the waste is not impaired.
- 5.3 Management of Containers: A container holding volatile organic waste must always be closed during storage, except when it is necessary to add or remove waste. Each storage container shall be labeled with the contents identified and the dates noted on when waste solvent was added.
- 5.4 Inspections: The owner or operator shall inspect containers, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.
- 5.5 Special Requirements for Ignitable or Reactive Wastes: Containers holding ignitable or reactive waste must be located within the property boundary at least 15 meters (50 feet) from the facility's property line.
- 5.6 Special Requirements for Incompatible Wastes: Incompatible wastes must not be placed in the same container. The treatment, storage, and disposal of ignitable or reactive waste, and the commingling of wastes, or wastes and materials, must be conducted so it does not:
 - 5.6.1 Generate extreme heat, pressure, explosion, or violent reaction;
 - 5.6.2 Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health;
 - 5.6.3 Produce flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
 - 5.6.4 Damage the structural integrity of the device or facility containing the waste; or
 - 5.6.5 Through other means threaten human health or the environment.
- 5.7 Transfer: Persons transferring liquid volatile organic wastes into any container having a capacity larger than 500 gallons shall utilize submerged filling or bottom loading, or an equivalent method as approved by the Air Pollution Control Officer.
- 5.8 Disposal: A person shall not dispose of any volatile organic waste unless the disposal of such waste has been approved by the State of California Regional Water Quality Control Board and the County Director of Environmental Health. All hazardous volatile organic waste as defined in Title

22 of the California Code of Regulations shall be disposed of in a Class I landfill or treated, stored, or handled in a manner acceptable to the State of California Department of Toxic Substance Control.

- 5.9 Treatment: Any person operating a facility for the treatment of volatile organic waste shall reduce the volatile organic compound (VOC) content of the waste by no less than 99 percent by such treatment. The Air Pollution Control Officer may establish requirements to ensure that emissions from the treatment process do not endanger public health. ARB Method 401 shall be used to quantify VOC content of treated and untreated waste.
- 5.10 Resource Recovery: Any person operating a process for the recovery of resources from any volatile organic waste shall recover or reduce at least 80 percent of the volatile organic compound (VOC) content of the waste during such recovery process. California Air Resources Board Method 401 shall be used to quantify VOC content of the waste.
- 5.11 Record Keeping: Any person who generates, stores, transfers, treats, recovers, recycles, or disposes of volatile organic wastes shall maintain records for a minimum of the most recent two (2) calendar years for inspection by the Air Pollution Control Officer documenting the following information:
 - 5.11.1 Amount of solvent sent to waste;
 - 5.11.2 Amount of solvent sent to resource recovery;
 - 5.11.3 Amount of solvent sent to treatment facility.

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Rule 4:31 Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters Oxides of Nitrogen Control Measure.

Adopt 3/14/95, Repealed/Adopted 1/29/02

- 1 Purpose: To reduce Oxides of Nitrogen emissions during the operations of Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters.
- 2 Applicability: With the exception of utility boilers, this rule applies to all boilers, steam generators, and process heaters used in industrial, institutional, and commercial operations that exist within the boundaries of the Tehama County Air Pollution Control District on the date of adoption of this Rule.
- 3 Exemptions:
 - 3.1 The requirements of section [5](#) shall not apply to the units which are willing to accept a permit condition that restricts operation to an annual capacity factor of 15% or less.
 - 3.2 To continue to qualify for the exemption provided in section [3.1](#) the owner or operator of any applicable unit(s) shall submit to the Air Pollution Control Officer annual fuel use data that demonstrates that the unit(s) operated at or below the allowable 15% annual capacity factor(s). For the purposes of this section, the annual capacity factor for multiple units may be calculated based on the total fuel input to multiple like units.
 - 3.3 Following adoption of this rule, an exemption granted for any unit will become null and void if that unit operates for more than 1 calendar year at an annual capacity factor greater than 15%.
 - 3.4 The requirements of section [5](#) shall not apply to units with a rated heat input capacity less than one (1) million BTU's per hour.
- 4 Definitions: For the purposes of this section, the following definitions shall apply.
 - 4.1 Annual Capacity Factor: The ratio of the amount of fuel burned by a boiler in a calendar year to the amount of fuel it could have burned if it had operated at the rated heat input capacity for 100 percent of the time during the calendar year.
 - 4.2 Boiler or Steam Generator: An individual piece of combustion equipment fired with liquid, gaseous, or solid fuel with the primary purpose of producing steam. Boiler or steam generator does not include water heaters, any waste heat recovery boiler that is used to recover sensible heat from the exhaust of a combustion turbine, nor does it include equipment associated with a chemical recovery cycle.
 - 4.3 BTU: British thermal unit.
 - 4.4 Gas-Fired: Using natural gas, propane, or any other gaseous fuel for firing the boiler or steam generator.
 - 4.5 Heat Input: The chemical heat released due to fuel combustion in a boiler, using the higher heating value of the fuel. This does not include the sensible heat of incoming combustion air.
 - 4.6 Higher Heating Value: The heat liberated per mass of fuel burned (BTU) per pound, when fuel and dry air at standard conditions (68 degrees F and one atmosphere pressure) undergo complete combustion and all resultant products are brought to their standard states at standard conditions.

- 4.7 Oxides of Nitrogen Emissions: The sum of nitric oxide (NO) and nitrogen dioxide (NO₂) in the flue gas, collectively expressed as nitrogen dioxide.
- 4.8 Process Heater: Any combustion equipment fired with liquid, gaseous, or solid fuel and which transfers heat from combustion gases to water or process streams. A process heater does not include any kiln, furnace, recovery furnace, or oven used for drying, baking, heat treating, cooking, calcining, vitrifying or chemical reduction.
- 4.9 Rated Heat Input Capacity: The heat input capacity specified on the nameplate of the combustion unit. If the unit has been permanently altered or modified such that the maximum heat input is different than the input capacity specified on the nameplate and this alteration or modification has been approved in writing by the Air Pollution Control Officer (APCO), then the new maximum heat input shall be considered as the rated heat input capacity.
- 4.10 Reasonably Available Control Technology (RACT): The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- 4.11 Unit: Any boiler, steam generator or process heater as defined in this definition section.

5 Requirements:

- 5.1 No later than one year following District adoption of this Rule, all existing units with a rated heat input capacity greater than or equal to 5 million BTU per hour shall demonstrate final compliance with the following Reasonably Available Control Technology (RACT) emission limitations dependent upon the specific fuel fired in the unit and based upon a three-hour averaging period. All new units shall comply with the requirements of District Rule 2:3A - New Source Review.

EMISSION LIMITS FOR OXIDES OF NITROGEN (AS NO₂)

| Gaseous only fuel firing | Gaseous & Non-gaseous fuel confiring | Liquid or Solid fuel firing |
|----------------------------|---|-----------------------------|
| 0.084 lbs/MMBTU or 70 ppmv | Heat input weighted average fuel limits | 0.15 lbs/MMBTU or 115 ppmv |

- 5.2 The owner or operator of any unit(s) with a rated heat input capacity less than 5 million BTU per hour shall submit for the approval of the Air Pollution Control Officer a list of all units operating within the District boundaries and a selection of one of the following four options to be added as a permit condition to the Permit to Operate for each such unit in order to achieve compliance with this rule:
 - 5.2.1 Operate in a manner that maintains stack gas oxygen concentrations at less than or equal to 3% by volume on a dry basis for any 15 consecutive minute averaging period; or
 - 5.2.2 Operate with a stack gas oxygen trim system set at 3% by volume oxygen. The operational tolerance of the setting shall be within the range of 2.85% to 3.15%; or
 - 5.2.3 Tune the unit at least once per year by a technician that is qualified to the satisfaction of the Air Pollution Control Officer to perform a tune-up in accordance with the procedure described in Attachment 1; Note: The owner/operator of any unit(s) is required to submit

an annual report verifying that the tune-up has been performed. The report shall contain any other information or documentation that the Air Pollution Control Officer determines to be necessary, or

5.2.4 Operate in compliance with the emission limits specified in section [5.1](#) of this rule.

5.3 Emissions from units subject to this rule shall not exceed a carbon monoxide concentration of 400 parts per million by volume when using only gaseous or a combination of gaseous and liquid fuels. Solid fuel-fired units shall not exceed carbon monoxide limits expressed in permit to operate conditions.

5.4 No person shall allow the discharge into the atmosphere from any emission control device installed and operated pursuant to the requirements of section [5](#) of this Rule, ammonia (NH₃) emissions in excess of 20 ppm by volume at dry stack conditions adjusted to 3% oxygen unless compliance with this requirement is deemed to be technically or economically infeasible by the APCO due to fuel type, boiler configuration, or any other design characteristic of the unit.

6 Compliance Determination:

6.1 An owner or operator of any unit(s) shall have the option of complying with either the pounds-permillion-BTU emission rates or parts-per-million-by-volume emission limits specified in section [5.1](#) of this Rule. Periodic demonstration of compliance with this Rule with respect to emission limitations shall be once every two (2) years or 8,760 hours of actual operation, whichever occurs more frequent.

6.1.1 Test methods pursuant to section [7.1](#) of this Rule shall not be required if a continuous emissions monitoring system (CEMS) is used to determine compliance with the parts-permillion-by-volume requirements of section [5.1](#) of this Rule. A Relative Accuracy Test Audit (RATA) shall be performed annually on the CEMS pursuant to Title 40 Code of Federal Regulations (40 CFR) Part 60 Appendix B-Performance Specifications 2. and 3.

6.2 All emission determinations shall be made in the as found operating condition at the maximum firing rate allowed by the district permit, and no compliance determination shall be established within two hours after a continuous period in which fuel flow to the unit is zero, or shut off, for 15 minutes or longer.

6.3 All ppmv emission limits specified in section [5](#) of this rule are referenced at dry stack-gas conditions and corrected to 3% by volume stack gas oxygen.

Emission concentrations shall be corrected to 3% oxygen as follows:

$$[ppm]_{corrected} = \frac{20.95\% - 3.00\%}{20.95\% - [\%O_2]_{measured}} * [ppm]_{measured}$$

6.4 All emission concentrations and emission rates shall be calculated or obtained from continuous emission monitoring data, or obtained by utilizing the test methods specified in section [7](#). Test Methods of this Rule.

7 Test Methods:

7.1 Compliance with the emission requirements in section [5.1](#) shall be determined using the following test methods:

- 7.1.1 Oxides of Nitrogen - EPA Method 7E or ARB Method 100
 - 7.1.2 Carbon Monoxide - EPA Method 10 or ARB Method 100
 - 7.1.3 Stack Gas Oxygen - EPA Method 3A or ARB Method 100
 - 7.1.4 NO_x Emission Rate (Heat Input Basis) - EPA Method 19
 - 7.1.5 If certification of the higher heating value (HHV) of the fuel is not provided by a third party fuel supplier, it shall be determined by EPA Method 19.
- 7.2 For determination of the NH₃ concentrations in stack gases, Bay Area Air Quality Management District (BAAQMD) Source Test Procedure ST-1B, "Ammonia, Integrated Sampling" shall be utilized for stack sampling and EPA Method 350.3, "Ion Specific Electrode," shall be utilized as the analysis method(Reference EPA 600/4-79-020).
- 7.2.1 Alternate methods may not be used without prior approval of the Air Pollution Control Officer and, the California Air Resources Board and United States Environmental Protection Agency.

8 Recordkeeping Requirements:

- 8.1 Any persons subject to the provisions of Subsection [5.1](#) of this rule shall install no later than one year following District adoption of this rule a totalizing fuel meter for each applicable unit that fires gaseous and/or liquid fuel. The meter shall be used to demonstrate that each unit operates at or below the applicable emission limitation.
- 8.2 Meters shall be accurate to \pm one (1) percent, as certified by the manufacturer in writing. Meter readings shall be recorded at the end of each operating day in units of either cubic feet per day or gallons per day. At the end of each month, daily records shall be compiled into a monthly report. Both, monthly reports and daily records shall be maintained for a period of four (4) years and shall be made available for inspection by the Air Pollution Control Officer upon request.
- 8.3 Any person subject to the provisions of Subsection [5.1](#) of this rule who fires a solid fuel in an applicable unit shall provide a means of calculating or verifying fuel input to the unit in lbs/hr that is acceptable to the Air Pollution Control Officer for purposes of documenting compliance with the specified emission limit.

Attachment 1

Tuning Procedure²

- 1 Nothing in this Tuning Procedure shall be construed to require any act or omission that would result in unsafe conditions that would be in violation of any regulation or requirement established by Factory Manual, Industrial Risk Insurers, National Fire Prevention Association, the California Department of Industrial Relations (Occupational Safety and Health Division), the Federal Occupational Safety and Health Administration, or other relevant regulations and requirements.
 - 1.1 Operate the unit at the firing rate most typical of normal operation. If the unit experiences significant load variations during normal operation, operate it at its average firing rate.
 - 1.2 At this firing rate, record stack gas temperature, oxygen concentration, and CO concentration (for gaseous fuels) or smoke-spot number³ (for liquid fuels), and observe flame conditions after unit operation stabilizes at the firing rate selected. If the excess oxygen in the stack gas is at the lower end of the range of typical minimum values⁴, and if CO emissions are low and there is no smoke, the unit is probably operating at near optimum efficiency -- at this particular firing rate. However, complete the remaining portion of this procedure to determine whether still lower oxygen levels are practical.
 - 1.3 Increase combustion air flow to the unit until stack gas oxygen levels increase by one to two percent over the level measured in Step 2. As in Step [1.2](#), record the stack gas temperature, CO concentration (for gaseous fuels) or smoke-spot number (for liquid fuels), and observe flame conditions for these higher oxygen levels after boiler operation stabilizes.
 - 1.4 Decrease combustion air flow until the stack gas oxygen concentration is at the level measured in Step [1.2](#). From this level gradually reduce the combustion air flow, in small increments. After each increment, record the stack gas temperature, oxygen concentration, CO concentration (for gaseous fuels) and smoke-spot number (for liquid fuels). Also, observe the flame and record any changes in its condition.
 - 1.5 Continue to reduce combustion air flow stepwise, until one of these limits is reached:
 - 1.5.1 Unacceptable flame conditions -- such as flame impingement on furnace walls or burner parts, excessive flame carryover, or flame instability.
 - 1.5.2 Stack gas CO concentrations greater than 400 ppm.
 - 1.5.3 Smoke at the stack.
 - 1.5.4 Equipment-related limitations -- such as low windbox/unit pressure differential, built in air-flow limits, etc.

² This tuning procedure is based on a tune-up procedure developed by KVB, Inc. for EPA.

³ The smoke-spot number can be determined with the ASTM Test Method D-2156 or with the Bacharach methods. The Bacharach method is included in a tune-up kit that can be purchased from the Bacharach Company.

⁴ Typical minimum oxygen levels for boilers at high firing rates are:

1) For natural gas: 0.5 - 3%

2) For liquid fuels: 2 - 4%

- 1.6 Develop an O₂/CO curve (for gaseous fuels) or O₂/smoke curve (for liquid fuels) similar to those shown in Figures 1 and 2 using the excess oxygen and CO or smoke-spot number data obtained at each combustion air flow setting.
- 1.7 From the curves prepared in Step [1.6](#), find the stack gas oxygen levels where the CO emissions or smoke-spot number equal the following values:

| FUEL | MEASUREMENT | VALUE |
|----------------|-------------------|----------|
| Gaseous | CO emissions | 400 ppm |
| #1 and #2 Oils | Smoke-spot number | number 1 |
| #4 Oil | Smoke-spot number | number 2 |
| #5 Oil | Smoke-spot number | number 3 |
| Other Oils | Smoke-spot number | number |

- 1.7.1 The above conditions are referred to as the CO or smoke thresholds, or as the minimum excess oxygen levels.
- 1.7.2 Compare this minimum value of excess oxygen to the expected value provided by the combustion unit manufacturer. If the minimum level found is substantially higher than the value provided by the combustion unit manufacturer, burner adjustments can probably be made to improve fuel and air mix, thereby allowing operations with less air.
- 1.8 Add 0.5 to 2.0 percent to the minimum excess oxygen level found in Step [1.7](#) and reset burner controls to operate automatically at this higher stack gas oxygen level. This margin above the minimum oxygen level accounts for fuel variations, variations in atmospheric conditions, load changes, and nonrepeatability or play in automatic controls.
- 1.9 If the load of the combustion unit varies significantly during normal operation, repeat Steps [1.1-1.8](#) for firing rates that represent the upper and lower limits of the range of the load. Because control adjustments at one firing rate may affect conditions at other firing rates, it may not be possible to establish the optimum excess oxygen level at all firing rates. If this is the case, choose the burner control settings that give best performance of firing rates. If one firing rate predominates, settings should optimize conditions at that rate.
- 1.10 Verify that the new settings can accommodate the sudden changes that may occur in daily operation without adverse effects. Do this by increasing and decreasing load rapidly while observing the flame and stack. If any of the conditions in Step [1.5](#) result, of excess oxygen at the affect firing rates. Next, verify these new settings in a similar fashion. Then make sure that the final control settings are recorded at steady-state operating conditions for future reference (Refer to Figure 1 and Figure 2).

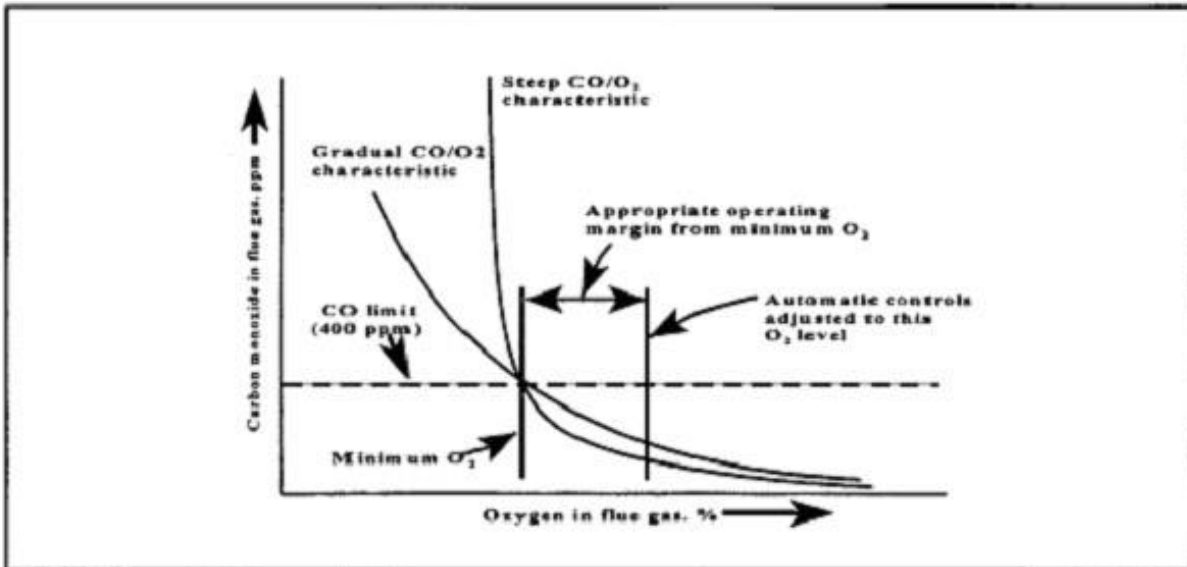


Figure 1: Oxygen/CO Characteristic Curve

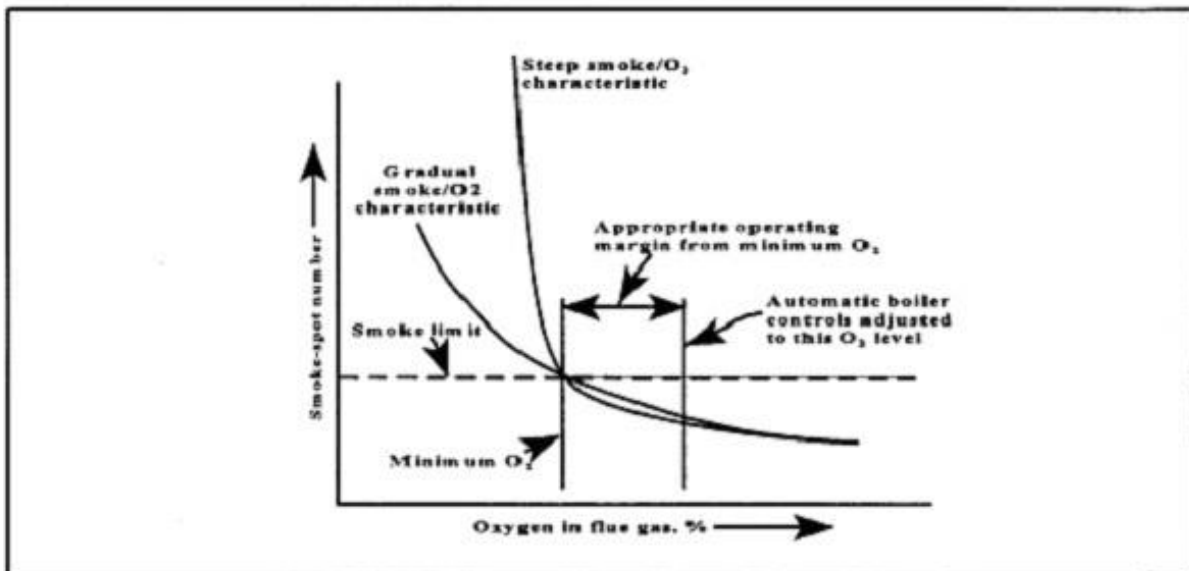


Figure 2: Oxygen/Smoke Characteristic Curve

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Rule 4:32 General Prohibitory Rule
Adopt 9/19/1995

- 1 Purpose: The purpose of this Rule is to provide federally enforceable potential to emit limitations limiting emissions below the thresholds requiring federal Title V operating permits under Rule 7:1.

- 2 Applicability: This Rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this rule, have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants or a major source of hazardous air pollutants (HAPs) and which meets one of the following conditions:
 - 2.1 In every 12-month period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in section [7.1](#) below; or
 - 2.2 In every 12-month period, at least 90 percent of the emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in section [16](#) below.
 - 2.3 Within three years of the effective date of Rule 7:1 (Federal Operating Permit Program), the District shall maintain and make available to the public upon request, for each stationary source subject to this rule, information identifying the provisions of this rule applicable to the source.
 - 2.4 This rule shall not relieve any stationary source from complying with the requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program⁵. This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.

- 3 Exemptions:
 - 3.1 General Exemptions: This Rule shall not apply to the following stationary sources:
 - 3.1.1 Any stationary source that has applied for a federal operating permit in a timely manner and in conformance with Rule 7:1 (Federal Operating Permit Program), and is awaiting final action by the District and United States Environmental Protection Agency (U.S. EPA); or
 - 3.1.2 Any stationary source required to obtain an operating permit under Rule 7:1 for any reason other than being a major source; or
 - 3.1.3 Any stationary source with valid federal operating permits; or
 - 3.1.4 Any stationary source which has a valid operating permit with federally enforceable conditions or other federally enforceable limits limiting its potential to emit to below the applicable threshold(s) for a major source as defined in sections [6.8](#) and [6.9](#) below.
 - 3.1.5 Any stationary source whose actual emissions, throughput, or operation, at any time after the effective date of this rule, is greater than the quantities specified in sections [7.1](#) or [16](#) below and which meets both of the following conditions:

⁵For example, PSD, NSR, ATC

3.1.5.1 The owner or operator has notified the District at least 30 days prior to any exceedance that s/he will submit an application for a federal operating permit, or otherwise obtain federally enforceable permit limits; and

3.1.5.2 A complete federal operating permit application is received by the District, or the permit action to otherwise obtain federally enforceable limits is completed, within 12 months of the date of notification, or

3.1.5.2.1 However, the stationary source may be immediately subject to applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

3.1.5.2.2 Notwithstanding Subsections [3.1.1](#), and [3.1.3](#) above, nothing in this section shall prevent any stationary source which has had a federal operating permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a federal operating permit or upon rescission of a federal operating permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in section [7.1](#) below, or an applicable alternative operational limit in section [16](#) below.

