

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT  
MEMORANDUM  
10/03/2022

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown, AICP, APCO

SUBJECT: Approve Resolution 2022-13 authorizing submittal of historical District rules to the State Implementation Plan, and request removal of rules from Yuba County and Sutter County air districts.

---

RECOMMENDATION:

Approve Resolution 2022-13 authorizing submittal of historical District rules to the State Implementation Plan, and request removal of rules from Yuba County and Sutter County air districts.

ALTERNATIVES:

Not approve Resolution 2022-13 and provide direction to staff.

BACKGROUND:

The Feather River Air Quality Management District (District) formed by combining the Yuba County and Sutter County air districts in 1991. The District adopted rules and regulations that were essentially identical to the previous County air district rules at the time upon its formation. The Yuba and Sutter County air districts had previously submitted rules to the State Implementation Plan, or SIP, a collection of local and state rules required to meet federal ambient air quality standards in accordance with the Clean Air Act. The District did not request the replacement of all of the Yuba and Sutter County air district rules when it was formed and the two County air districts ceased to exist. Yuba and Sutter County air district rules are currently in the SIP.

## DISCUSSION:

The approval of the Resolution would authorize the APCO to submit previously adopted rules to the SIP as a replacement for the no longer existing Yuba and Sutter County air district rules. Rule 9.5 is requested to be removed without replacement as the United States Environmental Protection Agency (US EPA) no longer requires rules of this nature in the SIP.

The removal and replacement of the old County air district rules is needed because the District does not have the ability to enforce the rules of the Yuba and Sutter County air districts yet because they are in the SIP they must be included in federal operating permits under Title V of the Clean Air Act.

The US EPA requires the submittal of District rules that are equal or more stringent to replace the old Yuba and Sutter County rules in the SIP.

The District published a public notice to meet current EPA standards for SIP submittal of rules on its website and in the Appeal-Democrat on September 2, 2022. As of September 22, 2022, the District has not received any public comments.

## FISCAL IMPACT:

There is no expected fiscal impact from the adoption of Resolution 2022-13.

## ATTACHMENTS:

A – Resolution 2022-13

B – Staff Report

C – Proof of Publication for Public Hearing

Attachment A – Resolution 2022-13

**RESOLUTION #2022-13 OF THE BOARD OF DIRECTORS AUTHORIZING THE SUBMITTAL OF EXISTING RULES TO THE STATE IMPLEMENTATION PLAN**

**WHEREAS**, the Feather River Air Quality Management District was formed in 1991 when the Sutter County Air Pollution Control District merged with the Yuba County Air Pollution Control District; and

**WHEREAS**, upon forming the Feather River Air Quality Management District the Board of Directors adopted rules and regulations based off of and to replace the previous county air district regulations; and

**WHEREAS**, when the rules were adopted in 1991 they were not submitted to the United States Environmental Protection Agency as a revision to the State Implementation Plan and a request to remove the county air district rules from the State Implementation Plan was not made; and

**WHEREAS**, California Health and Safety Code sections 40000, 40001, 40702, 40716, 40910, and 42300 authorize the Feather River Air Quality Management District to adopt rules and regulations; and

**WHEREAS**, the rule adoption proceedings in 1991 were held in a public hearing and were properly noticed pursuant to Health and Safety Code section 40725;

**WHEREAS**, this action to submit the previously adopted rules to the State Implementation plan was held in a public meeting and properly noticed pursuant to Health and Safety Code section 40725, with any evidence having been received concerning the proposed adoption of this Resolution and this Board having duly considered such evidence; and

**WHEREAS**, District staff has prepared a written analysis of the submittal to the State Implementation Plan of the previously adopted rules, pursuant to Health and Safety Code section 40727.2, and has maintained a record of the rulemaking proceeding pursuant to Health and Safety Code section 40728 at the District office located at 541 Washington Avenue, Yuba City, CA; and

**WHEREAS**, there is no indication at this time that the proposed rules are written in such a manner that the persons affected by it could not easily understand it; and

**WHEREAS**, the proposed rules are in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations and any duplication with existing state or federal regulations is necessary or proper to execute the powers and duties of the Feather River Air Quality Management District; and

**WHEREAS**, the proposed rule is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, section 15308, as an action by a regulatory agency for the protection of the environment; and

**WHEREAS**, the District Board has made the required findings pursuant to Health and Safety Code section 40727, of authority, necessity, clarity, consistency, non-duplication, and reference in regard to the proposed rule;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT that effective October 3, 2022, the Board instructs the District staff to submit Regulation III Rules 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.10., and 3.13, and Regulation IX Rule 9.6, and all necessary supporting documents to the California Air Resources Board for subsequent submittal to the United States Environmental Protection Agency as a revision to the State Implementation Plan; and

**BE IT FURTHER RESOLVED** that effective October 3, 2022, the Board instructs the District staff to request removal of Sutter County Air Pollution Control District and Yuba County Air Pollution Control District Regulation III Rules 3.0, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.10., and 3.13, and Regulation IX Rules 9.5 and 9.6, from the State Implementation Plan; and

**BE IT FURTHER RESOLVED** that the Air Pollution Control Officer is authorized to make non-substantial changes to the rules in consultation with District Counsel so long as the changes are consistent with the District's mission and goals; and

**BE IT FURTHER RESOLVED** the submittal of the previously adopted rules to the State Implementation Plan is exempt from CEQA.