3.2 Exemptions from Recordkeeping Stationary Sources with De Minimis Emissions: The recordkeeping and reporting provisions in sections [10](#), [13](#) and [15](#) below shall not apply to a stationary source with de minimis emissions or operations as specified in either Subsection [3.2.1](#) or [3.2.2](#) below:

3.2.1 In every 12-month period, the stationary source emits less than or equal to the following quantities of emissions:

3.2.1.1 5 tons per year of a regulated air pollutant (excluding HAPs),

3.2.1.2 2 tons per year of a single HAP,

3.2.1.3 5 tons per year of any combination of HAPs, and

3.2.1.4 20 percent of any lesser threshold for a single HAP that the U.S. EPA may establish by rule.

3.2.2 In every 12-month period, at least 90 percent of the stationary source's emissions are associated with an operation for which the throughput is less than or equal to one of the quantities specified in Subsection [3.2.2.1](#) through [3.2.2.8](#) below:

3.2.2.1 1,400 gallons of any combination of solvent-containing materials but no more than 550 gallons of any one solvent-containing material, provided that the materials do not contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene;

3.2.2.2 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent-containing material;

- 3.2.2.3 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;
- 3.2.2.4 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;
- 3.2.2.5 1,400 gallons of gasoline combusted;
- 3.2.2.6 16,600 gallons of diesel fuel combusted;
- 3.2.2.7 500,000 gallons of distillate oil combusted, or
- 3.2.2.8 71,400,000 cubic feet of natural gas combusted.

3.2.2.8.1 Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to sections [10](#) or [15](#) shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in Subsection [3.2.1](#) or [3.2.2](#) above.

4 Effective Dates: The requirements of this Rule shall become effective January 25, 1997.

5 References: District Rule 7:1, 40 CFR Part 70, Clean Air Act Title V.

6 Definitions: All terms shall retain the definitions provided in Rule 7:1 unless otherwise defined herein.

- 6.1 12-month period: A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.
- 6.2 Actual Emissions: The emissions of a regulated air pollutant from a stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports or laboratory analyses; other information required by this rule and applicable District, State and Federal regulations; or information requested in writing by the District. All calculations of actual emissions shall use U.S. EPA, California Air Resources Board (CARB) or District approved methods, including Emission Factors and assumptions.
- 6.3 Alternative Operational Limit: A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in section [15](#), Alternative Operational Limit and Requirements.
- 6.4 Emission Unit: Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any regulated air pollutant or hazardous air pollutant.
- 6.5 Federal Clean Air Act: The federal Clean Air Act (CAA) as amended in 1990 (42 U.S.C. section 7401 et seq.) and its implementing regulations.
- 6.6 Federal Operating Permit: An operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.

- 6.7 Hazardous Air Pollutant (HAP): Any air pollutant listed pursuant to section 112(b) of the Federal Clean Air Act.
- 6.8 Major Source of Regulated Air Pollutants (excluding HAPs): A stationary source that emits or has the potential to emit a regulated air pollutant (excluding HAPs) in quantities equal to or exceeding the lesser of any of the following thresholds:
- 6.8.1 100 tons per year (tpy) of any regulated air pollutant;
 - 6.8.2 50 tpy of volatile organic compounds or oxides of nitrogen for a federal ozone nonattainment area classified as serious, 25 tpy for an area classified as severe, or 10 tpy for an area classified as extreme; and
 - 6.8.3 70 tpy of PM₁₀ for a federal PM₁₀ nonattainment area classified as serious.
 - 6.8.4 Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2 "Definitions-Major source(2)."
- 6.9 Major Source of Hazardous Air Pollutants: A stationary source that emits or has the potential to emit 10 tons per year or more of a single HAP listed in section 112(b) of the CAA, 25 tons per year or more of any combination of HAPs, or such lesser quantity as the U.S. EPA may establish by rule. Fugitive emissions of HAPs shall be considered in calculating emissions for all stationary sources. The definition of a major source of radionuclides shall be specified by rule by the U.S. EPA.
- 6.10 Potential to Emit: The maximum capacity of a stationary source to emit a regulated air pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation is federally enforceable.
- 6.10.1 Provision for Air Pollution Control Equipment: The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by Federal, State, or District rules and regulations or permit terms and conditions. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. This provision shall not apply after January 1, 1999 unless such operational limitation is federally enforceable or unless the District Board specifically extends this provision and it is submitted to the U.S. EPA. Such extension shall be valid unless, and until, the U.S. EPA disapproves the extension of this provision.
- 6.11 Process Statement: An annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughputs of process materials; throughputs of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this rule or requested in writing by the District.
- 6.12 Regulated Air Pollutant: The following air pollutants are regulated:
- 6.12.1 Oxides of nitrogen and volatile organic compounds;

- 6.12.2 Any pollutant for which a national ambient air quality standard has been promulgated;
- 6.12.3 Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the Federal Clean Air Act;
- 6.12.4 Any pollutant that is subject to any standard promulgated under section 111 of the Federal Clean Air Act; and
- 6.12.5 Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the Federal Clean Air Act, including:
- 6.12.6 Any pollutant listed pursuant to section 112® (Prevention of Accidental Releases) shall be considered a regulated air pollutant upon promulgation of the list; and
- 6.12.7 Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the District pursuant to 112(g) and (j) shall be considered a regulated air pollutant for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3); and
- 6.12.8 Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a regulated air pollutant when the determination is made pursuant to section 112(g)(2). In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.

7 Requirements and Standards:

- 7.1 Emission Limitations: Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section [16](#) below, no stationary source subject to this Rule shall emit in every 12-month period more than the following quantities of emissions:
 - 7.1.1 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs), or
 - 7.1.2 5 tons per year of a single HAP, or
 - 7.1.3 12.5 tons per year of any combination of HAPs, or
 - 7.1.4 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
 - 7.1.4.1 This Rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program. This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this Rule.

- 8 Calculating Emissions: The District shall evaluate a stationary source's compliance with the emission limitations in section [7.1](#) above as part of the District's annual permit renewal process required by Health & Safety Code section 42301(e). In performing the evaluation, the District shall consider any annual process statement submitted pursuant to section [13](#), Reporting Requirements. In the absence of valid continuous

emission monitoring data or source test data, actual emissions shall be calculated using emissions factors approved by the U.S. EPA, CARB, or the District.

- 9 Emission Permit Conditions: Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section [16](#). below, the owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in section [7.1](#) above.
- 10 Recordkeeping Requirements: Immediately after adoption of this rule, the owner or operator of a stationary source subject to this rule shall comply with any applicable recordkeeping requirements in this section. However, for a stationary source operating under an alternative operational limit, the owner or operator shall instead comply with the applicable recordkeeping and reporting requirements specified in section [15](#), Alternative Operational Limit and Requirements and section [16](#). Process Specific Alternative Operational Limits. The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in an operating permit or in a District, State, or Federal rule or regulation.
- 11 General Recordkeeping: A stationary source previously covered by the provisions in section [3.2](#) above shall comply with the applicable provisions of section [10](#) above and sections [13](#) and [15](#). below if the stationary source exceeds the quantities specified in Subsection [3.2.1](#) above.
- 12 Process Specific Recordkeeping: The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit or groups of permitted emission units sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to District, California Air Resources Board (CARB), or U.S. EPA staff upon request.
 - 12.1 Coating/Solvent Emission Unit: The owner or operator of a stationary source subject to this rule that contains a coating/solvent emission unit or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:
 - 12.1.1 A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or code, VOC content in grams per liter or pounds per gallon, HAPS content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;
 - 12.1.2 A description of any equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of the coating/solvent application/drying method(s) employed;
 - 12.1.3 A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and
 - 12.1.4 All purchase orders, invoices, and other documents to support information in the monthly log.
 - 12.2 Organic Liquid Storage Unit: The owner or operator of a stationary source subject to this rule that contains a permitted organic liquid storage unit shall keep and maintain the following records:
 - 12.2.1 A monthly log identifying the liquid stored and monthly throughput; and

- 12.2.2 Information on the tank design and specifications including control equipment.
- 12.3 Combustion Emission Unit: The owner or operator of a stationary source subject to this rule that contains a combustion emission unit shall keep and maintain the following records:
 - 12.3.1 Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and
 - 12.3.2 A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.
- 12.4 Emission Control Unit: The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:
 - 12.4.1 Information on equipment type and description, make and model, and emission units served by the control unit;
 - 12.4.2 Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and
 - 12.4.3 A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.
- 12.5 General Emission Unit: The owner or operator of a stationary source subject to this rule that contains an emission unit not included in sections [12.1](#), [12.2](#), or [12.3](#) above shall keep and maintain the following records:
 - 12.5.1 Information on the process and equipment including the following: equipment type, description, make and model, maximum design process rate or throughput, control device(s) type and description (if any);
 - 12.5.2 Any additional information requested in writing by the District;
 - 12.5.3 A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
 - 12.5.4 Purchase orders, invoices, and other documents to support information in the monthly log.
- 13 Reporting Requirements:
 - 13.1 Process Statement: At the time of annual renewal of a permit to operate under District Rule 2:2 (Permits Required), each owner or operator of a stationary source subject to this rule shall submit

to the District a process statement. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.

- 13.2 Any additional information requested by the District under section [13.1](#) above shall be submitted to the District within 30 days of the date of request.
- 14 Exemptions from Reporting: For the purpose of determining compliance with this rule, this requirement shall not apply to stationary sources which emit in every 12-month period less than or equal to the following quantities:
 - 14.1 For any regulated air pollutant (excluding HAPs):
 - 14.1.1 25 tons per year including a regulated air pollutant for which the District has a federal area designation of attainment, unclassified, transitional, or moderate nonattainment,
 - 14.1.2 15 tons per year for a regulated air pollutant for which the District has a federal area designation of serious nonattainment,
 - 14.1.3 6.25 tons per year for a regulated air pollutant for which the District has a federal area designation of severe nonattainment,
 - 14.2 2.5 tons per year of a single HAP,
 - 14.3 6.25 tons per year of any combination of HAPs, and
 - 14.4 25 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.
 - 14.4.1 A stationary source previously covered by provisions in section [14](#) above shall comply with the provisions of section [13.1](#) above if the stationary source exceeds the quantities specified in section [14](#).
- 15 Alternative Operational Limit and Requirements: The owner or operator may operate the permitted emission units at a stationary source subject to this rule under any one alternative operational limit, provided that at least 90 percent of the stationary source's emissions in every 12-month period are associated with the operation(s) limited by the alternative operational limit.
- 16 Process Specific Alternative Operational Limits: Upon choosing to operate a stationary source subject to this rule under any one alternative operational limit, the owner or operator shall operate the stationary source in compliance with the alternative operational limit and comply with the specified recordkeeping and reporting requirements.
 - 16.1 The owner or operator shall report within 24 hours to the District any exceedance of the alternative operational limit.
 - 16.2 The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log. Records required under this section shall be maintained on site for five years and be made available to District or U.S. EPA staff upon request.
 - 16.3 Gasoline Dispensing Facility Equipment with Phase I and II Vapor Recovery Systems:
 - 16.3.1 The owner or operator shall operate the gasoline dispensing equipment in compliance with the following requirements:

16.3.1.1 No more than 7,000,000 gallons of gasoline shall be dispensed in every 12-month period.

16.3.1.2 A monthly log of gallons of gasoline dispensed in the preceding month with a monthly calculation of the total gallons dispensed in the previous 12 months shall be kept on site.

16.3.1.3 A copy of the monthly log shall be submitted to the District at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

16.4 Degreasing or Solvent-Using Unit:

16.4.1 The owner or operator shall operate the degreasing or solvent-using unit(s) in compliance with the following requirements:

16.4.1.1 If the solvents do not include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 5,400 gallons of any combination of solvent-containing materials and no more than 2,200 gallons of any one solvent-containing material shall be used in every 12-month period, or

16.4.1.2 If the solvents include methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 2,900 gallons of any combination of solvent-containing materials and no more than 1,200 gallons of any one solvent-containing material shall be used in every 12-month period.

16.4.1.2.1 A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.

16.4.1.2.2 A copy of the monthly log shall be submitted to the District at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

16.5 Paint Spraying Unit Alternative Operational Limits:

16.5.1 The owner or operator shall operate the paint spraying unit(s) in compliance with the following requirements:

16.5.1.1 The total usage rate of all VOC-containing materials, including but not limited to; coatings, thinners, reducers, and cleanup solution shall not exceed 160,000 pounds of any combination of such VOC-containing materials that are not hazardous air pollutants (HAPS), 40,000 pounds of any combination of HAPS, and no more than 16,000 pounds of any single HAP in every 12-month period.

16.5.1.2 A monthly log of the gallons of VOC-containing materials used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.

16.5.1.3 A copy of the monthly log shall be submitted to the District at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

16.6 Diesel-Fueled Emergency Standby Engine(s) with Output Less Than 1,000 Brake Horsepower:

16.6.1 The owner or operator shall operate the emergency standby engine(s) in compliance with the following requirements:

16.6.1.1 For a federal ozone area designation of attainment, unclassified, transitional, or moderate nonattainment, the emergency standby engine(s) shall not operate more than 5,200 hours in every 12-month period and shall not use more than 265,000 gallons of diesel fuel in every 12-month period.

16.6.1.2 A monthly log of hours of operation, gallons of fuel used, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months shall be kept on site.

16.6.1.3 A copy of the monthly log shall be submitted to the District at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

17 Process Specific Operational Limits: The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in an exceedance of an applicable operational limit specified in section [16](#) above.

18 Violations:

18.1 Failure to Comply: Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this Rule. Each day during which a violation of this Rule occurs is a separate offense.

18.2 Subjection to Title V Permitting: A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including Rule 7:1 when the conditions specified in either Subsections [18.2.1](#) or [18.2.2](#), below, occur:

18.2.1 Commencing on the first day following every 12-month period in which the stationary source exceeds a limit specified in section [7.1](#) above and any applicable alternative operational limit specified in section [16](#) above, or

18.2.2 Commencing on the first day following every 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in section [7.1](#) above or any applicable alternative operational limit specified in section [16](#) above.

Rule 4:33 Municipal Solid Waste Landfills
Adopted 6/3/97

- 1 Purpose: The purpose of this rule is to limit nonmethane organic compound (NMOC) emissions from municipal solid waste (MSW) landfills by implementing the provisions of Title 40 Code of Federal Regulations (CFR) Part 60, Subpart Cc--Emission Guidelines and Compliance Times for MSW Landfills.
- 2 Applicability: This rule applies to all MSW landfills meeting the following conditions:
 - 2.1 Construction, reconstruction or modification was commenced before May 30, 1991; and
 - 2.2 The MSW landfill has accepted waste at any time since November 8, 1987, or has additional design capacity available for future waste deposition.
- 3 Definitions: Terms used but not defined in this rule have the meaning given them in 40 CFR Part 60.751 (Definitions) except:
 - 3.1 Administrator: For the purposes of this rule, means Air Pollution Control Officer (APCO) of the Tehama County Air Pollution Control District, except that the APCO shall not be empowered to approve:
 - 3.1.1 Alternative or equivalent test methods, alternative standards; or
 - 3.1.2 Alternative work practices unless included in the site-specific design plan as provided in 40 CFR 60.752(b)(2)(I).
 - 3.2 Design plan or plan means the site-specific design plan for the gas collection and control system submitted under section [5.3](#) of this rule.
- 4 Effective Date: The effective date of this rule shall be August 1, 1997.
- 5 Standards:
 - 5.1 Each owner or operator of a MSW landfill that has a design capacity equal to or greater than 2.5 million megagrams or 2.5 million cubic meters, and a nonmethane organic compound (NMOC) emission rate of 50 megagrams per year or more, as calculated pursuant to 40 CFR 60.754 (Test Methods and Procedures) shall install a collection and control system meeting the conditions provided in 40 CFR 60.752(b)(2)(ii) and (iii).
 - 5.2 The owner or operator of each MSW landfill shall submit an initial design capacity report and amended design capacity report as specified in 40 CFR 60.752 (Standards for Air Emissions from MSW Landfills). Any density conversions shall be documented and submitted with the report.
 - 5.3 The owner or operator shall submit a site-specific collection and control system design plan to the APCO as provided under 40 CFR 60.752(b)(2)(I).
 - 5.4 The design plan shall include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions of 40 CFR 60.753 through 60.758.
 - 5.5 The APCO shall review and either approve or disapprove the plan, or request that additional information be submitted. The design plan shall either conform with specifications for active collection systems in 40 CFR 60.759 or include a demonstration to the APCO's satisfaction of the

sufficiency of the alternative provisions to 40 CFR 60.759. The design plan may include alternatives as specified in 40 CFR 60.752(b)(2)(B).

- 5.6 Each MSW landfill required to install a gas collection and control system under this section shall meet the operational standards in 40 CFR 60.753; the compliance provisions in 40 CFR 60.755 and the monitoring provisions in 40 CFR 60.756, except that the APCO may approve alternatives in the design plan as provided in section [5.5](#) of this rule.
- 6 Recordkeeping and Reporting Requirements: The owner or operator of each MSW landfill shall meet the recordkeeping and reporting requirements of 40 CFR 60.757 and 40 CFR 60.758, as applicable, except that the APCO may approve alternative recordkeeping and reporting provisions as provided in section [5.5](#) of this rule. Any records or reports required to be submitted pursuant to 40 CFR 60.757 or 40 CFR 60.758 shall be submitted to the APCO.
- 7 Compliance Schedule: The design capacity and the NMOC emissions reports required pursuant to 40 CFR 60.752 and 40 CFR 60.754 shall be submitted within ninety (90) days of the effective date of this rule.
 - 7.1 The site-specific collection and control system design plan required under section [5.3](#) of this rule shall be submitted within one (1) year after determining that the MSW landfill has a NMOC emission rate equal to or greater than fifty (50) megagrams per year.
 - 7.2 The planning, awarding of contracts, and installation of the collection and control equipment required pursuant to section [5.1](#) of this rule shall be accomplished within thirty (30) months after the effective date of this rule.
 - 7.3 The initial performance test of the collection and control system equipment shall be accomplished within six (6) months of control system startup.

Rule 4:34 Stationary Internal Combustion Engines

Adopted 6/3/97, Repealed/Adopted 01/29/02, Repealed/Adopted 02/24/09, Repealed/adopted 03/01/22

- 1 Purpose: To limit emissions of nitrogen oxides (NO_x) and carbon monoxide (CO) from stationary internal combustion engines.
- 2 Applicability: The provisions of this rule apply to any gaseous, diesel, or any other liquid-fueled stationary internal combustion engine within the boundaries of the District.
- 3 Exemptions: Except for the administrative requirements of section [6.3](#) the provisions of this rule shall not apply to the following engines:
 - 3.1 Engines operated directly and exclusively for agricultural operations in the growing of crops or raising of fowl or animals if maintained to manufacturers specifications;
 - 3.2 Non-emergency engines operating less than 200 hours per calendar year for non-emergency purposes as determined by a non-resetting hour meter, or any emergency standby engine as approved by the Air Pollution Control Officer (APCO);
 - 3.3 Any engine rated by the manufacturer < 50 brake horsepower (bhp) if maintained to manufacturers specifications;
 - 3.4 Gas turbine engines;
 - 3.5 Engines operated exclusively for fire fighting or flood control;
 - 3.6 Laboratory engines operated in research and testing;
 - 3.7 Existing internal combustion engines to be permanently replaced with electric motors or removed from service by July 1, 1999 based upon a permit condition, contract, or binding agreement with the District;
 - 3.8 Portable internal combustion engines which have been registered under the state portable equipment regulation contained in sections 2450-2465, Title 13, California Code of Regulations;
 - 3.9 Diesel internal combustion engines manufactured prior to 1950 and operated less than 500 hours per year.
- 4 Definitions:
 - 4.1 Emergency: Any situation arising from sudden and reasonably unforeseeable natural disaster such as earthquake, flood, wildfire, or other act of God, or events beyond the control of the operator, employees, or contractors, or accidents which require the operation of internal combustion engine(s) to provide primary mechanical or electrical power in its abatement or control.
 - 4.2 Emergency Standby Engine: An internal combustion engine operated only during emergencies and for testing and maintenance purposes. Testing and maintenance shall be limited to no more than 100 hours per year.
 - 4.3 Non-Emergency Engine: An internal combustion engine that is not used for electric power generation or any other engine as approved by the APCO that is not used in conjunction with any utility voluntary demand reduction program.

- 4.4 Lean-Burn Engine: Any spark or compression ignited internal combustion engine that is operated with an exhaust gas stream oxygen concentration of four percent (4%) by volume, or greater. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.
- 4.5 Rated Brake Horsepower: The maximum rated brake horsepower specified for the engine by the manufacturer and listed on the nameplate for the unit, regardless of any derating, unless limited by the engine's Permit to Operate (PTO).
- 4.6 Rich-Burn Engine: Any spark or compression ignited internal combustion engine that is operated with an exhaust gas stream oxygen concentration of less than four percent (4%) by volume. The exhaust gas oxygen content shall be determined from the uncontrolled exhaust gas stream.
- 4.7 Stationary Internal Combustion Engine: Any spark or compression ignited internal combustion engine, excluding emergency equipment, that is attached to a foundation, frame, or other support and is stationary while in operation, or is operated at a site for more than six (6) consecutive months:
- 4.7.1 Any engine, such as a back-up or standby engine, that replaces an engine at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of both emissions units, including the time between removal of the original unit and the installation of the replacement unit, would be counted toward the consecutive residence time period; or
- 4.7.2 The engine remains or will remain at a location for less than six (6) consecutive months where such a period represents the full length of normal operations at the stationary source, such as a seasonal source; or
- 4.7.3 The engine is removed from one location for a period and then returned to the same location in an attempt to circumvent the residence time requirements of six (6) months.
- 4.7.3.1 The period during which the emissions unit is maintained at a storage facility shall be excluded from determining the above residency requirement.

5 Requirements:

- 5.1 Emission Limitations: Any stationary internal combustion engine, other than those engines specified in section 3, rated at ≥ 50 bhp but < 300 bhp shall not be operated in a manner that results in emissions exceeding the limits listed below:

| <u>Engine Type</u> | <u>NOx (ppmv)</u> | <u>CO (ppmv)</u> |
|-------------------------------|-------------------|------------------|
| Rich Burn | 640 | 4500 |
| Lean Burn | 740 | 4500 |
| Diesel Fired | 600 | 4500 |
| Gasoline and all liquid fired | 90 | 4500 |

ppmv = parts per million by volume corrected to 15% oxygen, dry basis

NOx = oxides of nitrogen, calculated as equivalent NO₂

CO = carbon monoxide

- 5.2 Emission Limitations: Any stationary internal combustion engine, other than those engines specified in section 3, rated at ≥ 300 bhp shall not be operated in a manner that results in emissions exceeding the limits listed below

| <u>Engine Type</u> | <u>NO_x (ppmv)</u> | <u>CO (ppmv)</u> |
|-------------------------------|------------------------------|------------------|
| Rich Burn | 90 | 4500 |
| Lean Burn | 150 | 4500 |
| Diesel Fired | 600 | 4500 |
| Gasoline and all liquid fired | 90 | 4500 |

ppmv = parts per million by volume corrected to 15% oxygen, dry basis

NO_x = oxides of nitrogen, calculated as equivalent

NO₂ CO = carbon monoxide

- 5.3 Emission Limitations: Effective December 31, 2024 any natural gas powered stationary internal combustion engine, other than those engines specified in section 3, shall not be operated in a manner that results in emissions exceeding the limits listed below:

| Engine Type | % Control of NO _x | NO _x (ppmv) | CO (ppmv) |
|--|------------------------------|------------------------|-----------|
| Spark-ignited Rich burn | | | |
| Waste Gas Fueled | 90 | 50 | 4,500 |
| All other Engines | 96 | 25 | 4,500 |
| Spark-ignited Lean Burn | | | |
| Two Stroke, Gaseous Fueled, Less Than 100 Horsepower | -- | 200 | 4,500 |
| All Other Engines | 90 | 65 | 4,500 |
| ppmv = parts per million by volume corrected to 15% oxygen, dry basis | | | |
| NO _x = oxides of nitrogen, calculated as equivalent NO ₂ | | | |
| CO = carbon monoxide | | | |

- 5.4 Emission Limitations: Except for visible emissions from diesel pile-driving hammers and any diesel auxiliary engine or generator used exclusively to operate a drinking water system, no air contaminant shall be discharged into the atmosphere for a period or periods aggregating more than three minutes in any one hour which is as dark or darker than Ringelmann 1 or equivalent 20% opacity as determined by EPA Method 9. Diesel pile-driven hammers shall comply with the applicable provisions of section 41701.5 of the California Health and Safety Code. Diesel auxiliary engines or generators used exclusively to operate a drinking water system shall comply with the applicable provisions of section 41701.6 of the California Health and Safety Code.

- 6.1 Information Required: No later than September 1, 1997 the owner or operator of any existing engine subject to the provisions of this rule shall provide the following or apply for an Authority to Construct:
- 6.1.1 Permit to Operate number;
 - 6.1.2 Engine manufacturer;
 - 6.1.3 Model designation;
 - 6.1.4 Rated brake horsepower;
 - 6.1.5 Type of fuel and type of ignition;
 - 6.1.6 Combustion type: rich-burn or lean-burn;
 - 6.1.7 Two (2) or four (4) cycle;
 - 6.1.8 Any installed emission control equipment.
 - 6.1.8.1 The owner or operator shall identify the type of emission control to be applied to each stationary engine, or shall provide support documentation sufficient to demonstrate that the engine is in compliance with the emission limits of this rule.
- 6.2 Recordkeeping: The owner or operator of any stationary internal combustion engine subject to the provisions of this rule shall maintain an engine operating log for each month or any part of a month that the device is operated that includes the following:
- 6.2.1 Total recorded hours of operation, calculated hours of operation based upon fuel usage, or other calculation procedure to determine hours of operation based upon a method authorized by the Air Pollution Control Officer;
 - 6.2.2 Type of fuel combusted, measured quantity of fuel used, or calculated fuel usage based upon a method authorized by the Air Pollution Control Officer;
 - 6.2.3 Date(s) and type of maintenance performed;
 - 6.2.4 Annual emission test results using portable analyzer as specified in section [7.1.1](#) of this rule;
 - 6.2.5 This information shall be maintained for a period of two years and shall be submitted to the APCO upon request.
- 6.3 Exempt engines: Any owner or operator claiming an exemption under section [3.2](#) through [3.9](#) shall:
- 6.3.1 Submit support documentation identifying reasons for the exemption no later than September 1, 1997. Documentation shall be submitted for each exemption applied for and shall contain a list that provides the following if applicable:
 - 6.3.1.1 Engine manufacturer;

- 6.3.1.2 Model designation;
- 6.3.1.3 Rated brake horsepower;
- 6.3.1.4 Type of fuel and type of ignition;
- 6.3.1.5 Combustion type: rich-burn or lean-burn;
- 6.3.1.6 Two (2) or four (4) cycle; Gas turbine;
- 6.3.1.7 Portable equipment registration or certificate number;
- 6.3.1.8 Removal or electrification schedule.

6.3.2 Maintain annual operating records and/or support documentation necessary to claim exemption This information shall be maintained for two years and shall be submitted to the APCO upon request.

7 Compliance Testing:

- 7.1 Testing Schedule: The owner or operator of any stationary internal combustion engine subject to the provisions of this rule, except those engines utilizing Continuous Emission Monitoring (CEM), or are exempt under section [3](#), shall demonstrate compliance with the requirements of section [5.1](#)., [5.2](#) or [5.3](#) by conducting an initial emission test in accordance with methods specified in section [7.2](#). of this Rule.
 - 7.1.1 Upon successful demonstration of initial compliance, annual testing of emissions with a portable analyzer as specified in section 7.2 shall be completed by the owner or operator as an inspection and maintenance program. If any emission values are found to be greater than the limits specified in section 5.1.,5.2 or 5.3, immediate corrective action shall be taken and the District shall be advised of the condition of excessive emissions. Record keeping of all results of this inspection and maintenance program shall be required as specified in section 6.2 of this Rule.
 - 7.1.2 The testing of emissions required in section 7.1.1 above shall be demonstrated in the presence of District staff for compliance demonstration purposes upon request by the District.
 - 7.1.3 Testing of emissions pursuant to section 7.2 may be required at any time for enforcement purposes.
- 7.2 Test Methods: Compliance with the requirements of section 5.1, 5.2 or 5.3 shall be determined at the manufacturers recommended maximum horsepower for continuous operation, normal operating level, or consistent with limitations listed in the Permit to Operate, in accordance with the following test procedures:
 - 7.2.1 Oxides of Nitrogen shall be determined by EPA Method 7E, or ARB Method 100, or a portable analyzer*.
 - 7.2.2 Carbon Monoxide shall be determined by EPA Method 10, or ARB Method 100, or a portable analyzer*.

7.2.3 Oxygen Content shall be determined by EPA Method 3, 3A, or ARB Method 100, or a portable analyzer*.

7.2.4 NOx emission limitations specified in section [5.1](#) and [5.2](#) shall be expressed as nitrogen dioxide (NO₂). All ppmv emission limitations are referenced at fifteen percent (15%) volume stack gas oxygen on a dry basis. Source test data point intervals shall be no greater than five (5) minutes and data points shall be averaged over no less than 15 minutes of engine operation.

7.2.4.1 *Note: Specific portable analyzers may be used for the measurement of oxides of nitrogen, carbon monoxide, and oxygen which do not meet the requirements of the test methods specified in sections [7.2.1](#), [7.2.2](#) and [7.2.3](#) provided that evidence accompanies each test report that instrument operation conformed to manufacturer's recommendations and that the instrument(s) used responded appropriately to calibration gases both before and after testing, and provided that measurements made by the methods specified in sections [7.2.1](#), [7.2.2](#) and [7.2.3](#) shall be recognized as more reliable in any dispute involving measurements made by different methods. Evidence of instrument response stability shall be provided if calibration checks are not performed at the test site immediately before and after testing.

8 Initial Compliance Schedule: Owners or operators of engines subject to the requirements of section [5.1](#) and/or [5.2](#) shall comply with the requirements of this rule by the following schedule:

8.1 No later than January 1, 1998 submit a complete application for Authority to Construct for all modifications to each engine required to comply with section [5.1](#) or [5.2](#) of this rule, or shall provide support documentation sufficient to demonstrate that each engine is in compliance with the emission limits of this rule.

8.2 No later than January 1, 1999 complete all modifications to each engine and demonstrate full compliance with all provisions of this rule.

Rule 4:35 Vehicle and Mobile Equipment Coating Operations
Adopt 11/3/98

- 1 Purpose: To Control Volatile Organic Compound emissions from vehicle and mobile equipment coating operations.
- 2 Applicability: The provisions of this rule apply to any person who supplies, sells, offers for sale, applies or specifies the use of coatings for vehicles, mobile equipment, and their parts or components. 2.1 The provisions of this rule shall become effective July 1, 1999. 3
- 3 Exemptions:
 - 3.1 The sales prohibition in Subsection [5.1](#) and transfer efficiencies in Subsection [5.5](#) shall not apply to the sale of any coating supplied in a nonaerosol container with a capacity of 16 fluid ounces or less, and shall not apply to any coating supplied in a hand-held, nonrefillable aerosol container.
 - 3.2 The sales prohibition in Subsection [5.1](#) shall not apply to the sale of coatings where the emissions to the atmosphere from the application of those coatings are controlled by a District approved VOC add-on control device that meets the requirements of Subsection [5.4](#) of this Rule.
 - 3.3 The sales prohibition in Subsection [5.1](#) shall not apply to any coating shipped outside of the District for use outside of the District, or sold in the District for use outside the District.
 - 3.4 Any application of logos, letters, numbers and graphics to a painted surface, with or without a template, shall be exempt from this rule.
 - 3.5 Any coating operation of a vehicle by a resident of a one or two family dwelling shall be exempt from this rule provided:
 - 3.5.1 The resident is the registered owner of the vehicle being coated;
 - 3.5.2 The coating operation is not being conducted as a business;
 - 3.5.3 The coating operation is limited to two vehicles per year;
 - 3.5.4 The coating operation does not cause a public nuisance.
 - 3.6 With prior written approval of the APCO and on a limited term basis, the requirements of Subsection [5.9](#), Spray Booths and Prep Stations, shall not apply to the coating of vehicle(s) which due to shape or size, cannot reasonably be contained in any available substitute Spray Booth. All operations shall be conducted in a manner that a public nuisance is not caused to surrounding receptors.
 - 3.7 The requirements of Subsection [5.9](#), Spray Booths and Prep Stations, shall not apply to:
 - 3.7.1 Any repair, touch-up, or spot priming operation which does not exceed a total of nine (9) square feet per vehicle. All operations shall be conducted in a manner that a public nuisance is not caused to surrounding receptors.
 - 3.7.2 Any weld-thru primer.
 - 3.7.3 Any application of coatings to agricultural equipment.

3.7.4 Any applications of coatings to owner-operated construction vehicles.

4 Definitions:

- 4.1 Active Solvent Losses: The active solvent losses are the emissions during all steps of a spray gun equipment cleaning operation and are expressed in units of grams of solvent loss per cleaning cycle.
- 4.2 Antiglare/Safety Coating: A coating which does not reflect light.
- 4.3 Camouflage Coating: A coating applied on motor vehicles to conceal such vehicles from detection.
- 4.4 Catalyst: A substance whose presence initiates the reaction between chemical compounds.
- 4.5 Color Match: The ability of a repair coating to blend into an existing coating so that color difference is not visible.
- 4.6 Coating: A liquid, liquefiable or mastic composition which is converted to a solid protective, decorative, or functional adherent film after application as a thin layer.
- 4.7 Electrophoretic Dip: A coating application method where the coating is applied by dipping the component into a coating bath and an electrical potential difference exists between the component and the bath.
- 4.8 Electrostatic Application: A sufficient charging of atomized paint droplets to cause deposition principally by electrostatic attraction. This application shall be operated at a minimum of 60 KV power.
- 4.9 Exempt Organic Compounds: Any compound identified as exempt under the definition of "Volatile Organic Compounds."
- 4.10 Extreme Performance Coating: Any coating used on the surface of a vehicle, mobile equipment or their parts or components which is exposed to extreme environmental conditions such as high temperatures, corrosive or erosional environments, during the vehicle's principal use.
- 4.11 Four-Stage Coating System: A topcoat system composed of a ground coat portion, a pigmented basecoat portion, a semi-transparent midcoat portion, and two transparent clearcoat portions. Four-stage coating systems VOC content shall be calculated according to the following formula:

$$VOC_{T4 - stage} = \frac{VOC_{gb} + VOC_{bc} + VOC_{mc} + 2VOC_{cc}}{5}$$

Where:

- VOC T4-stage = the average of the VOC content as applied in the ground coat (gc), basecoat (bc), midcoat (mc), and clearcoat (cc) system.
- VOCgc = the VOC content as applied of any given groundcoat.
- VOCbc = the VOC content as applied in the basecoat.
- VOCmc = the VOC content as applied of any given midcoat.
- 2 VOCcc = two times the VOC content as applied of any given clearcoat.

- 4.12 Grams of VOC Per Liter of Coating Less Water And Less Exempt Organic Compounds: The weight of VOC per combined volume of VOC and coating solids and can be calculated by the following equation:

$$\begin{array}{l} \text{Grams of VOC per liter} \\ \text{of Coating Less Water} = \\ \text{and Less Exempt Organic Compounds} \end{array} \quad \frac{Ws - Ww - Wes}{Vm - Vw - Ves}$$

Where:

- Ws = Weight of volatile compounds (grams)
- Ww = Weight of water (grams)
- Wes = Weight of exempt organic compounds (grams)
- Vm = Volume of material (liters)
- Vw = Volume of water (liters)
- Ves = Volume of exempt organic compounds (liters)

- 4.13 Grams of VOC Per Liter of Material: The weight of VOC per volume of material and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{Ws - Ww - Wes}{Vm}$$

Where:

- Ws = Weight of volatile compounds (grams)
- Ww = Weight of water (grams)
- Wes = Weight of exempt organic compounds (grams)
- Vm = Volume of material (liters)

- 4.14 Group I Vehicles: These vehicles include passenger cars, large/heavy duty truck cabs and chassis, light and medium duty trucks and vans, and motorcycles.
- 4.15 Group II Vehicles: These vehicles include public transit buses.
- 4.16 Gun Washer: Electrically or pneumatically operated system that is designed to clean spray application equipment while enclosed. A gun washer may also be considered a gun cleaning system that consists of spraying solvent into an enclosed container using a snug fitting cover.
- 4.17 Hand Application Methods: The application of coatings by nonmechanical hand-held equipment including but not limited to paint brushes, hand rollers, caulking guns, trowels, spatulas, syringe daubers, rags, and sponges.
- 4.18 High-Volume, Low-Pressure Application (HVLP): Spray equipment which uses a high volume of air delivered at pressures between 0.1 and 10 psig.
- 4.19 Low Emission Spray Gun Cleaner: Any properly used spray equipment cleanup device which has passive solvent losses of no more than 0.6 grams per hour and has active solvent losses of no more than 15 grams per operating cycle as defined by the test method in Subsection [6.6](#).
- 4.20 Metallic/Iridescent Topcoat: Any topcoat which contains more than 5 g/l (.042 lb/gal) of iridescent particles, composed of metal as metallic particles or silicon as mica particles, as applied, where such particles are visible in the dried film.

- 4.21 Mobile Equipment: Any equipment, other than vehicles (as defined in this rule), which may be drawn or is capable of being driven on a roadway, including, but not limited to, truck trailers, camper shells, mobile cranes, bulldozers, concrete mixers, street cleaners, golf carts, all terrain vehicles, implements of husbandry, hauling equipment used inside and around airports, docks, depots, and industrial and commercial plants, but excluding utility bodies.
- 4.22 Operating Cycle: An operating cycle consists of all steps carried out during a cleaning operation.
- 4.23 Passive Solvent Losses: The passive solvent losses are the emissions from spray gun cleaning equipment when the equipment sits idle between cleaning cycles and are a result of natural evaporation from the equipment.
- 4.24 Prep Station: Any spraying area that has positive ventilation installed which provides a minimum of six complete air changes per hour and that prevents the escape to the atmosphere of overspray particulate matter using properly maintained filters.
- 4.25 Pretreatment Wash Primer: Any coating which contains a minimum of 0.5% acid by weight, is necessary to provide surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.
- 4.26 Primer: Any coating applied prior to the application of a topcoat for the purpose of corrosion resistance and adhesion of the topcoat.
- 4.27 Primer Sealer: Any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, color uniformity, and to promote the ability of an undercoat to resist penetration by the topcoat.
- 4.28 Primer Surfacer: Any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and which promotes a uniform surface by filling in surface imperfections.
- 4.29 Reactive Organic Compound (ROC): For the purposes of this rule, the term “reactive organic compounds” (ROC's) are assumed to be the same as these compounds defined under the “volatile organic compound” (VOC) definition in District Rule 1:2.
- 4.30 Reducer: Any volatile liquid used to reduce the viscosity of the coating. This liquid may be solvents, diluents or mixtures of both.
- 4.31 Specialty Coatings: Coatings which are necessary due to unusual and uncommon job performance requirements. These coatings include, but are not limited to, weld-thru primers, adhesion promoters, uniform finish blenders, elastomeric materials, gloss flatteners, bright metal trim repair, and antiglare/safety coatings.
- 4.32 Spray Booth: Any power ventilated structure of varying dimensions and construction provided to enclose or accommodate a spraying operation and provides a minimum of six complete air changes per hour. A spray booth shall confine and limit, by dry or wet filtration, the escape to the atmosphere of overspray particulate matter using properly maintained filter(s).
- 4.33 Three-Stage Coating System: A topcoat system composed of a pigmented basecoat portion, a semi-transparent midcoat portion, and two transparent clearcoat portions. Three-stage coating systems VOC content shall be calculated according to the following formula:

$$VOCT3 - stage = \frac{VOCbc + VOCmc + 2VOCcc}{4}$$

Where:

- VOC T3-stage = the average of the VOC content as applied in the basecoat (bc), midcoat (mc), and clearcoat (cc) system.
 VOCbc = the VOC content as applied in the basecoat.
 VOCmc = the VOC content as applied of any given midcoat.
 VOCcc = two times the VOC content as applied of any given clearcoat.

- 4.34 Topcoat: Any coating applied over a primer or an original equipment manufacturer finish for the purpose of protection or appearance.
- 4.35 Transfer Efficiency: The ratio of the weight of coating solids which adhere to the object being coated to the weight amount of coating solids used in the application process, expressed as a percentage.
- 4.36 Two-Stage Coating System: A topcoat consisting of a pigmented basecoat and two transparent clearcoats. Two-stage coating systems VOC content shall be calculated according to the following formula:

$$VOCT2 - stage = \frac{VOCbc + 2VOCcc}{3}$$

Where:

- VOC T2-stage = the average of the VOC content as applied in the basecoat (bc) and clearcoat (cc) system.
 VOCbc = the VOC content as applied in the basecoat.
 2VOCcc = two times the VOC content as applied of any given clearcoat.

- 4.37 Undercoat: Any pretreatment wash primer, precoat, primer, primer surfacer, or primer sealer.
- 4.38 Utility Body: A special purpose compartment or unit that will be bolted, welded, or affixed onto an existing cab and chassis. The compartment may serve as storage for equipment or parts.
- 4.39 Vehicle: A vehicle is any of the following: passenger cars, large/heavy duty truck cabs and chassis, light and medium duty trucks and vans, motorcycles, public transit buses, or military tanks or other tracked military vehicles.
- 4.40 Volatile Organic Compounds (VOC): Refer to District Rule 1:2. (For the purposes of implementing District Rule 2:3A New Source Review and Rule 2:3B Emission Reduction Credit And Banking Rule, the term VOC is assumed to be the same as those compounds defined under the VOC definition listed in Rule 1: 2).
- 4.41 Water-Based Temporary Transit Coating: Any water-based coating that is intended to protect new motor vehicle finishes from certain forms of damage such as iron dust, soot, acid rain, and other airborne pollutants during transit and is removed prior to sale of the vehicle.
- 4.42 Weld-Thru Primer: Any primer applied from an aerosol can, 16 ounces or less, to bare steel prior to welding that steel area. The purpose of the weld-thru primer is to inhibit corrosion in the weld area.

- 5.1 After the date expressed below, no person shall manufacture, solicit, require for use, specify, sell, or coat any vehicle, mobile equipment, or their parts or equipment, as defined in this Rule, using any coating with a Volatile Organic Compound (VOC) content in excess of the following limits, expressed as grams of VOC per liter of coating applied (lbs/gal), excluding water and exempt organic compounds, except as provided in section 5.4, "Add-on Control Equipment Option", or section 3, "Exemptions":

LIMITS

Grams of VOC per Liter of Coating (lbs/gal),
Less Water and Less Exempt Organic Compounds 36341

| | Group I | Group II |
|--------------------------|---------------------|-----------|
| | Vehicles | Vehicles |
| | & Color | Or Mobile |
| | Match for | Equipment |
| | Group II | No Color |
| | Or Mobile Equipment | Match |
| Pretreatment Wash Primer | 780 (6.5) | 780 (6.5) |
| Primer/Primer Surfacer | 340 (2.8) | 340 (2.8) |
| Primer Sealer | 420 (3.5) | 340 (2.8) |
| Single-Stage/Two-Stage | 600 (5.0) | 420 (3.5) |
| Topcoats of More Than 2 | 600 (5.0) | 420 (3.5) |
| Specialty Coating | 840 (7.0) | 840 (7.0) |
| Extreme Performance | ----- | 750 (6.2) |
| Camouflage | ----- | 420 (3.5) |

- 5.2 Coatings Containing 1,1,1-Trichloroethane: No person shall apply any coating to any vehicle, mobile equipment, or their parts or components, if that coating contains 1,1,1-trichloroethane.

- 5.3 Extreme Performance Coating Petition: Any person seeking to apply an extreme performance coating as defined in this Rule to a vehicle, mobile equipment, or their parts or components shall comply with the following requirements:

5.3.1 A petition shall be submitted to the Air Pollution Control Officer (APCO) stating the performance requirements, volume of coating and VOC level that is attainable.

5.3.2 If the APCO grants written approval, then that approval shall be valid for one year. If applicable, such petition shall be resubmitted on an annual basis.

- 5.3.3 If the APCO grants written approval, such approval shall contain volume and VOC limit conditions.
- 5.4 Add-on Control Equipment Option:
 - 5.4.1 A person may comply with the provisions of Subsection [5.1](#), Coating Limits, by using air pollution control equipment provided that:
 - 5.4.1.1 The combined control and capture efficiency shall reduce VOC emissions from an emission device by at least 85 percent, by weight; and
 - 5.4.1.2 The control system must be designed and operated for the maximum collection of fugitive emissions according to the EPA's "Guideline for Developing Capture Efficiency Protocols"; and
 - 5.4.1.3 Written approval in the form of an Authority to Construct and a Permit to Operate for such equipment is received from the Air Pollution Control Officer (APCO).
 - 5.4.2 A person may comply with the provisions of Subsection [5.5](#) (transfer efficiency) by using add-on control equipment provided the combined control and capture efficiency of VOC is at least 92 percent, by weight.
- 5.5 Transfer Efficiency: No person shall apply any coating to any vehicle or mobile equipment or their parts and components unless one of the following methods is properly used:
 - 5.5.1 Hand application methods
 - 5.5.2 Electrophoretic dip coating
 - 5.5.3 Electrostatic application
 - 5.5.4 High-Volume, Low-Pressure (HVLP) application
 - 5.5.5 Any other coating application method which has been demonstrated to be capable of achieving at least 65 percent transfer efficiency.
- 5.6 Compliance Statement Requirement: The manufacturer of coatings subject to this Rule shall include a designation of the VOC content as supplied, including coating components, expressed in grams per liter or pounds per gallon, excluding water and exempt organic compounds, on labels or data sheets. This designation shall include a statement of manufacturer's recommendation regarding thinning, reducing, or mixing with any other VOC containing materials. This statement shall include the VOC on an as-applied basis, excluding water and exempt organic compounds, based on the manufacturer's recommendations.
- 5.7 Surface Preparation and Cleanup Solvent: The requirements of this Subsection shall apply to any person using organic solvent for surface preparation and cleanup.
 - 5.7.1 Closed containers shall be used for the storage or disposal of solvent-containing cloth or paper used for surface preparation and cleanup. Containers shall be nonabsorbent.
 - 5.7.2 No person shall use organic compounds for spray equipment cleanup unless an enclosed gun washer or "low emission spray gun cleaner" as required by this Rule is properly used for cleaning.

- 5.7.3 No person shall use VOC-containing materials which have a VOC content of more than 200 grams per liter (1.67 lbs/gal) of material for substrate surface preparation prior to coating. This limit shall not apply to surface preparation material applied from a handheld spray container. The VOC limit for VOC-containing material applied from handheld spray containers shall not exceed 780 g/l (6.5 lbs/gal).
- 5.8 Storage of VOC-Containing Materials: All VOC containing materials, including but not limited to, fresh or spent solvent, coatings and reducers, shall be kept in closed containers when not in use.
- 5.9 Spray Booth and Prep Stations: Effective January 1, 2000 no person shall apply any coating to any complete (entire) vehicle unless that application is performed within a properly maintained and operated Spray Booth. All spraying of parts or components of a vehicle shall be done in a properly maintained and operated Prep Station or Spray Booth.

6 Test Methods

- 6.1 Coating VOC content shall be determined using EPA Method 24. The exempt organic compound content of coatings or solvents shall be determined using ASTM Method D4457-85. Compliance with the prohibition of sale shall be determined by measuring the VOC content of each and every component of a coating or coating system which has been reduced using the manufacturer's recommended type and maximum amount of reducer.
- 6.2 The measurement of acid content of pretreatment wash primers shall be done in accordance with ASTM Method D 1613-85 (modified).
- 6.3 The measurement of the metal and silicon content of metallic/iridescent coatings shall be determined by South Coast AQMD Method No. 318, "Determination of Weight Percent of Elemental Metal in Coatings by X-Ray Diffraction."
- 6.4 The collection and capture efficiency of organic emissions as specified in Subsections [5.5](#) shall be measured as follows:
 - 6.4.1 Capture efficiency shall be determined by the EPA Guidelines for Developing Capture Efficiency Protocols from the Federal Register Part 55 FR 26865, June 29, 1990.
 - 6.4.2 Measurement of vapor flow through pipes shall be determined by EPA Method 2A.
 - 6.4.3 Measurement of organic vapor concentration shall be determined by EPA Method 25A. The calculation of control device efficiency shall be determined only during periods of continuous coating operations and shall be averaged over the duration of the coating operation not to exceed 24 hours.
- 6.5 Transfer Efficiency shall be determined using a method which shall be modeled after the test method described in the EPA document (EPA/600/2-88/-26b) "Development of Proposed Standard Test Method for Spray Painting Transfer Efficiency."
- 6.6 The active and passive solvent losses from spray gun cleaning systems shall be determined using South Coast Air Quality Management District's "General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems" dated October 3, 1989. The test solvent for this determination shall be any lacquer thinner with a minimum vapor pressure of 105 mm Hg at 20° C. The minimum test temperature shall be 15°C.