**PASSED AND ADOPTED** by the Feather River Air Quality Management District at a meeting on October 3, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chairman

ATTEST:

APPROVED FOR LEGAL FORM:

\_\_\_\_\_

\_\_\_\_\_

Attachment B – Staff Report

# **Staff Report: Historical Regulation III and Regulation IX SIP Submittal from District Formation**

## **Rules 3.0 Visible Emissions**

### **Rule 3.1 Exceptions to Rule 3.0**

### **Rule 3.2 Particulate Matter Concentration**

### **Rule 3.3 Dust and Fumes**

### **Rule 3.4 Separation of Emissions**

### **Rule 3.5 Combination of Emissions**

### **Rule 3.6 Abrasive Blasting**

### **Rule 3.7 Reduction of Animal Matter**

### **Rule 3.10 Sulfur Oxides**

### **Rule 3.13 Circumvention**

## **Rule 9.5 Air Pollution Equipment – Scheduled Maintenance**

### **Rule 9.6 Equipment Breakdown**

Public Hearing: October 3, 2022

Feather River AQMD

541 Washington Ave

Yuba City, California 95991

# Table of Contents

## Contents

- 1.0 Executive Summary ..... 2
- 2.0 Background ..... 3
- 3.0 Legal Mandate: ..... 4
- 4.0 Proposed Rule Requirements ..... 4
- 5.0 Socioeconomic Impact: ..... 6
- 6.0 Emission Impacts of Proposed Rule ..... 7
- 7.0 Estimated Cost Impact ..... 7
- 8.0 Environmental Review and Compliance:..... 7
- 9.0 Required Findings: ..... 7
- 10.0 Rule Analysis: ..... 8



## 1.0 Executive Summary

Feather River Air Quality Management District (District) is a bi-county agency that administers local, state, and federal air quality management programs for Yuba and Sutter counties. The District was formed in 1991 when the Sutter County Air Pollution Control District merged with the Yuba County Air Pollution Control District.

In the year of the District's formation, Rules and Regulations were adopted by the District's Board of Directors that were almost identical to the Sutter and Yuba district's Rules and Regulations. The District does not appear to have submitted a request through the California Air Resources Board (CARB) to the United States Environmental Protection Agency (US EPA) that the FRAQMD Rules and Regulations replace the Yuba and Sutter County Rules and Regulations in the California State Implementation Plan (SIP).

The Yuba County Air Pollution Control District and Sutter County Air Pollution Control District no longer exist, and the Districts cannot enforce the rules of those entities. However, since the rules were never withdrawn from the SIP, they are still listed on any federal operating permit obtained in accordance with Title V of the Federal Clean Air Act (FCAA). The rules of the previous County air districts are only enforceable by the US EPA as long as they exist only in the SIP.

Upon consultation with US EPA, CARB, and legal counsel, the District staff have prepared a submittal to remove specific rules from the SIP that were adopted by the previous County air districts, and replace the rules with District adopted and enforceable rules.

There are no proposed changes to the District rules.

The District Board of Directors must adopt a regulation authorizing submittal to the SIP. Once approved by the Board of Directors, the listed rules will be submitted to CARB and US EPA as a revision to the SIP. The applicable Yuba County Air Pollution Control District and Sutter County Air Pollution Control District rules will be removed from the SIP.

## 2.0 Background

Feather River Air Quality Management District (District) is a bi-county agency that administers local, state, and federal air quality management programs for Yuba and Sutter counties. The District was formed in 1991 when the Sutter County Air Pollution Control District merged with the Yuba County Air Pollution Control District.

In 1991, some of the Rules and Regulations for the District were adopted by the Board of Directors at a public hearing on August 12<sup>th</sup>, including Regulation III, containing the District's prohibitory rules, and Regulation IX, containing the District's enforcement procedures. The District Rules and Regulations were almost identical to the Sutter and Yuba district's Rules and Regulations. These rules were initially scheduled for a June Board Meeting in 1991 but that was postponed to August 12<sup>th</sup> to allow additional time for review, however the 6/91 hearing date is still listed on the rules.

After the Rules and Regulations were adopted, the District does not appear to have submitted a request through the California Air Resources Board (CARB) to the United States Environmental Protection Agency (US EPA) that the FRAQMD Rules and Regulations replace the Yuba and Sutter County Rules and Regulations in the California State Implementation Plan (SIP).