7 Monitoring and Recordkeeping Requirements

- 7.1 Any person subject to this rule shall:
- 7.1.1 Maintain and make available to District personnel, a current list of coatings (including specialty coatings) and solvents in use that provides all of the data necessary to evaluate compliance, including the following information, as applicable:
 - 7.1.1.1 Coating, catalyst, additive, solvent, and reducer used.
 - 7.1.1.2 Mix ratio of components used.
 - 7.1.1.3 VOC content of coating as applied or solvent used in grams/liter or lbs./gal. (less water and less exempt organic compounds).
 - 7.1.1.4 Material Safety Data Sheets (MSDS)
 - 7.1.2 Maintain records which show on a daily basis the following information:
 - 7.1.2.1 VOC content of the coating or solvent in grams/liter or lbs./gal.
 - 7.1.2.2 Quantity of each coating (including each specialty coating) applied and solvent used. This quantity need not include toners that are added for color matching after preparation of the initial weighed color batch. If purchase records are used to determine the amount of solvents used, then records and manifests of the amounts of solvents disposed of or sent to a recycler must also be maintained.
 - 7.1.2.3 Whether a color match was required.
 - 7.1.2.4 Type of vehicle (I or II) or whether mobile equipment was coated.
 - 7.2 All records shall be retained for a minimum of two years from the date of each entry and shall be made available to District personnel upon request.

8 Increments of Progress

- 8.1 Any person required to install a Prep Station and/or Spray Paint Booth in order to comply with this Rule shall submit to the APCO a complete application for an Authority to Construct no later than July 1, 1999, and shall demonstrate compliance no later than January 1, 2000.

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Rule 4:36 Vapor Recovery Requirements at Bulk Petroleum Loading Facilities
Adopt 4/21/98

- 1 Purpose: To control Volatile Organic Compound emissions from bulk plant delivery vehicles during loading and unloading.
- 2 Applicability: This rule shall apply to all new, modified and existing gasoline bulk plants.
- 3 Definitions:
 - 3.1 Bottom Loaded: A gasoline delivery vehicle shall be considered to be bottom loaded when the fuel transfer and vapor return lines have separate, independent, and dedicated attachments on the delivery vehicle, when the inlet is flush with the bottom of the storage device, and when the delivery vehicle hatch remains closed during gasoline transfer.
 - 3.2 CARB Certified Vapor Recovery System: A vapor recovery system which has been certified by the California Air Resources Board (CARB) pursuant to section 41954 of the California Health and Safety Code.
 - 3.3 Gasoline: Any organic liquid (including petroleum distillates and methanol) having a Reid vapor pressure of four (4) pounds or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.
 - 3.4 Gasoline Bulk Plant: A distributing facility which receives gasoline by tank truck, stores it in stationary tanks, and loads it into tank trucks for delivery to retail service stations or other distribution points.
 - 3.5 Gasoline Delivery Vehicle: Any motor vehicle used for the transportation and unloading of gasoline.
 - 3.6 Gasoline Storage Tank: Any storage container, reservoir, or tank used for the storage of gasoline.
 - 3.7 Gasoline Throughput: The total annual volume of gasoline transferred from the gasoline bulk plant to gasoline delivery vehicles for off-site distribution.
 - 3.8 Gasoline Vapors: Any and all organic compound vapors displaced from gasoline storage tanks or gasoline delivery vehicles during the transfer of gasoline. Any liquid gasoline entrained in the displaced vapors shall be included when measuring the total mass of organic vapors emitted during gasoline transfer operations.
 - 3.9 Leak Free: A liquid leak of less than three (3) drops per minute excluding losses which occur upon disconnecting transfer fittings, provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect, averaged over three disconnects.
 - 3.10 Vapor Tight: A leak of less than 20 percent of the lower explosive limit on a combustible gas detector measured at a distance of 25 cm (1 in.) from the source or no air entrainment in the sight glasses of liquid delivery hoses.
 - 3.11 Reid Vapor Pressure: The absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids except liquefied petroleum gases, as determined by ASTM-323-58.
 - 3.12 Retail Service Station: Any motor vehicle fueling station subject to the payment of California sales tax on gasoline sales.

- 3.13 Submerged Fill Pipe: Any discharge pipe or nozzle which meets either of the following conditions:
 - 3.13.1 Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is 15 cm (6 in.) from the bottom of the tank.
 - 3.13.2 Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 46 cm (18 in.) from the bottom of the tank (also known as "Offset Fill Pipe".)

- 4 Exemptions: The owner or operator of any gasoline bulk plant subject to the provisions of this rule may send a written request to the Air Pollution Control Officer (APCO) to consider information (based on substantial cost documentation and a cost-effectiveness analysis over the expected life of the required equipment modifications), which would demonstrate that complying with the requirements of this rule at an affected facility will exceed a cost of \$2,000 per ton of VOC removed. The APCQ may determine that a facility shall be exempted from complying with such requirements until such time that the APCO receives new information to indicate that the above cost-effectiveness can be achieved at the applicable facility. In such case, the exemption shall cease 30 days after written notice is provided to the facility owner or operator by the APCO. The APCO shall publish a notice of any intention to issue a determination of exemption in this regard and accept and consider written comments on such action for 30 days prior to the final decision.

- 5 Standards:
 - 5.1 Phase I Requirements:
 - 5.1.1 No owner or operator of a gasoline bulk plant shall permit the transfer of gasoline from gasoline delivery vehicles into gasoline storage tanks at gasoline bulk plants unless a CARB-certified Phase I vapor recovery system is used.

 - 5.2 Gasoline Transfer Requirements:
 - 5.2.1 No owner or operator of a gasoline bulk plant shall permit the transfer of gasoline from a gasoline storage tank to a gasoline delivery vehicle unless the vehicle is Bottom Loaded or a Submerged Fill Pipe is used. Gasoline transfer operations utilizing CARB-certified vapor recovery equipment shall be exempt from this requirement.

 - 5.2.2 If during calendar year 1997, or any calendar year thereafter, the total annual gasoline throughput at a gasoline bulk plant exceeds 500,000 gallons, the owner or operator of the plant shall install a CARB-certified vapor recovery system that prevents at least 95% by weight of the gasoline vapors displaced, when transferring gasoline to any gasoline delivery vehicle, from entering the atmosphere. California Air Resources Board Test Method TP-202.1, Determination of Emission Factor of Vapor Recovery Systems at Bulk Plants, shall be used to quantify the collection efficiency of the vapor recovery system.

 - 5.3 Equipment Maintenance:
 - 5.3.1 All equipment associated with delivery and loading operations shall be maintained to be leak free, vapor tight and in good working order.

 - 5.4 Operating Practices:
 - 5.4.1 Gasoline shall not be spilled, discarded in sewers, stored in open containers, or handled in any other manner that would result in evaporation to the atmosphere.

- 6 Prohibition of Use of Defective Gasoline Storage Tank or Phase I Equipment: Whenever the Air Pollution Control Officer or his designee determines that a gasoline storage tank, Phase I vapor recovery system, or any component thereof contains a defect that substantially impairs the effectiveness of the vapor recovery equipment, the Air Pollution Control Officer or his designee shall mark such system or component "Out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted as required to permit proper operation, and the Air Pollution Control Officer or his designee has reinspected it or has authorized its use pending Reinspection.
- 7 Recordkeeping Requirements: Each owner or operator of a gasoline bulk plant shall keep monthly records of all gasoline deliveries to the bulk plant. Such records shall be stored on-site for a period of two (2) years and made available for inspection by the Air Pollution Control Officer upon request.
- 8 Administrative Requirements and Compliance Schedule:
 - 8.1 By July 1, 1998:
 - 8.1.1 By July 1, 1998, any person subject to this rule shall submit an application for Authority to Construct for any modifications required to achieve compliance with the requirements of this rule.
 - 8.2 By January 1, 1999:
 - 8.2.1 By January 1, 1999 any person subject to this rule shall demonstrate final compliance with all applicable standards and requirements of this rule.
 - 8.3 Bulk Plants Exceeding 500,000 gallons per year of gasoline throughput: Any Gasoline Bulk Plant that exceeds the 500,000 gallon annual gasoline throughput limit specified in section [5.2.2](#) of this rule during calendar year 1997 shall be subject to the administrative time lines established in sections [8.1](#) and [8.2](#) of this rule. Any Gasoline Bulk Plant that exceeds the 500,000 gallon annual gasoline throughput limit specified in section [5.2.2](#) of this rule during calendar year 1998, or any year thereafter, shall have twelve (12) months from the end of the calendar year during which the limit was exceeded to comply with the requirements specified in section [5.2.2](#) of this rule.

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Rule 4:37 Determination of Reasonably Available Control Technology For The Control of
Oxides of Nitrogen From Stationary Gas Turbines

Adopt 4/21/98, Repealed/Adopted 1/29/02

- 1 Purpose: To limit the emissions of nitrogen oxides (NO_x) to the atmosphere from the operation of stationary gas turbines.
- 2 Applicability: Except as provided in section [4](#), this determination shall apply to all existing stationary gas turbines rated by the manufacturer as 0.3 megawatt (MW) power output and larger.
- 3 Definitions:
 - 3.1 Aggregate Emissions: A facility-wide sum of actual emissions, on an emissions category specific basis, from turbines subject to this rule operated at a single facility. Such “aggregating” of emissions will include all regulated emissions categories subject to this rule, except those subject to more stringent requirements including, but not limited to, Best Available Control Technology.
 - 3.2 Baseline Emission Rate: Emissions under normal operating conditions, prior to control, determined by an emissions compliance test conducted in accordance with the requirements specified in section [7.2](#). The baseline emissions shall be adjusted to reflect any operational limit or control equipment installed.
 - 3.3 Control System Operating Parameters: The operating parameters that the APCO deems necessary to analyze when determining compliance, such as, but not limited to, ammonia and exhaust gas flow rates, exhaust gas temperature, water or steam injection rate, exhaust gas flow rate, and combustion temperature for water or steam injection.
 - 3.4 Emergency: Any situation arising from sudden and reasonably unforeseeable natural disaster such as earthquake, flood, wildfire, or other act of God, or events beyond the reasonable control of the operator, employees, or contractors, or accidents which require the operation of stationary gas turbine(s) to provide primary mechanical or electrical power in its abatement or control, or to provide essential services for public safety.
 - 3.5 Emergency Standby Unit: A stationary gas turbine that operates only as a mechanical or electrical power source for a facility when the primary power source has been rendered inoperable due to failure beyond the reasonable control of the operator, except due to power interruption pursuant to a voluntary interruptible power supply agreement. Electricity generated by such unit can not be sold.
 - 3.6 Emission Control Plan: A document which outlines how an existing facility will comply with the requirements of this rule.
 - 3.7 Emission Limit: The maximum allowable concentration of NO_x in the exhaust stream from the gas turbine expressed as parts per million by volume (ppmv) corrected to 15 percent oxygen (O₂) on a dry basis.
 - 3.8 Exemption Loss Date: The date on which the APCO informs the owner/operator, in writing, that any exemption provided in section [4](#) of this rule no longer applies.
 - 3.9 Measured NO_x Emissions Concentration: The emissions of NO_x in terms of part per million by volume at dry standard conditions corrected to 15% oxygen with the unit operating within 10% of the unit's maximum design capacity, or within 10% of the maximum permitted power output.

- 3.10 Power Augmentation: An increase in the gas turbine shaft output and/or the decrease in gas turbine fuel consumption by the addition of energy recovered from exhaust heat.
- 3.11 Public Service Unit: A gas turbine used to generate electricity for sale or for use in serving the public.
- 3.12 Rating: The continuous megawatt (MW) design rating or mechanical equivalent by a manufacturer for gas turbine(s) without power augmentation.
- 3.13 Reasonably Available Control Technology (RACT): The lowest emission limitation that a unit is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.
- 3.14 Stationary Gas Turbine or Unit: Any gas turbine system that is gas and/or liquid fueled with or without power augmentation. This unit is either attached to a foundation at a facility or is portable equipment operated at a specific facility for more than 90 days in any 6-month period.
- 3.15 Thermal Stabilization Period: The start up time necessary to bring the heat recovery steam generator to the proper temperature, not to exceed two hours.

4 Exemptions:

- 4.1 The provisions of this rule, with the exception of section [6.2.2](#), shall not apply to the operation of gas turbines used under the following conditions:
 - 4.1.1 Laboratory units used in research and testing for the advancement of gas turbine technology.
 - 4.1.2 Units operated exclusively for firefighting and/or flood control.
- 4.2 The provisions of this rule, with the exception of section [6.1.6](#) and [6.2.1](#) shall not apply to the operation of gas turbines used under the following conditions:
 - 4.2.1 Emergency standby units demonstrated to operate less than 200 hours per calendar year,
 - 4.2.2 Units with a power output rating of less than 4 MW operating less than 877 hours per year.

5 Standards:

- 5.1 Unless opting for the alternative compliance strategy, the owner or operator of any stationary gas turbine unit subject to the provisions of this rule shall not operate such unit under load conditions, excluding the thermal stabilization period, which results in the measured NOx emissions concentration exceeding the emissions limit listed below averaged over three (3) hours.

| Unit Size Megawatt Rating (MW) | Emissions Limit NOx ppmv at 15% O ₂ on a dry basis | |
|--------------------------------------|---|------------------|
| | Gas ^a | Oil ^b |
| | | |

| | | | |
|--|----|--|----|
| 0.3 MW and Greater | 42 | | 65 |
| ^a Gas includes natural digester and landfill. | | | |
| ^b Oil includes kerosene, jet fuel and distillate. The sulfur content of the oil shall be less than 0.05% by weight. | | | |

5.2 Alternative Compliance Strategy

5.2.1 The alternative strategy is a percent reduction in emissions of NO_x from the baseline emissions rate. Turbines subject to this rule, opting for the alternative compliance strategy, shall achieve at minimum the reduction expected by implementation of the emissions standards listed in section 5.1. The applicant shall demonstrate that the alternative strategy's emissions limits, or emissions reductions, are equal to or more effective than the emissions reductions gained by applying the emission limits specified in 5.1. The emissions limits, or emissions reductions, shall be averaged over three (3) hours under all plausible operating conditions.

5.2.2 Following the baseline emission rate determination for each turbine subject to this rule, the choice of which emission compliance standards shall apply shall be made on a case-by-case basis by the District in consultation with the permittee. When such a determination is made, the Authority to Construct/Permit to Operate shall thereafter contain specific enforceable operation conditions which will ensure compliance with the selected standard/limit.

5.2.3 The percent reduction as measured across the control device or relative to the baseline emission rate of each permit unit shall be determined on an emission rate basis. A permittee may petition the District to be allowed to "aggregate" the turbine emissions facility-wide by submitting an Emission Control Plan. The District may approve the facility's Emission Control Plan on a case-by-case basis.

5.2.3.1 The Emission Control Plan shall be submitted to the APCO for approval by (two years after adoption date).

6 Administrative:

6.1 Monitoring and Record Keeping Requirements: The owner or operator of any stationary gas turbine subject to the provisions of this rule shall perform the following actions:

6.1.1 Install, operate and maintain in calibration, equipment, as approved by the APCO, that continuously measures and records the following:

6.1.1.1 Control System Operating Parameters, and

6.1.1.2 Elapsed time of operation.

6.1.2 All records shall be properly maintained for a period of five years and made available for inspection upon request.

- 6.1.3 Submit to the APCO before issuance of the Permit to Operate information correlating the Control System Operating Parameters to the associated measured NOx output. This information may be used by the APCO to determine compliance when there is no continuous emission monitoring system for NOx available or when the continuous emission monitoring system is not operating properly.
- 6.1.4 Provide source test information as required by the District regarding the exhaust gas NOx concentration corrected to 15 percent oxygen on a dry basis.
- 6.1.5 Maintain a gas turbine operating log that includes, on a daily basis, the actual Pacific Standard Time start-up and stop time, total hours of operation, type and quantity of fuel used (liquid/gas). This information shall be available for inspection at any time for five years from the date of entry.
- 6.1.6 Maintain a gas turbine operating log for units exempt under section [4.2](#) that includes, on a daily basis, the actual Pacific Standard Time start-up and stop time, total hours of operation, and cumulative hours of operation to date for the calendar year. This information shall be available for inspection at any time for five years from the date of entry and submitted to the APCO at the end of each calendar year in a manner and form approved by the APCO.

6.2 Exempt Units And Emergency Standby Units:

- 6.2.1 Exempt units and emergency standby units must comply with the following:
 - 6.2.1.1 The owner or operator of any unit listed below must notify the APCO within seven days if the hour-per-year limit is exceeded. A public service unit operating during a state of emergency shall be excluded from the hour-per-year limit. If the hour per year limit is exceeded, a written explanation of the cause of such exceedance shall be provided to the APCO. If the APCO determines that there is a likelihood of continued exceedances the owner or operator would lose their exemption and would be subject to the time lines specified in section [8.1.3](#).
 - 6.2.1.1.1 Emergency standby unit exempt under section [4.2.1](#).
 - 6.2.1.1.2 Any unit smaller than 4 MW exempt under section [4.2.2](#).
- 6.2.2 The owner or operator shall provide support documentation for any unit exempt under section [4.1](#).

7 Compliance Testing:

7.1 Testing Schedule:

- 7.1.1 The owner or operator of any stationary gas turbine subject to the provisions of this rule shall demonstrate compliance with the requirements of section [5](#) by conducting an emissions source test annually, or more frequently as required by APCO. The source test shall be conducted in accordance with methods specified in section [7.2](#) of this Rule.
- 7.1.2 An annual source test shall not be required if a continuous emissions monitoring system is used to determine compliance with the requirements of section [5](#) and a Relative Accuracy Test Audit (RATA) is performed annually on this system.

7.2 Test Methods:

- 7.2.1 Oxides of nitrogen emissions shall be determined by using ARB Method 20, or EPA Method 20.
- 7.2.2 Oxygen content of the exhaust gas shall be determined by using ARB Method 20 or 100, or EPA Method 3, 3A, or 20.

8 Compliance Schedule:

- 8.1 Owners or operators of all applicable gas turbine units shall comply with the applicable provisions of section [5](#) in accordance with the following schedule.
 - 8.1.1 By (two years after adoption date), submit to the APCO for approval an Authority to Construct application which shall contain at a minimum a list that provides the following for each gas turbine:
 - 8.1.1.1 Permit or identification number,
 - 8.1.1.2 Name of gas turbine manufacturer,
 - 8.1.1.3 Model designation,
 - 8.1.1.4 Rated shaft power output (MW),
 - 8.1.1.5 Type of liquid fuel and/or type of gaseous fuel,
 - 8.1.1.6 Fuel consumption (cubic feet of gas or gallons of liquid) for the previous one-year period,
 - 8.1.1.7 Hours of operation in the previous one-year period.
 - 8.1.1.8 A list of all gas turbines required to be controlled, identifying the type of emission control to be applied to each gas turbine along with documentation showing existing emissions of oxides of nitrogen.
 - 8.1.2 By (four years after district rule adoption date), demonstrate final compliance.
 - 8.1.3 For those turbines which are exempt from the emission limits of this rule and subsequently lose this exemption after (one year after rule adoption date),
 - 8.1.3.1 By (one year after exemption loss date), submit to the APCO for approval an Authority to Construct application providing the information specified in section [8.1.1](#).
 - 8.1.3.2 By (three years after exemption loss date), demonstrate final compliance.

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Rule 4:38 Procedures For Enforcing Minor Violations
Adopt 4/21/98

- 1 Purpose: The purpose of this rule is to implement the provisions of Chapter 3 of Part 1 of Division 26 of the California Health and Safety Code (commencing with section 39150) which defines a minor violation and establishes guidelines for issuing a Notice to Comply.
- 2 Applicability: This rule applies to any person or owner, operator, employee, or representative of a facility subject to state requirements, district rules and regulations, administrative or procedural plan or permit conditions, or requests for information or records by a district.
- 3 Definitions:
 - 3.1 Administrative Requirement: A provision of a rule, regulation, plan or permit condition which requires a specified action but does not directly result in air contaminant emissions to the atmosphere.
 - 3.2 Air Contaminant: Any discharge, release, or other propagation into the atmosphere and includes, but is not limited to, smoke, charred paper, dust, grime, carbon, fumes, gases, odors, particulate matter, acids or any combination thereof.
 - 3.3 Air Pollution Control Officer (APCO): The person appointed to the position of Air Pollution Control Officer of the district, pursuant to the provisions of California Health and Safety Code, section 40750, or his or her designee. (See Executive Officer.)
 - 3.4 Ambient Air Quality Standard: Any National Ambient Air Quality Standard promulgated pursuant to the provisions of 42 U.S.C. section 7409 (Federal Clean Air Act section 109) or any State Ambient Air Quality Standard promulgated pursuant to the provisions of California Health and Safety Code, section 39600.
 - 3.5 Chronic Violation: A violation of the district's rules and regulations by a person or facility that reflects a pattern of recurrence of the same or similar violation at the same facility, process, or piece of equipment.
 - 3.6 District: Refer to District Rule 1: 2 Definitions.
 - 3.7 Executive Officer: The Air Pollution Control Office; Executive Officer, or other designee of the Tehama County Air Pollution Control District.
 - 3.8 Information: Data, records, photographs, analyses, plans, or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which a permit was issued or applied or which is subject to state or federal requirements, district rules and regulations, administrative or procedural plan or permit conditions, or requests for information or records by a district.
 - 3.9 Minor Violation:
 - 3.9.1 The failure of a person or facility to comply with an emission, administrative or procedural requirements of applicable state requirements, district rules and regulations, administrative or procedural plan or permit conditions, or requests for information or records by the district which meets the following criteria:

- 3.9.1.1 Does not result in an emission of air contaminants exceeding “de minimus” or trivial amounts as determined by the APCO or delegated enforcement staff on a case-by-case basis and under no circumstance is an increase in emissions of air contaminants beyond legally established limits.
 - 3.9.1.2 Does not endanger the health, safety, or welfare of any person or persons; and
 - 3.9.1.3 Does not endanger the environment; and
 - 3.9.1.4 Does not cause or contribute to the violation of any State or National Ambient Air Quality Standard; and
 - 3.9.1.5 Does not preclude or hinder the districts ability to determine compliance with other applicable state or federal requirements, district rules and regulations, administrative or procedural plan or permit conditions, or requests for information or records.
- 3.9.2 Notwithstanding subparagraph [3.9.1](#) above, no violation of an applicable state or federal requirement, district rule or regulation, administrative or procedural plan or permit condition, or request for information or records shall be considered a minor violation if:
- 3.9.2.1 The violation involves failure to comply with the emission standards in the applicable rule or regulation, including requirements for control equipment, emissions rates, concentration limits, product material limitations, and other rule provisions directly associated with emissions; or
 - 3.9.2.2 The violation is knowing, willful, or intentional; or
 - 3.9.2.3 The violation enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage; or
 - 3.9.2.4 The violation is chronic; or
 - 3.9.2.5 The violation is committed by a recalcitrant violator.
- 3.10 Notice to Comply: A written method of alleging a minor violation that:
- 3.10.1 Is written in the course of conducting an inspection by the district;
 - 3.10.2 Is presented to a person or owner, operator, employee, or representative of the facility being inspected at the time that the Notice to Comply is written.
 - 3.10.3 Clearly states the following:
 - 3.10.3.1 The nature of the alleged minor violation; and
 - 3.10.3.2 A means by which compliance with the requirement cited by the district may be achieved; and
 - 3.10.3.3 A time limit, not to exceed thirty (30) days, by which date compliance must be achieved; and
 - 3.10.3.4 A statement that the inspected site or facility may be subject to reinspection at any time.

- 3.11 Procedural Requirement: A provision of a rule or regulation that establishes a manner, method, or course of action, but does not specify, limit, or otherwise address direct air contaminant emissions.
- 3.12 Recalcitrant Violator: A person or facility where there is evidence to indicate that the person or facility has engaged in a pattern of neglect or disregard with respect to the requirements of district rules and regulations, permit conditions, or other applicable provisions of state or federal law or regulations.

4 Requirement(s):

- 4.1 A person or facility who receives a Notice to Comply pursuant to this subparagraph shall have the period specified in the Notice to Comply from the date of receipt of the Notice to Comply in which to achieve compliance with the requirement cited on the Notice to Comply. Within five (5) working days of achieving compliance, the person who received the Notice to Comply shall sign and return it to the Executive Officer, stating that the person or facility has complied with the Notice to Comply. A false statement that compliance has been achieved is a violation subject to further legal action pursuant to the California Health and Safety Code, section 42400, et seq.
 - 4.1.1 If testing is required by the state board or district or an authorized or designated officer to determine compliance, and the testing cannot be conducted during the course of the inspection, the APCO/Executive Officer shall have a reasonable period of time to conduct the required testing.
 - 4.1.2 If, after the test results are available, the APCO/Executive Officer determines that the issuance of a Notice to Comply is warranted, the APCO/Executive Officer shall immediately notify the person or facility owner or operator in writing. If off site testing is required pursuant to subdivision 4.1.1., a copy of the Notice to Comply may be mailed to the person or owner or operator of the facility.
- 4.2 A single Notice to Comply shall be issued for all minor violations cited during the same inspection and the Notice to Comply shall separately list each cited minor violation and the manner in which each minor violation may be brought into compliance.
- 4.3 A Notice to Comply shall not be issued for any minor violation that is corrected immediately in the presence of the inspector. Immediate compliance in that manner may be noted in the inspection report or other district documents, but the person or facility shall not be subject to any further action by the district's representative or an authorized or designated officer. Corrected minor violations may be used to show a pattern of disregard or neglect by a recalcitrant violator.
- 4.4 Except as otherwise provided in section 4, a Notice to Comply shall be the only means by which the APCO/Executive Officer shall cite a minor violation. The APCO/Executive Officer shall not take any other enforcement action specified in this division to enforce the minor violation against a person or facility who has received a Notice to Comply if the person or facility is in compliance with this section.
- 4.5 Any person or representative of a business receiving a Notice To Comply and who disagrees with the Notice To Comply shall submit in writing and within five (5) days of receiving the Notice To Comply, a written request to the APCO to appeal the Notice To Comply. The written request shall include an explanation and all supporting information/data which explains and justifies appeal of the violations cited in the Notice to Comply. The APCO shall review the Notice to Comply and issue a determination concerning the violation issue. If the APCO's determination is to uphold the Notice To Comply and the person or business representative continues to appeal the APCO's determination, the APCO shall cause to be filed on behalf of the person or represented business (hereinafter referred to as the appellant),the appellant's appeal with the District Hearing Board for review and consideration. The APCO shall cause to be scheduled within ten (10) days of receipt

of the appeal a meeting of the Hearing Board to consider the appeal. The Hearing Board meeting to consider the appeal shall provide first that the APCO present the basis for the Notice To Comply and the minor violations cited followed by the appellant's presentation and explanation of reasons for the basis of the appeal of the Notice To Comply. The Hearing Board shall make a determination as to whether the Notice To Comply shall stand or be repealed. The Hearing Board's decision shall be binding and shall serve as the final administrative review step. The appellant shall have five (5) days from the Hearing Board's decision to complete any and all corrective action specified in any Notice To Comply appealed which the Hearing Board upholds. Any appeal found for the appellant by the Hearing Board shall not be counted as "prior violations" with respect to future violations and implementation of the District's Civil Penalty Fee Program.

- 4.6 Notwithstanding any other provision of section 4, if a person or facility fails to comply with a Notice to Comply within the prescribed period, or if the APCO/Executive Officer determines that the circumstances surrounding a particular minor violation are such that immediate enforcement is warranted to prevent harm to the public health or safety or to the environment, the APCO/Executive Officer may take any needed enforcement action authorized by law.
 - 4.7 Nothing in this rule shall be construed as preventing the reinspection of a site or facility to ensure compliance or to ensure that minor violations cited in a Notice to Comply have been corrected.
 - 4.8 Nothing in this rule shall be construed as preventing the APCO/Executive Officer, on a case-by-case basis, from requiring a person or facility subject to a Notice to Comply to submit reasonable and necessary information to support a claim of compliance by the person or facility.
 - 4.9 Nothing in this rule restricts the power of a city attorney, district attorney, county counsel, or the Attorney General to bring, in the name of the people of California, any criminal proceeding otherwise authorized by law. Furthermore, nothing in this rule prevents the APCO/Executive Officer from cooperating with, or participating in such a proceeding.
 - 4.10 The Issuance of a Notice to Comply for a violation of state law will not interfere with an agency's ability to enforce all federal requirements or laws.
 - 4.11 Notwithstanding any other provision of section 4, if the APCO/Executive Officer determines that the circumstances surrounding a particular minor violation are such that the assessment of a penalty pursuant to this rule is warranted or required by federal law, in addition to issuance of a Notice to Comply, the district shall assess a penalty in accordance with Division 28 of the California Health and Safety Code, section 42400, et seq., if the APCO/Executive Officer makes written findings that set forth the basis for the determination of the district.
- 5 Penalty for Failure to Comply: Any person or facility who fails to comply by the date specified on the Notice to Comply shall be issued a Notice of Violation which is subject to further legal action pursuant to the California Health and Safety Code, section 42400, et seq.

Rule 4:39 Architectural Coatings
Adopted 08/20/02, Amended 02/25/2014

1. Purpose:
 - 1.1. To limit the quantity of Volatile Organic Compounds (VOCs) in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the District.
2. Applicability:
 - 2.1. Except as provided in section 4 below, this Rule is applicable to any person who supplies, sells, offers for sale, or manufacturers any architectural coating for use within the District, as well as any person who applies or solicits the application of any architectural coating within the District.
3. Severability:
 - 3.1. If a court of competent jurisdiction issues an order that any provision of this Rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this Rule remain in full force and affect, to the extent allowed by law.
4. Exemptions: This Rule does not apply to:
 - 4.1. Any architectural coating that is sold or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging;
 - 4.2. Any aerosol coating product; or
 - 4.3. Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.
5. Definitions:
 - 5.1. Adhesive: Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.
 - 5.2. Aerosol Coating Product: A pressurized coating product containing pigments or resins that dispense product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
 - 5.3. Antenna Coating: A coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.
 - 5.4. Antifouling Coating: A coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the United States Environmental Protection Agency (EPA) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. section 136, et seq.) and with the California Department of Pesticide Regulation.
 - 5.5. Appurtenances: Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes

and piping systems; rain-gutters and down-spouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.

- 5.6. Architectural Coating: A coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purpose of this Rule.
- 5.7. Bitumens: Black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- 5.8. Bituminous Roof Coating: A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.
- 5.9. Bituminous Roof Primer: A primer which incorporates bitumens that is labeled and formulated exclusively for roofing.
- 5.10. Bond Breakers: A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- 5.11. Clear Brushing Lacquers: Clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush, and which are labeled as specified in section [7.1.5](#) of this Rule.
- 5.12. Clear Wood Coatings: Clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.
- 5.13. Coating: A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to, paints, varnishes, sealers, and stains.
- 5.14. Colorant: A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- 5.15. Concrete Curing Compound: A coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.
- 5.16. Dry Fog Coating: A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- 5.17. Exempt Compound: A chemical identified in District Rule 1:2 Definitions, Sections 1.61 and 1.62.
- 5.18. Faux Finishing Coating: A coating labeled and formulated as a stain or glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.
- 5.19. Fire-Resistive Coating: An opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials,

that has been fire tested and rated by a testing agency approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating and the testing agency must be approved by building code officials. The fire-resistive coating shall be tested in accordance with the American Society for Testing of Materials (ASTM) Designation E 119-98, incorporated by reference in section [8.2.4.2](#) of this Rule.

- 5.20. Fire-Retardant Coating: A coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, State, and local building code requirements. The fire-retardant coating and the testing agency must be approved by building code officials. The fire-retardant coating shall be tested in accordance with ASTM Designation E 84-99, incorporated by reference in section [8.2.4.1](#) of this Rule.
- 5.21. Flat Coating: A coating that is not defined under any other definition in this Rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in section [8.2.4.3](#) of this Rule.
- 5.22. Floor Coating: An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- 5.23. Flow Coating: A coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.
- 5.24. Form-Release Compound: A coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some other material other than concrete.
- 5.25. Graphic Arts Coating Or Sign Paint: A coating labeled and formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including lettering enamels, poster colors, copy blockers, and bulletin enamels.
- 5.26. High-Temperature Coating: A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204EC (400E F).
- 5.27. Industrial Maintenance Coating: A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions listed in sections [5.27.1](#) through [5.27.5](#) below, and labeled as specified in section [7.1.4](#) of this Rule:
 - 5.27.1. Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
 - 5.27.2. Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
 - 5.27.3. Repeated exposure to temperatures above 121EC (250EF);
 - 5.27.4. Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or

- 5.27.5. Exterior exposure of metal structures and structural components.
- 5.28. Lacquer: A clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.
- 5.29. Low-Solids Coating: A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material.
- 5.30. Magnesite Cement Coating: A coatings labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- 5.31. Mastic Texture Coating: A coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.
- 5.32. Metallic Pigmented Coating: A coating containing at least 48 grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with South Coast Air Quality Management District Method 318-95, incorporated by reference in section [8.2.4.4](#) of this Rule.
- 5.33. Multi-Color Coating: A coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.
- 5.34. Nonflat Coating: A coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in section [8.2.4.3](#) 8.2.4.3 of this Rule.
- 5.35. Nonflat-High Gloss Coating: A nonflat coating that registers a gloss of 70 or above on a 60 degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in section [8.2.4.3](#) of this Rule.
- 5.36. Non-Industrial Use: Non-industrial use means any use of architectural coatings except in the construction or maintenance of any of the following:
- 5.36.1. facilities used in the manufacturing of goods and commodities;
 - 5.36.2. transportation infrastructure, including highways, bridges, airports and railroads;
 - 5.36.3. facilities used in mining activities, including petroleum extraction; and,
 - 5.36.4. utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.
- 5.37. Post-Consumer Coating: A finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.
- 5.38. Pre-Treatment Wash Primer: A primer that contains a minimum of 0.5 percent by acid, by weight, when tested in accordance with ASTM Designation D 1613-96, incorporated by reference in section [8.2.4.5](#) of this Rule, that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.

- 5.39. Primer: A coating labeled and formulated for application to a substrate to provide a firm bond between the substrate and subsequent coats.
- 5.40. Quick-Dry Enamel: A nonflat coating that is labeled as specified in section [7.1.8](#) of this Rule and that is formulated to have the following characteristics:
- 5.40.1. Is capable of being applied directly from the container under normal conditions with ambient temperatures between 16 and 27EC (60 and 80EF);
- 5.40.2. When tested in accordance with ASTM Designation D-1640-95, incorporated by reference in section [8.2.4.6](#) of this Rule, sets to touch in 2 hours or less, is tack free in 4 hours or less, and dries hard in 8 hours or less by the mechanical test method; and
- 5.40.3. Has a dried film gloss of 70 or above on a 60 degree meter.
- 5.41. Quick Dry Primer, Sealer And Undercoater: A primer, sealer or undercoater that is dry to the touch in 30 minutes and can be recoated in 2 hours when tested in accordance with ASTM Designation 1640-95, incorporated by reference in section 8.2.4.6 of this Rule.
- 5.42. Recycled Coating: An architectural coating formulated such that not less than 50 percent of the total weight consists of secondary and post-consumer coating, with not less than 10 percent of the total weight consisting of post-consumer coating.
- 5.43. Residential: Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.
- 5.44. Roof Coating: A non-bituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which qualify as Metallic Pigmented Coating shall not be considered to be in this category, but shall be considered to be in the Metallic Pigmented Coating category.
- 5.45. Rust Preventative Coating: A coating formulated for non-industrial use to prevent the corrosion of metal surfaces and labeled as specified in section [7.1.6](#) of this Rule.
- 5.46. Sanding Sealer: A clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A sanding sealer that also meets the definition of a lacquer is not included in this category, but is included in the lacquer category.
- 5.47. Sealer: A coating labeled and formulated for application to a substrate for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.
- 5.48. Secondary Coating (Rework): A fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process.
- 5.49. Shellac: A clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

- 5.50. Shop Application: Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).
- 5.51. Solicit: To require for use or to specify, by written or oral contract.
- 5.52. Specialty Primer, Sealer And Undercoater: A coating labeled as specified in section [7.1.7](#) of this Rule and that is formulated for application to a substrate to seal fire, smoke or water damage; to condition excessively chalky surfaces, or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM Designation D 4214-98, incorporated by reference in section [8.2.4.7](#) of this Rule.
- 5.53. Stain: A clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.
- 5.54. Swimming Pool Coating: A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.
- 5.55. Swimming Pool Repair And Maintenance Coating: A rubber based coating labeled and formulated to be used over existing rubber based coatings for the repair and maintenance of swimming pools.
- 5.56. Temperature-Indicator Safety Coating: A coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above 204EC (400EF).
- 5.57. Tint Base: An architectural coating to which colorant is added after packaging in sale units to produce a desired color.
- 5.58. Traffic Marking Coating: A coating labeled and formulated for marking and striping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.
- 5.59. Undercoater: A coating labeled and formulated to provide a smooth surface for subsequent coats.
- 5.60. Varnish: A clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.
- 5.61. Volatile Organic Compound (VOC): Any compound containing at least one atom of carbon, excluding any exempt compound.
- 5.62. VOC Content: The weight of VOC per volume of coating, calculated according to the procedures specified in section [7.2](#) of this Rule.
- 5.63. Waterproofing Sealer: A coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.
- 5.64. Waterproofing Concrete/Masonry Sealer: A clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining.

5.65. Wood Preservative: A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) section 136, et seq.) and with the California Department of Pesticide Regulation.)

6. Standards

6.1. VOC CONTENT LIMITS: Except as provided in sections [6.2](#), [6.3](#), [6.8](#), and [6.9](#) below, no person shall: (i) manufacture, blend, or repackage for sale within the District; (ii) supply, sell, or offer for sale within the District; or (iii) solicit for application or apply within the District, any architectural coating with a VOC content in excess of the corresponding limit specified in the following table. Limits are expressed in grams of VOC per liter of coating thinned to the manufacturer’s maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to the tint bases. “Manufacturer’s maximum recommendation” means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

| Coating Category | Effective 1/1/2003 ¹ | Effective 1/1/2004 |
|--|---------------------------------|--------------------|
| Flat Coatings | 100 | |
| Nonflat coatings | 150 | |
| Nonflat-High Gloss | 250 | |
| Specialty Coatings | | |
| Antenna Coatings | 530 | |
| Antifouling Coatings | 400 | |
| Bituminous Roof Coatings | 300 | |
| Bituminous Roof Primers | 350 | |
| Bond Breakers | 350 | |
| Clear Wood Coatings: | | |
| Clear Brushing Lacquer | 680 | |
| Lacquers (including lacquer sanding sealers) | 550 | |
| Sanding Sealers (other than lacquer sanding sealers) | 350 | |
| Varnishes | 350 | |
| Concrete Curing Compounds | 350 | |

| | | |
|--|-----|-----|
| Dry Fog Coatings | 400 | |
| Faux Finishing Coatings | 350 | |
| Fire Resistive Coatings | 350 | |
| Fire Retardant Coatings: * Clear | 650 | |
| * Opaque | 350 | |
| Floor Coatings | 250 | |
| Flow Coatings | 420 | |
| Form-Release Compounds | 250 | |
| Graphic Arts Coatings (Sign Paints) | 500 | |
| High Temperature Coatings | 420 | |
| Industrial Maintenance Coatings | 450 | 250 |
| Low Solids Coatings ² | 120 | |
| Magnesite Cement Coatings | 450 | |
| Mastic Texture Coatings | 300 | |
| Metallic Pigmented Coatings | 500 | |
| Multi-Color Coatings | 250 | |
| Pre-Treatment Wash Primers | 420 | |
| Primers, Sealers, and Undercoaters | 200 | |
| Quick-Dry Enamels | 250 | |
| Quick-Dry Primers, Sealers, Undercoaters | 200 | |
| Recycled Coatings | 250 | |
| Roof Coatings | 250 | |
| Rust Preventative Coatings | 400 | |
| Shellacs: * Clear | 730 | |
| * Opaque | 550 | |

| | | |
|--|-----|--|
| Specialty Primers, Sealers and Undercoaters | 350 | |
| Stains | 250 | |
| Swimming Pool Coatings | 340 | |
| Swimming Pool Repair and Maintenance Coatings | 340 | |
| Temperature-Indicator Safety Coatings | 550 | |
| Traffic Marking Coatings | 150 | |
| Waterproofing Sealers | 250 | |
| Waterproofing Concrete/Masonry Sealers | 400 | |
| Wood Preservatives | 350 | |
| ¹ The specified limits remain in effect unless revised limits are listed in subsequent columns in the table. | | |
| ² Units are grams of VOC per liter (pounds of VOC per gallon) of coating, including water and exempt compounds. | | |
| Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams VOC per liter. | | |

6.2. Most Restrictive VOC Limits: If anywhere on the container of any architectural coating or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in the table in section [6.1](#), then the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified below:

6.2.1. Lacquer coatings (including lacquer sanding sealers)

6.2.2. Metallic pigmented coatings

6.2.3. Shellacs

6.2.4. Fire-retardant coatings

6.2.5. Pretreatment wash primers

6.2.6. Industrial maintenance coatings

6.2.7. Low-solids coatings

6.2.8. Wood preservatives

- 6.2.9. High temperature coatings
 - 6.2.10. Temperature-indicator safety coatings
 - 6.2.11. Antenna coatings
 - 6.2.12. Antifouling coatings
 - 6.2.13. Flow coatings
 - 6.2.14. Bituminous roof primers
 - 6.2.15. Specialty primers, sealers, and undercoaters
- 6.3. Sell-Through Of Coatings:
- 6.3.1. A coating manufactured prior to the January 1, 2003 or January 1, 2004 effective date specified for that coating in the table in section [6.1](#) may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in the table in section [6.1](#) may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. Section [6.3](#) does not apply to any coating that complies with the future effective January 1, 2003 or January 1, 2004 limits or that does not display the date or date-code required by section [7.1.1](#) of this Rule.
 - 6.3.2. A coating included in an approved Averaging Program specified in section [9.2](#) of this Rule that does not comply with the specified limit in the table in section [6.1](#) of this Rule may be sold, supplied, or offered for sale for up to three years after the end of the compliance period specified in the approved Averaging Program. In addition, such a coating may be applied at any time, both during and after the compliance period. This section does not apply to any coating that does not display on the container either the statement: "This product is subject to architectural coatings averaging provisions in California" or a substitute symbol specified by the Executive Officer of the California Air Resources Board (CARB). This section shall remain in effect until January 1, 2008.
- 6.4. Painting Practices: All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.
- 6.5. Thinning: No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in the table in section [6.1](#) of this Rule.
- 6.6. Rust Preventative Coatings: Effective January 1, 2004, a person shall only apply or solicit the application of any rust preventative coating for nonindustrial use, unless such a rust preventative coating complies with the industrial maintenance VOC limit specified in the table in section [6.1](#) of this Rule.
- 6.7. Coatings Not Listed In section [6.1](#) of this Rule: For any coating that does not meet any of the definitions for the specialty coatings categories listed in the table in section [6.1](#), the VOC content

limit shall be determined by classifying the coating as a flat coating or a nonflat coating, based on its gloss, as defined in section 5.21, 5.34 and 5.35 of this Rule and the corresponding flat or nonflat VOC limit shall apply.

- 6.8. Lacquers: Notwithstanding the provisions of sections [6.1](#) and 6.5 above, a person or facility may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than 70 percent and temperature below 65 degrees Fahrenheit, at the time of application, provided that the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.
- 6.9. Averaging Compliance Option: On or after January 1, 2003, in lieu of compliance with the specified limits in the table in section [6.6.11](#) of this Rule for floor coatings; industrial maintenance coatings; primers, sealers, and undercoaters; quick-dry primers, sealers, and undercoaters; quickdry enamels; roof coatings; bituminous roof coatings; rust preventative coatings; stains; waterproofing sealers, as well as flats and nonflats (excluding recycled coatings), manufacturers may average designated coatings such that their actual cumulative emissions from the averaged coatings are less than or equal to the cumulative emissions that would have been allowed under those limits over a compliance period not to exceed one year. Such manufacturers must also comply with the averaging provisions contained in section 9 of this Rule, as well as maintain and make available for inspection records for at least three years after the end of the compliance period. This section 6.9 above and section 9 shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

7. Administrative Requirements:

- 7.1. Container Labeling Requirements: Each manufacturer of any architectural coating subject to this Rule shall display the information listed in sections 7.1.1 through 7.1.9 below on the coating container (or label) in which the coating is sold or distributed.
 - 7.1.1. Date Code: The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the CARB Executive Officer.
 - 7.1.2. Thinning Recommendations: A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.
 - 7.1.3. VOC Content: Each container of any coating subject to this Rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed as grams of VOC per liter of coating. VOC content displayed shall be calculated using product formulation data, or shall be determined using the test method in section 8.2 of this Rule. The equations in section 7.2 of This Rule shall be used to calculate VOC contents.
 - 7.1.4. Industrial Maintenance Coatings: In addition to the information specified in sections 7.1.1, 7.1.2 and 7.1.3 above, each manufacturer of any industrial maintenance coating subject to this Rule shall display on the label or lid of the container in which the coating is sold or distributed one or more of the descriptions listed in sections 7.1.4.1 through 7.1.4.3 below:

- 7.1.4.1. “For industrial use only.”
- 7.1.4.2. “For professional use only.”
- 7.1.4.3. “Not for residential use” or “Not intended for residential use.”
- 7.1.5. Clear Brushing Lacquers: Effective January 1, 2003, the labels of all clear brushing lacquers shall prominently display the statements “For brush application only,” and “This product must not be thinned or sprayed.”
- 7.1.6. Rust Preventative Coatings: Effective January 1, 2003, the labels of all rust preventative coatings shall prominently display the statement “For Metal Substrates Only.”
- 7.1.7. Specialty Primers, Sealers, And Undercoaters: Effective January 1, 2003, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in sections 7.1.7.1 through 7.1.7.5 below:
- 7.1.7.1. For blocking stains.
- 7.1.7.2. For fire-damaged substrates.
- 7.1.7.3. For smoke-damaged substrates.
- 7.1.7.4. For water-damaged substrates.
- 7.1.7.5. For excessively chalky substrates.
- 7.1.8. Quick-Dry Enamels: Effective January 1, 2003, the labels of all quick dry enamels shall prominently display the words “Quick Dry” and the dry hard time.
- 7.1.9. Non Flat-High Gloss Coatings: Effective January 1, 2003, the labels of all non flat-high gloss coatings shall prominently display the words “High Gloss.”
- 7.2. Calculation Of VOC Content: For the purpose of determining compliance with the VOC content limits in the table in section 66.1.1 of this Rule, the VOC content of a coating shall be determined by using the procedures described in sections 7.2.1 or 7.2.2 below, as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured,
- 7.2.1. With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer’s maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using the following equation:

| | | |
|--|------------------|--------------------------------------|
| $VOC\ Content = (W_s - W_w - W_{ec}) / (V_m - V_w - V_{ec})$ | | |
| <i>Where:</i> | $VOC\ Content =$ | grams of VOC per liter of coating |
| | $W_s =$ | weight of all volatiles, in grams |
| | $W_w =$ | weight of water, in grams |
| | $W_{ec} =$ | weight of exempt compounds, in grams |

| | | |
|--|------------|---------------------------------------|
| | $V_m =$ | volume of coating, in liters |
| | $V_w =$ | volume of water, in liters |
| | $V_{ec} =$ | volume of exempt compounds, in liters |

- 7.2.2. For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using the following equation:

| | | |
|--|-----------------------------|--|
| $VOC\ Content_{ls} = (W_s - W_w - W_{ec}) / (V_m)$ | | |
| Where: | VOC content _{ls} = | the VOC content of a low solids coating in grams of VOC per liter of coating |
| | $W_s =$ | weight of all volatiles, in grams |
| | $W_w =$ | weight of water, in grams |
| | $W_{ec} =$ | weight of exempt compounds, in grams |
| | $V_m =$ | volume of coating, in liters |

8. Monitoring And Records:

8.1. Reporting Requirements.

- 8.1.1. Clear Brushing Lacquers: Each manufacturer of clear brushing lacquers shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall specify the number of gallons of clear brushing lacquers sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.
- 8.1.2. Rust Preventative Coatings: Each manufacturer of rust preventative coatings shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall specify the number of gallons of rust preventative coatings sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.
- 8.1.3. Specialty Primers, Sealers, And Undercoaters: Each manufacturer of specialty primers, sealers, and undercoaters shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall specify the number of gallons of specialty primers, sealers, and undercoaters sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.
- 8.1.4. Toxic Exempt Compounds: For each architectural coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before April 1 of

each calendar year beginning in the year 2004, report to the CARB Executive Officer the following information for products sold in California during the preceding year:

8.1.4.1. the product brand name and a copy of the product label with legible usage instructions;

8.1.4.2. the product category listed in the table in section 6.16.1 of this Rule to which the coating belongs;

8.1.4.3. the total sales in California during the calendar year to the nearest gallon;

8.1.4.4. the volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.

8.1.5. **Recycled Coating:** Manufacturers of recycled coatings must submit a letter to the CARB Executive Officer certifying their status as a Recycled Paint Manufacturer. The manufacturer shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall include, for all recycled coatings, the total number of gallons distributed in California during the preceding year, and shall describe the method used by the manufacturer to calculate California's distribution.

8.1.6. **Bituminous Coatings:** Each manufacturer of bituminous roof coatings or bituminous roof primers shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall specify the number of gallons of bituminous roof coatings or bituminous roof primers sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate California's sales.

8.2. **Testing Procedure:**

8.2.1. **VOC Content:** To determine the physical properties of a coating in order to perform the calculation in section 7.2 of this Rule, the reference method for VOC content is EPA Method 24, incorporated by reference in section 8.2.4.11 of this Rule, except as provided in sections 8.2.2 and 8.2.3 below. An alternative method to determine the VOC content of coatings is South Coast Air Quality Management District Method 304-91 (Revised February 1996), incorporated by reference in section 8.2.4.12 of this Rule. The exempt compounds content shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996), incorporated by reference in section 8.2.4.10 of this Rule. To determine the VOC content of a coating, the manufacturer may use EPA Method 24, or an alternative method as provided in section 8.2.2 below, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g. quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of an EPA Method 24 test and any other means for determining VOC content, the EPA Method 24 test results will govern, except when an alternative method is approved as specified in section 8.2.2 below. The District Air Pollution Control Officer may require the manufacturer to conduct an EPA Method 24 analysis.

8.2.2. **Alternative Test Method:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with section 8.2.1 above, after review and approved in writing by the staffs of the District, CARB and EPA, may also be used.

- 8.2.3. Methacrylate Traffic Marking Coatings: Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in section 8.2.4.13 of this Rule. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.
- 8.2.4. Test Methods: The following test methods are incorporated by reference herein, and shall be used to test coatings subject to provisions of this Rule:
- 8.2.4.1. Flame Spread Index: The flame spread index of a fire-retardant coating shall be determined by ASTM Designation E 84-99, "Standard Test Method for Surface Burning Characteristics of Building Materials," (see section 6 of this Rule, FireRetardant Coating).
- 8.2.4.2. Fire Resistance Rating: The fire resistance rating of a fire-resistive coating shall be determined by ASTM Designation E 119-98, "Standard Test Methods for Fire Tests of Building Construction Materials," (see section 6 of this Rule, FireResistive Coating).
- 8.2.4.3. Gloss Determination: The gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), "Standard Test Method for Specular Gloss," (see section 5.21, 5.34, 5.35 and 5.40 of this Rule, Flat Coating, Nonflat Coating, Nonflat-High Gloss Coating, and Quick-Dry Enamels).
- 8.2.4.4. Metal Content of Coatings: The metallic content of a coating shall be determined by South Coast Air Quality Management District Method 318-95, "Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction," South Coast Air Quality Management District "Laboratory Methods of Analysis for Enforcement Samples," (see section 7 of this Rule, Metallic Pigmented Coating).
- 8.2.4.5. Acid Content of Coatings: The acid content of a coating shall be determined by ASTM Designation D 1613-96, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products," (see section 5.38 of this Rule, Pre-Treatment Wash Primers).
- 8.2.4.6. Drying Times: The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, "Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature," (see section 5.40 and 5.41 of this Rule, Quick-Dry Enamel and Quick-Dry Primer, Sealer, and Undercoater). The tack-free time of a quickdry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95.
- 8.2.4.7. Surface Chalkiness: The chalkiness of a surface shall be determined using ASTM Designation D 4214-98, "Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films," (see section 5.52 of this Rule, Specialty Primer, Sealer, and Undercoater).
- 8.2.4.8. Exempt Compounds – Siloxanes: Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for compliance with section 8.2 of this Rule by Bay Area Air

Quality Management District Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," Bay Area Air Quality Management District Manual of Procedures, Volume III, adopted 11/6/96, (see section 5.61 of this Rule, Volatile Organic Compounds and section 8.2.1 of this Rule).

8.2.4.9. Exempt Compounds – Parachlorobenzotrifluoride (PCBTF): The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with section 8.2 of this Rule by Bay Area Air Quality Management District Method 41, "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride, Bay Area Air Quality Management District Manual of Procedures, Volume III, adopted 12/20/95, (see section 5.61 of this Rule, Volatile Organic Compound and section 8.2.1 of this Rule).

8.2.4.10. Exempt Compounds: The content of compounds exempt under EPA Method 24 shall be analyzed by South Coast Air Quality Management District Method 30391 (Revised 1996), "Determination of Exempt Compounds," South Coast Air Quality Management District "Laboratory Methods of Analysis for Enforcement Samples", (see section 5.61 of this Rule, Volatile Organic Compound and section 8.2.1 of this Rule.

8.2.4.11. VOC Content of Coatings: The VOC content of a coating shall be determined by EPA Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR) part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," (see section 8.2.1 of this Rule.)

8.2.4.12. Alternative VOC Content of Coatings: The VOC content of coatings may be analyzed either by EPA Method 24 or South Coast Air Quality Management District Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," South Coast Air Quality Management

District "Laboratory Methods of Analysis for Enforcement Samples," (see section 8.2.1 of this Rule)

8.2.4.13. Methacrylate Traffic Marking Coatings: The VOC content of methacrylate multicomponent coatings used as traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings, " (September 11, 1998), (see section 8.2.1 of this Rule).

9. Averaging Provision:

9.1. Averaging Emissions: The manufacturer shall demonstrate that actual emissions from the coatings being averaged are less than or equal to the allowable emissions, for the specified compliance period using the following equation:

$$\sum_{i=1}^N G_i V_i L_i$$

Where: $\sum_{i=1}^n GiMi = ActualEmission$

$\sum_{i=1}^n GiViLi = AllowableEmissions$

$Gi = Total\ Gallons\ of\ Product\ (I)\ subject\ to\ Averaging;$

$Mi = Material\ VOC\ Content\ of\ Product\ (I),\ in\ pounds\ per\ gallon;$

$$Mi = \frac{Ws - Ww - Wec}{Vm}$$

$Vi = Percent\ by\ Volume\ Solids\ and\ VOC\ in\ Product\ (I);$

Where: $Ws, Ww, Wec, Vm, Vw,$ and Vec are defined in section 7.2 of this Rule, except that in this section weights are in pounds and volumes are in gallons.

For Non-Zero VOC Coatings:

$$Vi = \frac{MaterialVOC(alsoknownasVOCActual)}{CoatingVOC(alsoknownasVOCRegulatory)}$$

Where: $CoatingVOC = \frac{Ws - Ww - Wec}{Vm - Vw - Vec}$

For Zero VOC Coatings:

$Vi = Percent\ Solids\ by\ Volume$

$Li = Regulatory\ VOC\ Content\ Limit\ for\ Product\ (I),\ in\ pounds\ per\ gallon\ (as\ listed\ in\ the\ table\ in\ section\ 6.16.1\ of\ this\ Rule.)$

The averaging is limited to coatings that are designated by the manufacturer. Any coating not designated in the averaging Program shall comply with the VOC limit in the table in section 6.16.1. The manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in California, if statewide coatings data are used. If district-specific coatings data are used, the manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the District.

9.1.1. In addition to the requirements specified in section 9.1 above, manufacturers shall not include in an Averaging Program any coating with a VOC content in excess of the following maximum VOC content, for the applicable categories.

| Averaging Categories and VOC Ceiling (Maximum VOC Allowed) | | |
|--|---|------------------------------------|
| Category | Rule VOC Limit (In effect or effective 1/1/2003) | Averaging VOC Ceiling (Maximum) |

| | | |
|---|--------------|-----|
| | or 1/1/2004) | |
| Flat Coating | 100 | 250 |
| Nonflat Coating | 150 | 250 |
| Floor Coatings | 250 | 400 |
| Industrial Maintenance Coatings | 250 | 420 |
| Primers, Sealers and Undercoaters | 200 | 350 |
| Quick-Dry Primers, Sealers and Undercoaters | 200 | 450 |
| Quick-Dry Enamels | 250 | 400 |
| Roof Coatings | 250 | 250 |
| Bituminous Roof Coatings | 300 | 300 |
| Rust Preventative Coatings | 400 | 400 |
| Stains | 250 | 350 |
| Waterproofing Sealers | 250 | 400 |

- 9.2. Averaging Program (Program): At least six months prior to the start of the compliance period, manufacturers shall submit an Averaging Program to the CARB Executive Officer. As used in this section 9, "Executive Officer" means the Executive Officer of the California Air Resources Board. Averaging may not be implemented until the Program is approved in writing by the Executive Officer.
- 9.2.1. Within 45 days of submittal of a complete Program, the Executive Officer shall either approve or disapprove the Program. The Program applicant and the Executive Officer may agree to an extension of time for the Executive Officer to take action on the Program.
- 9.3. General Requirements: The Program shall include all necessary information for the Executive Officer to make a determination as to whether the manufacturer may comply with the averaging

requirements over the specified compliance period in an enforceable manner. Such information shall include, but is not limited to, the following:

- 9.3.1. An identification of the contact persons, telephone numbers, and name of the manufacturer who is submitting the Program.
- 9.3.2. An identification of each coating that has been selected by the manufacturer for inclusion in this program that exceeds the applicable VOC limit in the table in section 6 of this Rule, its VOC content specified in units of both VOC actual and VOC regulatory, and the designation of the coating category.
- 9.3.3. A detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for a single compliance period that the Program will be in effect. In addition, the demonstration shall include VOC content information for each coating that is below the compliance limit in the table in section 6.6.11 of this Rule. The demonstration shall use the equation specified in section 9.1 of this Rule for projecting the actual emissions and allowable emissions during each compliance period. The demonstration shall also include all VOC content levels and projected volume sold within the State for each coating listed in the Program during each compliance period. The requested data can be summarized in a matrix form.
- 9.3.4. A specification of the compliance period(s) and applicable reporting dates. The length of the compliance period shall not be more than one year or less than six months.
- 9.3.5. An identification and description of all records to be made available to the Executive Officer upon request, if different than those identified under section 9.3.6 below.
- 9.3.6. An identification and description of specific records to be used in calculating emissions for the Program and subsequent reporting, and a detailed explanation as to how those records will be used by the manufacturer to verify compliance with the averaging requirements.
- 9.3.7. A statement, signed by a responsible party for the manufacturer, that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request.

9.4. Reporting Requirements:

- 9.4.1. Mid-Term Report: For every single compliance period, the manufacturer shall submit a mid-term report listing all coatings subject to averaging during the first half of the compliance period, detailed analysis of the actual and allowable emissions at the end of the mid-term, and an explanation as to how the manufacturer intends to achieve compliance by the end of the compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct. The mid-term report shall be submitted within 45 days after the midway date of the compliance period. A manufacturer may request, in writing, an extension of up to 15 days for submittal of the mid-term report.
- 9.4.2. End of Compliance Period/Termination of Program Report: Within 60 days after the end of the compliance period or upon termination of the Program, whichever is sooner, the manufacturer shall submit to the Executive Officer a report listing all coatings subject to averaging during the compliance period, providing a detailed demonstration of the balance between the actual and allowable emissions for the compliance period, any

identification and description of specific records used by the manufacturer to verify compliance with the averaging requirement, and any other information requested by the Executive Officer to determine whether the manufacturer complied with the averaging requirements over the specified compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request. A manufacturer may request, in writing, an extension of up to 30 days for submittal of the final report.

9.5. Renewal Of A Program:

9.5.1. A Program automatically expires at the end of the compliance period. The manufacturer may request a renewal of the Program by submitting a renewal request that shall include an updated Program, meeting all applicable Program requirements. The renewal request will be considered conditionally approved until the Executive Officer makes a final decision to deny or approve the renewal request based on a determination of whether the manufacturer is likely to comply with the averaging requirements. The Executive Officer shall base such determination on all available information, including but not limited to, the mid-term and the final reports of the preceding compliance period. The Executive Officer shall make a decision to deny or approve a renewal request no later than 45 days from the date of the final report submittal, unless the manufacturer and the Executive Officer agree to an extension of time for the Executive Officer to take action on the renewal request.

9.6. Modification Of A Program:

9.6.1. A manufacturer may request a modification of the Program at any time prior to the end of the compliance period. The Executive Officer shall take action to approve or disapprove the modification request no longer than 45 days from the date of its submittal. No modification of the compliance period shall be allowed. A Program need not be modified to specify additional coatings to be averaged that are below the applicable VOC limits.

9.7. Termination Of A Program:

9.7.1. A manufacturer may terminate its Program at any time by filing a written notification to the Executive Officer. The filing date shall be considered the effective date of the termination, and all other provisions of this Rule including the VOC limits shall immediately thereafter apply. The manufacturer shall also submit a final report 60 days after the termination date. Any exceedance of the actual emissions over the allowable emissions over the period that the Program was in effect shall constitute a separate violation for each day of the entire compliance period.

9.7.2. The Executive Officer may terminate a Program if any of the following circumstances occur:

9.7.2.1. The manufacturer violates the requirements of the approved Program, and at the end of the compliance period, the actual emissions exceed the allowable emissions.

9.7.2.2. The manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.

9.8. Change In VOC Limits:

9.8.1. If the VOC limits of a coating listed in the Program are amended such that its effective date is less than one year from the date of adoption, the affected manufacturer may base its averaging on the prior limits of that coating until the end of the compliance period immediately following the date of adoption.

9.9. Labeling:

9.9.1. Each container of any coating that is included in averaging program, and that exceeds the applicable VOC limit in the table in section 6.16.1 of this Rule shall display the following statement: "This product is subject to architectural coatings averaging provisions in California." A symbol specified by the Executive Officer may be used as a substitute.

9.10. Violations:

9.10.1. The exceedance of the allowable emissions for any compliance period shall constitute a separate violation for each day of the compliance period. However, any violation of the requirements of the Averaging Provision of this Rule, which the violator can demonstrate, to the Executive Officer, did not cause or allow the emission of an air contaminant and was not the result of negligent or knowing activity may be considered a minor violation.

9.11. Sunset Of Averaging Provision:

9.11.1. The averaging provision set forth in this section 9 shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT

Rule 4:40 Adhesives and Sealants

Adopted 4/1/03

1. General
2. Purpose: To limit the emission of volatile organic compounds (VOCs) from adhesives and sealants and associated primers, and from related surface preparation solvents, cleanup solvents, and strippers.
3. Applicability: This rule applies to any person who:
 - 3.1. Manufactures, sells, offers for sale, or supplies an adhesive or sealant product for use in the District; or
 - 3.2. Uses an adhesive or sealant product; or
 - 3.3. Uses a surface preparation solvent, a cleanup solvent, or a stripper; or
 - 3.4. Solicits, requires the use of, or specifies the application of an adhesive or sealant product, surface preparation solvent, cleanup solvent, or stripper that does not comply with this rule.
4. Severability: If any section, subsection, sentence, clause, phrase, or portion of this rule is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction that portion shall be deemed as a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of the rule.
5. Exemptions
 - 5.1. Consumer Product Adhesives: The requirements of this rule shall not apply to adhesives that are regulated by the State of California and that are defined in section 6.15.
 - 5.2. Medical Equipment Manufacturing: The requirements of this rule shall not apply to solvent welding operations used in the manufacturing of medical devices, including, but not limited to, catheters, heart valves, blood cardioplegia machines, tracheotomy tubes, blood oxygenators, and cardiatory reservoirs.
 - 5.3. Tire Repair: The requirements of this rule shall not apply to materials used for tire repair if such products are labeled by the manufacturer: "For Tire Repair Only."
 - 5.4. Undersea Weapons: The requirements of this rule shall not apply to the manufacture, maintenance, or repair of undersea-based weapon systems.
 - 5.5. Low-voc Materials: The requirements of this rule shall not apply to materials containing 20 grams or less per liter (0.17 lbs/gal) of VOCs, less water and exempt compounds, as applied.
 - 5.6. Small Container: The requirements of this rule shall not apply to materials sold or supplied in nonreusable containers that are designed to hold no more than 8 fluid ounces. This exemption does not apply to plastic cement welding adhesives.

- 5.7. Research and Development Operations: sections [7.1](#), [7.2](#), and [7.3](#) shall not apply to the testing and evaluation of materials in research and development laboratories, quality assurance laboratories, or analytical laboratories, provided that these sources maintain records that comply with section [9.1](#).
 - 5.8. Contact Adhesives: The requirements of section [7.1](#) shall not apply to contact adhesives subject to the Consumer Product Safety Commission regulations in 16 Code of Federal Regulations, Part 1302, provided that adhesives are sold in packages of 128 fluid ounces or less.
 - 5.9. Exemption -Aerosol Cleaning Solvents: The requirements of section [7.2](#) shall not apply to the use of aerosol cleaning solvents at the stationary source provided that the total usage of the aerosol cleaning solvents does not exceed 160 fluid ounces per day.
 - 5.10. Equipment Cleanup: The VOC requirements in section [7.2](#) shall not apply to ethyl acetate used to clean adhesive application equipment when:
 - 5.10.1. The equipment is used in the manufacturing of transdermal drug delivery products, and
 - 5.10.2. Fewer than 3 gallons per day of ethyl acetate, averaged over a calendar month, are used.
 - 5.11. Low Usage: The requirements of sections [7.1](#) and [7.2](#) shall not apply to the materials used by the stationary source if the total combined volume of these materials used at the stationary source does not exceed 55 gallons during any calendar year. Commercial and industrial operations that use such materials and that are exempted pursuant to this section shall comply with section [9.1](#). This exemption cannot be used by any person using the alternative record keeping method pursuant to section [9.7](#).
 - 5.12. The requirements of this rule shall not apply to cyanoacrylate adhesives and other reactive adhesives as defined in sections [6.20](#) and [6.51](#) of this rule.
 - 5.13. The requirements of this rule shall not apply to reactive adhesives that are cured through the application of ultraviolet light, electron beam, visible light, radio frequency, or microwaves.
6. Definitions
- 6.1. Acrylonitrile-butadiene-styrene (ABS) Welding Adhesive: Any adhesive intended by the manufacturer for use to weld acrylonitrile-butadiene-styrene (ABS) pipe. ABS pipe is made by reacting monomers of acrylonitrile, butadiene, and styrene and is normally identified with an ABS marking.
 - 6.2. Adhesive: Any material that is used to bond one surface to another surface by attachment.
 - 6.3. Adhesive Primer: A coating applied to a substrate, prior to the application of an adhesive, to provide a bonding surface.
 - 6.4. Aerospace Component: The fabricated part, assembly of parts, or completed unit of any aircraft or space vehicle, excluding tires, and including models, mock-ups, prototypes, and test coupons.
 - 6.5. Aerosol Cleaning Solvent: A material used as a surface preparation solvent, a cleanup solvent, or a stripper and consisting of liquid and/or gaseous solvent and propellants packaged in a hand-held, pressurized, non-refillable container. The container expels pressurized aerosol materials when a valve on the container is depressed.

- 6.6. Application Equipment: A device such as a spray gun, pot, hose, brush, roller, electrostatic sprayer, non-propellant spray bottle, or squeegee used to apply an adhesive or sealant product, a surface preparation solvent, a cleanup solvent, or a stripper.
- 6.7. Architectural Sealant/primer: Any sealant or sealant primer intended by the manufacturer to be applied to stationary structures, including mobile homes, and their appurtenances. Appurtenances to an architectural structure include, but are not limited to: hand railings, cabinets, bathroom and kitchen fixtures, fences, rain gutters and downpours, and windows.
- 6.8. Automotive Glass Adhesive Primer: An adhesive primer labeled by the manufacturer to be applied to automotive glass prior to installation of the glass using an adhesive/sealant. This primer improves the adhesion to pinch weld and blocks ultraviolet light.
- 6.9. Ceramic Tile Installation Adhesive: An adhesive intended by the manufacturer for ceramic tile installation.
- 6.10. Chlorinated Polyvinyl Chloride (CPVC) Welding Adhesive: An adhesive labeled by the manufacturer to weld CPVC plastic pipe.
- 6.11. Chlorinated Polyvinyl Chloride (CPVC) Plastic: CPVC plastic is a polymer of the monomer that contains 67 percent chlorine and is normally identified with a CPVC marking.
- 6.12. Cleanup Solvent: A VOC-containing material used to:
- 6.12.1. Remove a loosely held uncured (i.e., not dry to the touch) adhesive or sealant from a substrate, or
 - 6.12.2. Clean equipment used in applying a material.
- 6.13. Closed Container: A container which has a cover that meets with the main body of the container without any visible gaps between the cover and the main body of the container.
- 6.14. Computer Diskette Jacket Manufacturing Adhesive: An adhesive intended by the manufacturer to bond fold-over flaps to the body of a vinyl computer diskette jacket.
- 6.15. Consumer Product Adhesive: An adhesive subject to Title 17, California Code of Regulations, sections 94507-94517 (Consumer Products).
- 6.16. Contact Adhesive: An adhesive that forms an instantaneous bond that cannot be repositioned when substrates, on which the adhesive is applied and allowed to dry, are brought together using momentary pressure.
- 6.17. Contact Adhesives – Specialty Substrates: An adhesive that is intended by the manufacturer to be used for:
- 6.17.1. the bonding of two nonporous substrates;
 - 6.17.2. the bonding of decorative laminate in post forming application;
 - 6.17.3. the bonding of decorative laminate to metal, melamine-covered board, or curved surfaces; or

- 6.17.4. the bonding of any substrate to metal, rubber, rigid plastic, or wood veneer not exceeding 1/16" in thickness.
- 6.18. Cove Base Installation Adhesive: An adhesive intended by the manufacturer for the installation of cove base (or wall base), which is generally made of vinyl or rubber, onto a wall or vertical surface at floor level.
- 6.19. Cured: Dry to the touch.
- 6.20. Cyanoacrylate Adhesive: An adhesive with a cyanoacrylate content of at least 90 percent by weight and emits less than 20 grams per liter of VOC as determined pursuant to section [10.9](#).
- 6.21. Drywall Installation: The installation of gypsum drywall to studs or solid surfaces.
- 6.22. Enclosed Gun Cleaner:
- 6.22.1. A device used to clean spray guns, pots, cups, and hoses, that has a closed solvent container, is not open to the ambient air when in use, and has a mechanism to force cleanup material through the gun while the cleaner is in operation; or
- 6.22.2. A device used to clean spray guns, pots, cups, and hoses that has a closed solvent container, uses non-atomized solvent flow to flush the spray equipment, and collects and returns the discharged solvent to the closed container.
- 6.23. Exempt Compound: For the purposes of this rule, "exempt compound" has the same meaning as used in District Rule 4:39-Architectural Coatings.
- 6.24. Fiberglass: A fiber made of fine filaments of glass and that is similar in appearance to wool or cotton fiber.
- 6.25. Flexible Vinyl: A nonrigid polyvinyl chloride plastic with at least five percent, by weight, of plasticizer content.
- 6.26. Hand Application: The application of a material by manual equipment. Manual equipment includes paint brushes, hand rollers, trowels, spatulas, daubers, rags, sponges, as well as mechanically or pneumatically driven syringes that do not atomize the applied products.
- 6.27. High Pressure Laminate: Sheets of materials, consisting of paper, fabric, or other core material, that have been laminated at temperatures exceeding 265/ F, and at pressures between 1,000 and 1,400 pounds per square inch.
- 6.28. High-Volume Low-Pressure (HVLP) Application Equipment: Equipment used to apply coating by means of a spray gun which is designed to be operated, and which is operated between 0.1 and 10.0 pounds per square inch gauge (psig) air pressure, measured dynamically at the center of the air cap and at the air horns.
- 6.29. Indoor Floor Covering Installation Adhesive: An adhesive intended by the manufacturer for the installation - in an enclosed area not exposed to ambient weather conditions during normal use - of wood flooring, carpet, carpet pads, rubber flooring, resilient tile, vinyl tile, vinyl backed carpet, resilient sheet and roll, or artificial grass. Indoor floor covering installation does not include ceramic tile installation, the installation of perimeter bonded sheet flooring with vinyl backing onto a non-porous substrate, such as flexible vinyl, or subfloor installation.

- 6.30. Key System Operating Parameter:
 - 6.30.1. A variable that is critical to the operation of an emission control system and that ensures:
 - 6.30.1.1. Operation of the system within the system manufacturer's specifications, and
 - 6.30.1.2. Compliance with the overall system efficiency standard required by section [7.3](#).
 - 6.30.2. Such variables may include, but are not limited to:
 - 6.30.2.1. Hours of operation
 - 6.30.2.2. Temperature
 - 6.30.2.3. Flow rate
 - 6.30.2.4. Pressure
- 6.31. Leak: A visible liquid solvent leak from a container or a visible liquid mist.
- 6.32. Low-solids Material: A material containing 120 grams or less of solids per liter of product.
- 6.33. Low-Volume Low-Pressure (LVLP) Application Equipment: Spray coating application equipment with air pressure between 0.1 and 10.0 pounds per square inch gauge (psig) and air volume less than 15.5 cubic feet per minute (cfm) per spray gun and that operates at a maximum fluid delivery pressure of 50 psig.
- 6.34. Marine Deck Sealant/Sealant Primer: A sealant or sealant primer labeled by the manufacturer to seal gaps on wooden marine decks.
- 6.35. Material: Any material containing VOC including but not limited to an adhesive, adhesive primer, sealant, sealant primer, catalyst, colorant, stripper, or solvents used in cleaning.
- 6.36. Metal to Urethane/Rubber Molding or Casting Adhesive: An adhesive intended by the manufacturer to bond metal to high-density or elastomeric urethane or to molded rubber materials, using heater molding or casting processes, in order to fabricate products such as rollers for computer printers or other paper handling equipment.
- 6.37. Multipurpose Construction Adhesive: An adhesive intended by the manufacturer for the installation or repair of various construction materials, including, but not limited to, drywall, subfloor, panel, fiberglass reinforced plastic, ceiling tile, and acoustical tile.
- 6.38. Noncompliant Material: A material that:
 - 6.38.1. Exceeds the VOC content limits specified in sections [7.1](#) and [7.2](#), and is not exempt pursuant to section [5](#), and the user of the material does not use emission control equipment pursuant to section [7.3](#); or
 - 6.38.2. Exceeds the VOC content limit and/or composite vapor pressure limit, as applicable, in section [7.2](#), and user of the material does not use emission control equipment pursuant to section [7.3](#).

- 6.39. Non-membrane Roof Installation/repair Adhesive/sealant: An adhesive or sealant intended by the manufacturer for the installation or repair of non-membrane roofs, but is not intended for the installation of prefabricated single-ply roof membrane. This category includes plastic or asphalt roof cement, asphalt roof coatings, and cold application cement.
- 6.40. Non-Porous Material: A material which does not have tiny openings, often microscopic, to allow the absorption or discharge of fluids.
- 6.41. Outdoor Floor Covering Installation Adhesive: An adhesive intended by the manufacturer for the installation of floor covering that is not in an enclosure and is exposed to ambient weather conditions during normal use.
- 6.42. Panel Installation: The installation of plywood, pre-decorated hardboard, tile board, fiberglass reinforced plastic, and similar predecorated or nondecorated panels on studs or solid surfaces.
- 6.43. Perimeter Bonded Sheet Vinyl Flooring Installation: The installation of sheet flooring with vinyl backing onto a nonporous substrate using an adhesive design to be applied only to a strip up to four inches wide around the perimeter of the sheet flooring.
- 6.44. Plastic: A synthetic material chemically formed by the polymerization of organic (carbon-based) substances.
- 6.45. Plastic Cement Welding Adhesive: An adhesive made of resins and solvents that is formulated to dissolve the surfaces of plastic and to form a bond between mating surfaces.
- 6.46. Plastic Cement Welding Adhesive Primer: A primer intended by the manufacturer to prepare plastic substrates prior to bonding or welding.
- 6.47. Plasticizer: A material, such as a high boiling point organic solvent, that is incorporated into a vinyl to increase its flexibility, workability, or distensibility, as determined by ASTM Method En260-96.
- 6.48. Polyvinyl Chloride (PVC) Welding Adhesive: An adhesive intended by the manufacturer to weld PVC plastic pipe.
- 6.49. Porous Material: A material whose surface is permeable to liquids including, but not limited to foam, paper, corrugated paperboard, stone, and wood.
- 6.50. Propellant: A fluid under pressure that expels the contents of a container when a valve is opened.
- 6.51. Reactive Adhesive: An adhesive containing 20 grams or less per liter (0.17 lbs/gal) of VOCs, less water and exempt compounds, as applied, that cures upon exposure to ultraviolet light, electron beam, visible light, radio frequency, or microwave.
- 6.52. Roadway Sealant: A sealant intended by the manufacturer to be applied to public streets, highways, and related surfaces including curbs, berms, driveways, and parking lots.
- 6.53. Rubber: A natural or manmade rubber substrate, including, but not limited to: styrene-butadiene rubber, polychloroprene (neoprene), butyl rubber, nitrile rubber, chlorosulfonated polyethylene, and ethylene propylene diene terpolymer.
- 6.54. Rubber Flooring: A flooring material in which both the back and the top surface are made of synthetic rubber, and that may be in sheet or tile form.

- 6.55. Sealant: A material with adhesive properties that is applied as a rope or bead and that is formulated for use primarily to fill, seal, waterproof, or weatherproof gaps or joints between two surfaces. Sealants include sealant primers and caulks.
- 6.56. Sealant Primer: A material intended by the manufacturer for application to a substrate, prior to the application of a sealant, to enhance the bonding surface.
- 6.57. Single-ply Roof Membrane: A single sheet of rubber, normally ethylene-propylene diene monomer, that is applied in a single layer to a building roof (normally a flat roof).
- 6.58. Solid Material: The nonvolatile portion of a material that remains after heating a sample of the product at 110°C for one hour.
- 6.59. Solvent Welding: The softening of the surfaces of two substrates by wetting them with a solvent and/or adhesive, and joining them together using a chemical and/or physical reaction(s) to form a fused union.
- 6.60. Stationary Source: A building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission.
- 6.60.1. Building, structure, facility, or emissions unit includes all pollutant-emitting activities which:
- 6.60.1.1. Belong to the same industrial grouping, and
- 6.60.1.2. Are located on one property or on two or more contiguous properties, and
- 6.60.1.3. Are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.
- 6.60.2. Pollutant-emitting activities shall be considered as part of the same industrial grouping if:
- 6.60.2.1. They belong to the same two-digit standard industrial classification code, or
- 6.60.2.2. They are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)
- 6.61. Stripper: A liquid used to remove cured adhesives and/or cured sealants.
- 6.62. Structural Glazing Adhesive: An adhesive intended by the manufacturer to adhere glass, ceramic, metal, stone, or composite panels to exterior building frames.
- 6.63. Subfloor Installation: The installation of subflooring material, typically plywood, over flooring joists. Subfloor installation includes the construction of any load bearing joints in joists or trusses. Subflooring is covered by a finished surface material.
- 6.64. Surface Preparation Solvent: A VOC-containing material used to remove contaminants such as dust, soil, oil, grease, etc., from a substrate prior to the application of an adhesive or sealant product.

- 6.65. Thin Metal Laminating Adhesive: An adhesive intended by the manufacturer to bond multiple layers of metal to metal or metal to plastic in which the thickness of the bond line(s) is less than 0.25 mils.
- 6.66. Tire Repair: The expanding of a hole, tear, fissure, or blemish in a tire casing by grinding or gouging, applying adhesive, and filling the hole or crevice with rubber.
- 6.67. Tire Retread Adhesive: An adhesive applied to the back of precured tread rubber and to the casing and cushion rubber. Tire retread adhesive may also be used to seal buffed tire casings to prevent oxidation while the tire is being prepared for a new tread.
- 6.68. Traffic Marking Tape Adhesive Primer: An adhesive primer intended by the manufacturer to be applied to surfaces prior to the installation of traffic marking tape.
 - 6.68.1. Traffic marking tape adhesive primer is not one of the coatings included in the definition of “traffic marking coating” in Rule 4:39-Architectural Coatings.
 - 6.68.2. Traffic marking tape is a preformed reflective film intended by the manufacturer to be applied to public streets, highways, and other surfaces including, but not limited to, curbs, berms, driveways, and parking lots.
- 6.69. Volatile Organic Compound (VOC): For the purpose of this rule “volatile organic compound” has the same meaning as in District Rule 1:2- Definitions.
- 6.70. Volatile Organic Compound (VOC) as Applied: A VOC as applied means the VOC content of the material as applied including thinners, reducers, hardeners, retarders, catalysts and additives calculated pursuant to section [10.1](#).
- 6.71. Volatile Organic Compound (VOC) As Supplied: A VOC as supplied means the VOC content of the original material as supplied by the manufacturer calculated pursuant to section [10.1](#).
- 6.72. Waterproof Resorcinol Glue: A two-part resorcinol resin-based adhesive designed for applications where the bond line must be resistant to conditions of continuous immersion in fresh or salt water.
- 6.73. Wipe Cleaning: The method of cleaning a surface by physically rubbing it with a material such as a rag, paper, abrasive pad, brush, or a cotton swab moistened with a solvent.
- 6.74. Wood Flooring: A wood floor surface, which may be in the form of parquet tiles, planks, or strip-wood.

7. Standards

- 7.1. VOC Content - Adhesives/Adhesive Primers: A person shall not apply a material that has a VOC content, as applied (as determined per section [10.1](#)) in excess of the limits listed in this section. For a low solids material, the VOC content shall be calculated based on grams per liter of material or pounds per gallon of material including water and exempt compounds. For all other materials, the VOC content shall be calculated in grams per liter or pounds per gallon, less water and exempt compounds.

TABLE 1
VOC CONTENT FOR MISCELLANEOUS ADHESIVES

| Type of Adhesive | VOC Content g/l (lbs/gal) | |
|---|---------------------------|-----------|
| | Effective Date | |
| | 37802 | 37986 |
| ABS Welding Adhesive | 400 (3.3) | |
| Ceramic Tile Installation Adhesive | 130 (1.1) | |
| Computer Diskette Jacket Manufacturing Adhesive | 850 (6.9) | |
| Cove Base Installation Adhesive | 150 (1.2) | |
| CPVC Welding Adhesive | 490 (4.0) | |
| Indoor Floor Covering Installation Adhesive | 150 (1.2) | |
| Metal to Urethane/Rubber Molding or Casting Adhesive | 250 (2.0) | |
| Multipurpose Construction Adhesive | 200 (1.6) | |
| Non-Membrane Roof Installation/Repair Adhesive | 300 (2.5) | |
| Outdoor Floor Covering Installation Adhesive | 250 (2.0) | |
| PVC Welding Adhesive | 510 (4.2) | |
| Single-Ply Roof Membrane Installation/Repair Adhesive | 250 (2.0) | |
| Structural Glazing Adhesive | 100 (0.8) | |
| Thin Metal Laminating Adhesive | 780 (6.4) | |
| Tire Retread Adhesive | 100 (0.8) | |
| Perimeter Bonded Sheet Vinyl Flooring Installation Adhesive | - | 660 (5.4) |
| Waterproof Resorcinol Glue | 170 (1.4) | |
| Other Plastic Cement Welding Adhesive | 450 (3.7) | |

| TABLE 2 VOC CONTENT FOR ADHESIVE PRIMERS | | |
|---|--------------------------------------|--------------|
| Type of Adhesive Primer | VOC Content g/l (lbs/gal) | |
| | Effective Date | |
| | 37802 | 37986 |
| Automotive Glass | 700 (5.7) | |
| Plastic Cement Welding | 650 (5.3) | 400 (3.3) |
| Single-Ply Roof Membrane | 250 (2.0) | |
| Traffic Marking Tape | 150 (1.2) | |
| Other | 250 (2.0) | |

| TABLE 3 VOC CONTENT FOR CONTACT ADHESIVES | | | |
|--|---|--------------|--------------|
| Type of Contact Adhesive | VOC Content g/l (lbs/gal) Effective Date | | |
| | 37802 | 37986 | 38352 |
| | Contact Adhesive | 250 (2.0) | |
| Contact Adhesive Specialty Substrate | | 400 (3.3) | 250 (2.0) |
| Top & Trim Adhesive | 540 (4.4) | | 540 (4.4) |

| TABLE 4 VOC CONTENT FOR SEALANTS | | |
|---|--------------------------------------|--------------|
| Type of Sealant | VOC Content g/l (lbs/gal) | |
| | Effective Date | |
| | 37802 | 37986 |
| Architectural | 250 (2.0) | 250 (2.0) |
| Marine Deck | 760 (6.2) | 760 (6.2) |
| Nonmembrane Roof Installation/Repair | 300 (2.5) | 300 (2.5) |
| Roadway Sealant | 250 (2.0) | 250 (2.0) |
| Single-Ply Roof Membrane Sealant | 450 (3.7) | 450 (3.7) |
| Other | 420 (3.4) | 420 (3.4) |

| TABLE 5 VOC CONTENT FOR SEALANT PRIMERS | | |
|--|----------------------------------|--------------|
| Type of Sealant Primer | VOC Content g/l (lbs/gal) | |
| | Effective Date | |
| | 37802 | 37986 |
| Architectural | 250 (2.0) | 250 (2.0) |
| Nonporous | 775 (6.3) | 775 (6.3) |
| Porous | | |
| Marine Deck | 760 (6.2) | 760 (6.2) |
| Other | 750 (6.1) | 750 (6.1) |

| TABLE 6 VOC CONTENT FOR ADHESIVE APPLICATIONS ONTO SUBSTRATES | |
|--|----------------------------------|
| The standards in this table apply to applications not specifically identified in Tables 1, 2, 3, 4 or 5. In this table if an adhesive is used to bond two different types of substrates with different VOC limits then higher of the two VOC limits shall apply. | |
| Adhesive Applications Onto Substrates | VOC Content g/l (lbs/gal) |
| | Effective Date |
| | 37802 |
| Flexible Vinyl | 250 (2.0) |
| Fiberglass | 200 (1.6) |
| Metal | 30 (0.2) |
| Porous Material | 120 (1.0) |
| Rubber | 250 (2.0) |
| Other | 250 (2.0) |

- 7.2. Solvent Cleanup and Storage Requirements: A person shall comply with the following requirements:
- 7.2.1. Materials used for surface preparation, cleaning, or stripping shall not exceed the VOC content and the VOC composite vapor pressure limits specified in the table below. The VOC content of the material as applied shall be determined pursuant to section [10.1](#). The composite partial pressure shall be determined using section [10.7](#).

| TABLE 7 VOC CONTENT OF SOLVENTS USED FOR SURFACE PREPARATION CLEANUP AND STRIPPING | | |
|---|----------------------------------|---------------------------------------|
| Solvent Use | VOC Content g/l (lbs/gal) | VOC Composite Partial Pressure |
| | | |

| | including water and exempt compounds | Millimeters of Mercury at 20°C (68°F) |
|--|--------------------------------------|---------------------------------------|
| | Effective Date | |
| | 37802 | 37802 |
| SUBSTRATE PREPARATION: Single-Ply Roof Membrane Installation/Repair | – | ≤ 45 |
| SUBSTRATE PREPARATION: Electronic Components | ≤ 900 (≤ 7.3) | ≤ 45 |
| SUBSTRATE PREPARATION: Medical Devices | ≤ 900 (≤ 7.3) | ≤ 33 |
| SUBSTRATE PREPARATION: Other Substrates | ≤ 70 (≤ 0.6) | ≤ 33 |
| CLEANUP: Cleaning a Spray Gun in an Enclosed Gun Cleaner | – | – |
| CLEANUP: Soaking of Application Equipment in a Closed Container | – | ≤ 45 |
| CLEANUP: Cleaning of Application Equipment-No Closed Container, No Enclosed Gun Cleaner | ≤ 70 (≤ 0.6) | ≤ 9.5 |
| CLEANUP: Cleaning of Equipment Other Than Adhesive or Sealant Product Application Equipment | – | – |
| STRIPPING: Adhesive or Sealant Products on Wood | ≤ 350 | ≤ 2 |
| STRIPPING: Adhesive or Sealant Products on Substrates | – | ≤ 9.5 |

- 7.2.2. A person applying any surface preparation solvent, cleanup solvent, or any stripper must use one of the following methods:
 - 7.2.2.1. Wipe cleaning.
 - 7.2.2.2. Non-propellant spray bottles or containers.
 - 7.2.2.3. An enclosed gun cleaner as defined by section [6.22](#).
 - 7.2.2.4. Soaking application equipment parts in a closed container provided that the container does not exceed five gallons in size and the container is kept tightly covered at all times except when accessing the container.
- 7.2.3. Closed containers shall be used for the disposal of all VOC-containing cloth, sponges, papers, or other materials used for solvent cleaning.
- 7.2.4. All VOC-materials shall be stored in closed containers when not in use.
- 7.3. Emission Control Equipment: As an alternative to utilizing materials that comply with the VOC content standards identified in sections [7.1](#) through [7.2](#), a person may use air pollution control equipment provided the equipment satisfies the following requirements:
 - 7.3.1. The air pollution control equipment is designed and operated with:
 - 7.3.1.1. A control device efficiency of at least 95 percent on a mass basis, as determined pursuant to sections [8.4](#) and [10.3](#), and
 - 7.3.1.2. An emission collection efficiency of at least 90 percent on a mass basis, as determined pursuant to section [10.4](#).
- 7.4. Material Application Methods: Effective July 1, 2003: A person shall not apply any adhesive or sealant product except as follows:
 - 7.4.1. Hand application.
 - 7.4.2. Dip coat.
 - 7.4.3. Flow coat.
 - 7.4.4. Brush or roll coat.
 - 7.4.5. Electrodeposition.
 - 7.4.6. Electrostatic spray
 - 7.4.7. High-volume low-pressure (HVLP) application equipment.
 - 7.4.8. Low-volume low-pressure (LVLP) application equipment.
 - 7.4.9. Aerosol cans.

7.4.10. For contact adhesives only: airless sprayers, air-assisted airless sprayers, and air-atomized sprayers.

7.4.11. Any other equivalent method approved in writing by the Air Pollution Control Officer.

7.5. Prohibition of Sale: A person shall not supply, sell, solicit, or offer for sale, any noncompliant materials as defined in section [6.38](#), except that a non-compliant adhesive manufactured before July 1, 2003, may be sold, supplied, or offered for sale until January 1, 2005, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date. The prohibition in this section shall apply to any material which will be applied at any physical location within the District. The sales prohibition shall not apply to any manufacturer of any adhesive, sealant, or adhesive or sealant primer if the manufacturer has provided the maximum VOC content per subsection [8.7](#) and if:

7.5.1. the product was not sold directly to a user or a sales outlet located in the District, or

7.5.2. the product was sold to an independent distributor that is not a subsidiary of, or under the direct control of, the manufacturer.

7.6. Prohibition of Specification: No person shall solicit, require the use of, or specify the application of any material subject to this rule, if the use or application would violate this rule. The prohibition in this section shall also apply to all written or oral contracts under the terms of which any such product or solvent is to be applied within the District.

8. Administrative Requirements

8.1. Calculation for Determining VOC Content of Material Excluding Water and Exempt Compounds: For the VOC content as applied, the volume of material is defined as the volume of the original material plus any material (e.g., thinners, reducers, or catalysts) added to the original material. The weight of VOC per combined volume of VOC and material solids shall be calculated using the following equation:

$$G_l = \frac{W_y - W_w - W_{ec}}{V_m - V_w - V_{ec}}$$

Where: G_l = Weight of VOC per volume of material less water and exempt compounds in grams per liter

W_v = Weight of all volatile compounds including any volatile materials added to the original material supplied by the manufacturer when calculating the VOC content as applied in grams

W_w = Weight of water in grams

W_{ec} = Weight of exempt compounds in grams

V_m = Volume of material in liters

V_w = Volume of water in liters

V_{ec} = Volume of exempt compounds in liters

- 8.2 Calculation for Determining VOC Content of Material Including Water and Exempt Compounds: For the VOC content as applied, the volume of material is defined as the volume of the original material, plus any material added to the original material (e.g., thinners or reducers). For the VOC content as supplied, the volume of material is defined as the volume of the original material. The weight of VOC per total volume of material shall be calculated by the following equation:

$$G_2 = \frac{W_v - W_w - W_{ec}}{V_m}$$

Where: G_2 = Weight of VOC per total volume of material, in grams per liter

W_v = Weight of all volatile compounds, in grams

W_w = Weight of water, in grams

W_{ec} = Weight of exempt compounds, in grams

V_m = Volume of material, in liters

- 8.3 Calculation of Percent of VOC by Weight: The percent of VOC by weight is the ratio of the weight of the VOC to the weight of the adhesive or adhesive primer as supplied by the manufacturer, expressed as a percent of VOC by weight. The percent of VOC by weight shall be calculated as follows:

$$\text{Percent of VOC Weight} = \frac{W_{VOC} \times 100}{W_p}$$

Where: W_{voc} = Weight of VOCs in grams

W_p = Weight of the adhesive or adhesive primer, as supplied by the manufacturer, in grams.

- 8.4 Calculation for Determining Percent Control Efficiency and VOC Mass Emission Rate: The VOC mass emission rate shall be calculated both upstream and downstream of the emissions control device and shall be based on the VOC mass concentration and volumetric flowrate, pursuant to section [10.4](#) and the following equations:

8.4.1 VOC Mass Emission Rate:

$$M = (Q) * (C) * (60 \text{ min/hr.}) \text{ (Calculated upstream and downstream)}$$

Where: M = VOC mass emission rate (upstream/downstream), in lb/hr.

Q = the volumetric flowrate at the inlet (upstream) or exhaust stack outlet (downstream), in standard cubic feet per minute as determined by Section [10.4](#).

C = the VOC mass concentration at the inlet (upstream) or outlet (downstream), in pounds per standard cubic feet, as determined pursuant to Section [10.4](#).

- 8.4.1 The percent control efficiency is calculated as follows:

$$\%CE = \left[\frac{M_u - M_d}{M_u} \right] * 100M_u$$

Where: CE = control efficiency.
 Mu = the upstream VOC mass emission rate, in lb/hr.
 Md = the downstream VOC mass emission rate, in lb/hr.

- 8.5 Calculation for VOC Composite Partial Pressure: The VOC composite partial pressure is the sum of the partial pressures of the compounds defined as VOCs, and shall be calculated by the following equation:

$$PP_c = \frac{\sum_{i=1}^n \frac{(W_i)(VP_i)}{MW_i}}{\frac{W_w}{MW_w} + \sum_{e=1}^n \frac{W_e}{MW_e} + \sum_{i=1}^n \frac{W_i}{MW_i}}$$

Where: Pp_c = VOC composite partial pressure at 20°C, in mm Hg.
 W_i = Weight of the "i"th VOC compound, in grams, as determined by ASTM E 260-96
 W_w = Weight of water, in grams as determined by ASTM D 3792-99.
 W_e = Weight of the "e"th exempt compound, in grams, as determined by ASTM E 260-96.
 MW_i = Molecular weight of the "i"th VOC compound, in grams per g-mole, as given in chemical reference literature.
 MW_w = Molecular weight of water, 18 grams per g-mole.
 MW_e = Molecular weight of the "e"th exempt compound, in grams per gmole, as given in chemical reference literature.
 VP_i = Vapor pressure of the "i"th VOC compound at 20°C, in mm Hg, as determined by Section [10.8](#) of this rule.

- 8.6 Operation and Maintenance Plan: Any person using an approved emission control device pursuant to section [7.3](#) must submit an Operation and Maintenance Plan for the emissions control device to the Air Pollution Control Officer for approval. This Plan shall specify operation and maintenance procedures that demonstrate continuous operation and compliance of the emissions control equipment during periods of emissions-producing operations. This Plan shall specify key system operating parameters necessary to determine compliance with this rule and describe in detail procedures to maintain the approved control device. The plan shall specify which records must be kept to document these operations and maintenance procedures. The records shall comply with the requirements of section [9.1](#). This Plan shall be implemented upon approval by the Air Pollution Control Officer.

- 8.7 Product Information Requirements for Sellers: Any person who sells any material subject to this rule shall make available to the purchaser at the time of sale the following information:

8.7.1 The material type by name/code/manufacturer;

8.7.2 8.7.2 For materials subject to section [7.1](#): The maximum VOC content of the material as applied. The VOC content shall be displayed as grams of VOC per liter of material (or pounds of VOC per gallon), excluding water and exempt compounds. For low solids

materials, the VOC content shall be displayed as grams of VOC per liter of material (or pounds of VOC per gallon), including water and exempt compounds;

- 8.7.3 For materials subject to section [7.2.1](#): The maximum VOC content and the total VOC composite partial pressure of the material as applied. The VOC content shall be displayed as grams of VOC per liter of material (or pounds of VOC per gallon), including water and exempt compounds as determined pursuant to section [10.1](#). The composite vapor pressure shall be displayed in millimeters of mercury at 20°C (68°F) as determined pursuant to section [10.8](#); and for all materials subject to sections [7.1](#) and [7.2.1](#): Recommendations regarding thinning, reducing, or mixing with any material.

9 Monitoring and Records

- 9.1 Record Keeping: In addition to any existing permit conditions issued pursuant to District Rule 2:2 Permits Required section [1](#) and [2](#), any person subject to this rule, including operations exempt pursuant to sections [5.10](#), [5.11](#), [5.12](#), and [5.13](#), shall comply with the following requirements:
- 9.1.1 List of Materials: A list shall be maintained of all materials currently used and/or stored at the site. The list shall include the following information:
- 9.1.1.1 The material type by name/code/manufacturer and the appropriate category as designated by the material categories in sections [7.1](#) and [7.2](#).
- 9.1.1.2 The actual VOC content of the materials listed in section [7.1](#) as applied excluding water and exempt compounds or including water and exempt compounds for a low solids material.
- 9.1.1.3 The actual VOC content of the cleaning material listed in section [7.2](#) as applied including water and exempt compounds.
- 9.1.1.4 The VOC composite partial pressure for materials listed in section [7.2.1](#) if applicable. The VOC composite partial pressure shall be calculated pursuant to sections [8.5](#) and [10.8](#).
- 9.1.1.5 The actual mixing ratio for the material as applied.
- 9.2 Product Information: The information listed under section [8.7.1](#) through [8.7.3](#) shall be maintained and made available to the Air Pollution Control Officer upon request.
- 9.3 Record of Usage: Any person using materials regulated by this rule shall update and maintain the records as required by this rule as follows:
- 9.3.1 Daily:
- 9.3.1.1 For Noncompliant Materials: Records regarding the use of each material type by name/code/manufacturer and the total applied volume in gallons;
- 9.3.1.2 Records of usage of aerosol cleaning solvents exempt pursuant to section [5.9](#) in ounces.
- 9.3.2 Monthly:

- 9.3.2.1 Records of total applied volume in gallons for each material (including thinners, reducers, hardeners, retarders, catalysts, and cleaning materials), specified by material type as listed in sections [7.1](#) and [7.2.1](#);
 - 9.3.2.2 For stationary sources exempt pursuant to section [5.11](#), record of all materials used (including thinners, reducers, hardeners, retarders, and catalysts) used in gallons. The annual usage in gallons per year shall also be calculated from the monthly usage records in order to verify the exemption in section [5.11](#);
 - 9.3.2.3 Records of total applied volume for each material exceeding the VOC limits specified in sections [7.1](#) and [7.2.1](#) by name/code/manufacturer and material type;
 - 9.3.2.4 Records of usage of ethyl acetate cleaning solvent exempt pursuant to section [5.10](#) in gallons. The daily usage records shall be calculated based on the calendar month period by dividing the total number of gallons used per calendar month by the number of days in the calendar month.
- 9.4 Emission Control Equipment: Any person using an emission control device pursuant to section [7.3](#) as a means of complying with this rule shall maintain:
- 9.4.1 On a daily basis:
 - 9.4.1.1 Such records as required by the Operation and Maintenance Plan in section [8.6](#); and
 - 9.4.1.2 Records of total applied volume in gallons for each material.
 - 9.4.2 Records of test reports conducted pursuant to section [10](#).
- 9.5 Duration of Records: All records required by section [9.1](#) shall be maintained for a continuous five-year period and made available to the Air Pollution Control Officer upon request.
- 9.6 Location of Records: All records required by section [9.1](#) shall be maintained on-site for a continuous five-year period unless alternative record keeping is used pursuant to section [9.7](#). The records shall be made available to the Air Pollution Control Officer upon request.
- 9.7 Alternative Record Keeping: A person with an operation that requires the application of adhesives and sealant materials at multiple locations throughout the District shall notify the Air Pollution Control Officer in writing prior to using an alternative record keeping option that tracks the total combined usage from all locations and maintains the usage information at one centralized location.
- 9.7.1 The notification shall include the following information:
 - 9.7.1.1 A list of all materials used or proposed for use at all locations throughout the District. The list shall contain the information required under sections [9.1.1](#) and [9.2](#);
 - 9.7.1.2 The location where records will be kept.
 - 9.7.2 A person using an alternative record keeping option shall maintain all of the following at the centralized location:

- 9.7.2.1 A list of all materials currently used and/or stored that contain the information listed in section [9.1.1](#);
- 9.7.2.2 Product information as required by section [9.2](#);
- 9.7.2.3 Records of the total combined usage in gallons for each material (including thinners, reducers, hardeners, retarders, catalysts, and cleaning materials) specified by material type as listed in sections [7.1](#) and [7.2.1](#).
- 9.7.3 A person using an alternative record keeping option shall use (at all locations) only materials that comply with the applicable VOC standards listed in sections [7.1](#) and [7.2](#).
- 9.7.4 A person using the alternative record keeping option shall notify the Air Pollution Control Officer in writing prior to discontinuing the alternative record keeping option.
- 9.7.5 A person using the alternative record keeping option shall submit to the Air Pollution Control Officer an updated list if new materials are added to the list originally submitted pursuant to section [9.7.1.1](#).
- 9.7.6 A person using the alternative record keeping option will be prohibited from future use of the alternative record keeping provision if found in violation with section [9.7.3](#).

10 Test Methods:

- 10.1 Determination of VOC Content: Except as provided in section [10.2](#), VOC content of non-aerosol adhesive or sealant products, surface preparation solvents, cleanup solvents, or strippers shall be determined in accordance with United States Environmental Protection Agency Method 24 or United States Environmental Protection Agency Method 24A, and sections [8.1](#) and [8.2](#) of this rule.
- 10.2 Determination of VOC Content of Plastic Welding Cement Adhesive/primer: The VOC content of ABS, CPVC, PVC, or other plastic welding cement adhesive or any plastic welding cement primer shall be determined by using the South Coast Air Quality Management District's Determination of Volatile Organic Compounds (VOC) in Materials Used for Pipes and Fittings, Method 316a.
- 10.3 Determination of Control Efficiency: Control efficiency of the emissions control equipment shall be determined in accordance with United States Environmental Protection Agency Method 18, 25, or 25A; or United States Environmental Protection Agency Method 2 or 2C (whichever is applicable).
- 10.4 Determination of Collection Efficiency: Efficiency of the collection system shall be determined in accordance with the United States Environmental Protection Agency's Guidelines for Determining Capture Efficiency, January 9, 1995. Individual capture efficiency test runs subject to U.S. EPA technical guidelines shall be determined by:
 - 10.4.1 Applicable EPA Methods 204, 204A, 204B, 204C, 204D, 204E, and/or 204F; or
 - 10.4.2 Any other method approved by the Air Pollution Control Officer.
- 10.5 Determination of VOC Content of Emissions: The VOC content of emissions shall be determined by United States Environmental Protection Agency Method 18.

- 10.6 Determination of Plasticizer Content: The test method used to determine plasticizer content of flexible vinyls shall be ASTM Method E260-96, General Gas Chromatography Procedures.
- 10.7 Determination of VOC Composite Partial Pressure: VOC composite partial pressure shall be determined in accordance with ASTM E260-96 for organic compounds, and ASTM D 3792-91 for water content as applicable, and sections [8.5](#) and [10.8](#) of this rule.
- 10.8 Determination of Vapor Pressure: Vapor pressure of a VOC shall be determined in accordance with ASTM Method D2879-96, or may be obtained from the most current edition of published sources listed below or other standard science or engineering reference text.
- 10.8.1 The Vapor Pressure of Pure Substances, Boublik, Fried, and Hala; Elsevier Scientific Publishing Company, New York.
- 10.8.2 Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company.
- 10.8.3 CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company.
- 10.8.4 Lange's Handbook of Chemistry, John Dean, editor, McGraw-Hill Book Company.
- 10.9 Determination of VOC Content Cyanoacrylate Adhesives: The VOC content of cyanoacrylate adhesives shall be determined by the South Coast Air Quality Management District's Method 316B.

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1 Requirements

- 1.1 Upon receipt of a request for an emergency variance, the APCO shall contact the Chairperson of the Hearing Board or other designated member(s) of the Hearing Board to establish a time and place for consideration of the request. The APCO shall inform the owner or operator of the source of such time and place. During consideration of the emergency variance, the APCO shall recommend whether an emergency variance should be granted, and the owner or operator of the source shall be entitled to present testimony and evidence. The burden shall be on the owner or operator to establish that a breakdown condition, or good cause exists. Thereafter, the Chairperson or other designated member(s) may, without notice or hearing, grant or deny an emergency variance. Reasonable conditions may be included in the variance. The Chairperson or other designated member(s) shall, within five (5) working days, issue a written order confirming the decision with appropriate findings.
- 1.2 No emergency variance shall be granted unless the Chairperson or other designated member(s) determines that:
 - 1.2.1 The variance is issued for good cause, including but not limited to, a breakdown condition;
 - 1.2.2 Continued operation is not likely to create an immediate threat or hazard to public health or safety;
 - 1.2.3 The requirements for a variance set forth in Health and Safety Code sections 42352 and 42353 have been met; and
 - 1.2.4 The attainment or maintenance of National Ambient Air Quality Standards will not be endangered.
- 1.3 At any time after an emergency variance has been granted, the APCO may request that the Chairperson or designated member(s) reconsider and revoke, modify, or further condition the variance if the APCO has good cause to believe that:
 - 1.3.1 Continued operation is likely to create an immediate threat or hazard to public health or safety;
 - 1.3.2 The owner or operator is not complying with all applicable conditions of the variance;
 - 1.3.3 A breakdown condition no longer exists;
 - 1.3.4 Final compliance is not being accomplished as expeditiously as is practicable; or
 - 1.3.5 Continued operation is likely to endanger the maintenance or attainment of National Ambient Air Quality Standards.
 - 1.3.6 The procedures set forth in section [1.1](#) shall govern any further proceedings conducted under this rule.
- 1.4 An emergency variance shall remain in effect only for as long as is necessary to repair or remedy the condition which necessitated the emergency variance, but in no event after a properly noticed

hearing to consider an interim or 90 day variance has been held, or 30 days from the effective date of the emergency variance, whichever is sooner.

- 1.5 The APCO shall submit a copy of the final written order to the state board in accordance with HSC Section 42360.

Rule 4:42 Large Confined Animal Facilities
Adopted 05/05/2009

1 General

- 1.1 Purpose: The purpose of this Rule is to implement the requirements of Section 40724.7 of the California Health and Safety Code.
- 1.2 Applicability: The provisions of this Rule shall apply to any Confined Animal Facility (CAF).
- 1.3 Exemptions:
 - 1.3.1 Except for the requirements of Section [5.2](#) of this Rule, the provisions of this Rule shall not apply to a Confined Animal Facility which does not meet the definition of a Large Confined Animal Facility as defined in Section [2.11](#) of this Rule.

2 Definitions

- 2.1 Air Contaminant: As defined in District Rule 1.2, excluding odors.
- 2.2 Air Pollution Control Officer (APCO): The Air Pollution Control Officer of the Tehama County Air Pollution Control District, or his or her designee.
- 2.3 Best Available Control Technology (BACT): As defined in District Rule 2:3A.
- 2.4 Best Available Retrofit Control Technology (BARCT): An emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts.
- 2.5 Compliance Certification Statement: A statement which includes the following:
 - 2.5.1 A list of each CAF Permit term or condition (e.g., mitigation measure, emission limitation, standard, or work practice);
 - 2.5.2 The compliance status for each CAF Permit term or condition, which includes whether compliance was continuous or intermittent, and method(s) used to determine compliance for the current time period and over the entire reporting period;
 - 2.5.3 A statement by the CAF Permit Holder that the information provided in the compliance certification statement is true, accurate, and complete;
 - 2.5.4 The CAF owner or operator's printed name and signature.
- 2.6 Confined Animal Facility (CAF): A facility where animals are corralled, penned, or otherwise caused to remain in restricted areas for commercial purposes and primarily fed by means other than grazing.
- 2.7 Confined Animal Facility (CAF) Permit: Permit issued to a CAF pursuant to the provisions of this Rule.
- 2.8 Correction Statement: A statement which includes the following:

- 2.8.1 Description of the action taken to correct the deviation;
 - 2.8.2 The date the corrective action was completed;
 - 2.8.3 A statement by the CAF Permit Holder that the information provided in the correction statement is true, accurate, and complete;
 - 2.8.4 The CAF owner or operator's printed name and signature.
- 2.9 Deviation Statement: A statement which includes the following:
- 2.9.1 Description of the deviation from the CAF Permit terms and conditions;
 - 2.9.2 The date the deviation occurred;
 - 2.9.3 The probable cause of the deviation;
 - 2.9.4 A compliance schedule to outline the course of action to be taken by the CAF Permit Holder to correct the deviation, including an estimated time-frame to complete the corrective action;
 - 2.9.5 A statement by the CAF Permit Holder that the information provided in the deviation statement is true, accurate, and complete;
 - 2.9.6 The CAF owner or operator's printed name and signature.
- 2.10 Existing Confined Animal Facility: A CAF which is subject to the requirements of this Rule upon Rule adoption.
- 2.11 Large Confined Animal Facility: A CAF meeting the definition of a "large confined animal facility" as set forth in California Code of Regulation, title 17, section 86500, subdivision (b).
- 2.12 Modified Confined Animal Facility: A CAF that changes the design, capacity, process, or arrangement of the CAF which will increase or affect the kind or amount of air contaminants emitted from the CAF.
- 2.13 New Confined Animal Facility: A CAF which becomes subject to the requirements of this Rule after the date of Rule adoption.

3 Standards

- 3.1 CAF Permit: No person shall operate a CAF without first obtaining a CAF Permit from the APCO.
- 3.2 CAF Modification: No person shall alter a CAF without following the application procedures outlined in Section [4.2.2](#) of this Rule.
- 3.3 Standards for Granting Applications:
 - 3.3.1 The APCO shall deny any application for a CAF Permit if the applicant does not show that the CAF is so designed, controlled, equipped, or operated with such air pollution control equipment, that it may be shown to operate without emitting or without causing to

be emitted any air contaminant in violation of these Rules and Regulations, or any state or federal statutes or regulations that may be enforceable by the APCO.

3.3.2 The APCO shall determine that an applicant has complied with the applicable

requirements of Health and Safety Code Section 42301.6, preparation and distribution of public notice, prior to approving an application for a CAF Permit.

3.4 CAF Permit Transfer

3.4.1 A CAF Permit shall not be transferable, by operation of law or otherwise, from one location to another.

3.4.2 A CAF Permit may be transferred from the CAF Permit Holder to another entity provided that an application for such transfer is submitted in accordance with Section [4.2.4](#) of this Rule. It shall be the transferee's responsibility to inform the District on assumption of ownership or operating control of the CAF.

3.5 Existing CAF: An existing CAF that complies with the application procedures outlined in Section [4.2.1](#) of this Rule, and for which the District grants a CAF Permit, shall implement all emission control measures required by the CAF Permit within one (1) year of the date the CAF Permit is issued to the existing CAF.

3.6 Best Available Retrofit Control Technology: The APCO shall require the use of Best Available Retrofit Control Technology to reduce emissions from pollutants that contribute to the nonattainment of any ambient air quality standard, within the regulatory authority of the APCO, for any CAF.

3.7 Best Available Control Technology: The APCO shall require the use of Best Available Control Technology to reduce emissions from pollutants that contribute to the nonattainment of any ambient air quality standard, within the regulatory authority of the APCO, for any new CAF or modified CAF.

3.8 Mitigation Plan: All applications submitted pursuant to this Rule shall include an emissions mitigation plan. The emissions mitigation plan shall demonstrate that the facility will comply with Section [3.6](#) or Section [3.7](#) of this Rule, as applicable.

3.9 Operation According to the Caf Permit Conditions: No person shall operate a CAF contrary to the terms and conditions specified on the CAF Permit issued in accordance with the provisions of this Rule.

4 Administrative Requirements

4.1 CAF Permit Applications: Requests for a CAF Permit shall be initiated by filing a standard CAF Permit application with the APCO together with the initial filing fee required by Section [6.1](#) of this Rule.

4.2 Application Requirements:

4.2.1 Existing CAF: The owner or operator of an existing CAF shall submit a standard CAF Permit application no later than six (6) months after the date of rule adoption.

- 4.2.2 Modification to Caf Permit: Applications for modification to a CAF Permit shall be submitted prior to altering the CAF. The CAF shall not be operated contrary to the terms and conditions specified in the existing CAF Permit prior to APCO issuance of the new CAF Permit.
- 4.2.3 CAF Permit Renewal: For renewal of a CAF Permit, granted pursuant to this Rule, the CAF Permit Holder shall submit a standard CAF Permit application no earlier than twelve (12) months and no later than six (6) months before the expiration date of the current CAF Permit.
- 4.2.4 Transfer of Ownership: Applications to transfer a CAF Permit shall be submitted within thirty (30) days of the ownership change occurring. Operation of the CAF by the new owner shall be under the terms and conditions of the CAF Permit issued to the previous owner until the new CAF Permit is issued.
- 4.3 Information:
- 4.3.1 The application for a CAF Permit shall contain all information necessary to enable the APCO to prepare an emissions inventory of all regulated air pollutants emitted from the CAF.
- 4.3.2 The application for a CAF Permit shall contain all information necessary to enable the APCO to make a determination as required by Section [3.3](#) of this Rule.
- 4.3.3 The APCO may at any time require from an applicant for, holder of, or one required to hold, a CAF Permit such information, analysis, plans, or specifications as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged into the atmosphere.
- 4.4 Completeness Review: The APCO shall determine if an application for a CAF Permit, submitted pursuant to Sections [4.1](#), [4.2.1](#), [4.2.2](#), and [4.2.3](#) of this Rule, is complete and shall notify the applicant of the determination not later than thirty (30) days of receiving the application, or after such longer time as both the applicant and APCO have agreed upon in writing. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the information required. Upon receipt of any re-submittal of the application, a new thirty (30) day period to determine completeness shall begin.
- 4.5 Application Processing: The APCO shall act upon an application for a CAF Permit, submitted pursuant to Sections [4.1](#), [4.2.1](#), [4.2.2](#), and [4.2.3](#) of this Rule, no later than six (6) months after acceptance of an application as complete.
- 4.6 Public Notification: Within the applicable time-frame specified in Section [4.5](#) of this Rule, the APCO shall provide at least 30 days for the notice of, and opportunity to review and comment on, any proposed decision to issue a CAF Permit pursuant to this Rule, except CAF Permit Transfers.
- 4.7 Conditional Approval: The APCO may include written conditions on any CAF Permit to ensure compliance with these Rules and Regulations.
- 4.8 Permit Reopening: The APCO may reopen and revise a CAF Permit under the following circumstances:
- 4.8.1 To correct a material mistake or an inaccurate statement; or

- 4.8.2 To incorporate any new, revised, or additional applicable requirements.
- 4.9 Denial of Applications: In the event of denial of an application submitted pursuant to this Rule, the APCO shall notify the applicant in writing of the basis for denial.
- 4.10 Appeals: Within thirty (30) days after notice by the APCO of denial or approval of an application submitted pursuant to this Rule, the applicant may petition the Hearing Board, in accordance with District Regulation 5, for a public hearing. The Hearing Board, after notice and a public hearing, may sustain or reverse the action of the APCO; such order may be made subject to specified conditions.
- 4.11 Right of Entry: In order to ascertain that a CAF is operating under the requirements of its CAF Permit, the APCO may at any time, without notice, inspect the operations and any pertinent records.
- 4.12 Term of CAF Permit: The term of a CAF Permit shall not exceed three (3) years from the date of issuance.
- 4.13 CAF Permit Renewal:
- 4.13.1 Each CAF Permit shall be renewable at the end of the CAF Permit term provided that the CAF Permit Holder complies with the application procedures outlined in Section [4.2.3](#) of this Rule.
- 4.13.2 The APCO shall review every CAF Permit upon renewal to determine the feasibility of mitigation measures and that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations applicable to the CAF for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time when the CAF Permit was issued or modified, or which have been subsequently adopted and made retroactively applicable to a CAF by the District Board of Directors. The APCO shall revise the conditions, if such conditions are not consistent, in accordance with all applicable Rules and Regulations.

5 Monitoring and Records

- 5.1 Number of Animals: The owner or operator of a CAF shall keep records that specify the number of animals maintained daily. Such records shall be maintained at a central place of business for a period of not less than three (3) years and shall be made available to the APCO or their designee upon request.
- 5.2 Number of Animals - EXEMPTION DEMONSTRATION: For any CAF which exceeds 50 percent of any Large CAF threshold listed in Section [2.11](#) of this Rule claiming an exemption pursuant to Section [1.3.1](#) of this Rule, the owner or operator shall maintain records demonstrating that the CAF meets the exemption criteria of this Rule. Such records shall be maintained at a central place of business for a period of not less than three (3) years and shall be made available to the APCO or their designee upon request.
- 5.3 Reporting:
- 5.3.1 Deviation Statement: The CAF Permit Holder shall report any deviation from the CAF Permit terms and conditions through a deviation statement. A deviation statement shall be submitted to the APCO as expeditiously as practical, but not later than five (5) days after deviation occurrence.

5.3.2 Correction Statement: The CAF Permit Holder shall submit to the APCO a correction statement as expeditiously as practical, but not later than five (5) days after the action was completed to correct the deviation for which a deviation report was submitted pursuant to Section [5.3.1](#) of this Rule.

5.3.3 Compliance Certification Statement: The CAF Permit Holder shall submit a compliance certification statement to the APCO every twelve (12) months.

6 Fees

6.1 CAF Permit Processing Fee: The fee for applications filed in accordance with Sections [4.1](#), [4.2.1](#), [4.2.2](#), and [4.2.3](#) of this Rule shall be as set forth in Rule 2:11.

6.2 CAF Permit Transfer Fee: A fee as set forth in Rule 2:11 shall be charged to process applications filed in accordance with Section [4.2.4](#) of this Rule. The fee shall be submitted at the time of application.

6.3 Annual Caf Permit Fee: An annual fee shall be charged to CAF Permit Holders as set forth in Rule 2:11.