The Yuba County and Sutter County air districts had previously submitted rules and regulations to US EPA for inclusion in the SIP. A copy of the county air district's rules and regulations are included as Attachments F and G. These rules are enforceable by the US EPA as they are included in the SIP, but they have not been enforceable by any local or state agency since the county air districts merged and became a separate entity.

The US EPA promulgates the National Ambient Air Quality Standards, or NAAQS, for criteria air pollutants such as ground level ozone and fine particulate matter (PM<sub>2.5</sub>). Ozone at ground level is a harmful air pollutant composed of three oxygen atoms<sup>1</sup>. Ozone can cause health problems such as difficulty breathing, sore and scratchy throat, airway inflammation, it can make lungs more susceptible to infection, and increase frequency of asthma attacks<sup>2</sup>. Particulate matter or PM consists of a mixture of solid particles and liquid droplets found in the air. PM<sub>2.5</sub> are fine inhalable particles with diameters that are generally 2.5 micrometers and smaller. PM can be directly emitted such as dust from a construction site or smoke from a wildfire, and have been linked to premature death in people with heart or lung disease, nonfatal heart attacks, aggravated asthma, decreased lung function, coughing, and irritation of the airways.<sup>3</sup>

---

<sup>1</sup> <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics> accessed October 18, 2021

<sup>2</sup> <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution> accessed October 18, 2021

<sup>3</sup> <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm> accessed October 18, 2021

### 3.0 Legal Mandate:

A SIP is a collection of regulations and documents used by a state, territory, or local air district to implement, maintain, and enforce the NAAQS, and to fulfill other requirements of the Clean Air Act (FCAA).<sup>4</sup>

The contents of a typical SIP fall into three categories:

1. State-adopted control measures which consist of either state statutes and regulations or source-specific requirements (such as orders and consent decrees);
2. State-submitted “non-regulatory” components (emission inventories, monitoring network documents, attainment demonstrations);
3. Additional requirements promulgated by US EPA to satisfy a mandatory requirement in Section 110 or Part D of the FCAA.

Portions of the District have been designated nonattainment for the 1-hour Ozone NAAQS, the 1997 8-hour Ozone NAAQS, the 2006 24-hour PM<sub>2.5</sub> NAAQS, the 2008 8-hour Ozone NAAQS, and the 2015 8-hour Ozone NAAQS. The District is required to submit rules and regulations that control emissions into the SIP.

### 4.0 Proposed Rule Requirements

There are no proposed amendments to the rules. The resolution would authorize District staff to submit previously adopted rules to the SIP. The rules would be submitted to the SIP as they were adopted in 1991 except section D of Rule 3.1.

Rule 3.1 Exceptions to Rule 3.0 as adopted by the District Board in 1991 has an additional exception compared to the versions submitted to the SIP by the County air districts. Section D of Rule 3.1 added an exception for emissions from Tee Pee burners or from forestry/agricultural residue burners used to produce energy. The exception to Rule 3.0 Visible Emissions in section D applies during start up or shut down of Tee Pee burners, or from the malfunction of emission control equipment, if the equipment meets conditions 1 through 3.

Tee Pee burners are considered burn barrels or incinerators in Regulation II Open Burning and are banned by the rules in that Regulation. Rule II.E.6 defines an incinerator as “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.” Rule II.F.1.1 provides an overall general ban in that “Except as provided in these Rules and Regulations, no person or land manager shall conduct, allow, or use open fires for the purpose of disposal of any waster or other material.” There is no provision that allows Tee Pees for agricultural burning; therefore it is not allowed. For non-agricultural burning,

---

<sup>4</sup> <https://www.epa.gov/sips/basic-information-air-quality-sips> accessed October 18, 2021

incinerators are banned explicitly in Rule II.L.2.a and open burning at a solid waste disposal site is prohibited in Section II.K.4.

The District is proposing to omit Section D of Rule 3.1 from the SIP submittal rather than amend Rule 3.1 at this time.

Rule 9.5 Air Pollution Equipment – Scheduled Maintenance was adopted by both the Sutter County air district and Yuba County air district in 1980 and approved into the SIP in 1982. The Rules 9.5 for Yuba and Sutter counties are requested to be removed without replacement.

Upon adoption by the Board of Directors, the Resolution would authorize District staff to submit the following rules, adopted by the Board on August 12, 1991, to the CARB, and subsequently the US EPA, as a revision to the SIP:

- Regulation III Rule 3.0 – Visible Emissions
- Regulation III Rule 3.1 (excluding Section D) – Exceptions to Rule 3.0
- Regulation III Rule 3.2 – Particulate Matter Concentration
- Regulation III Rule 3.3 – Dust and Fumes
- Regulation III Rule 3.4 – Separation of Emissions
- Regulation III Rule 3.5 – Combination of Emissions
- Regulation III Rule 3.6 – Abrasive Blasting
- Regulation III Rule 3.7 – Reduction of Animal Matter
- Regulation III Rule 3.10 – Sulfur Oxides
- Regulation III Rule 3.13 – Circumvention
- Regulation IX Rule 9.6 – Equipment Breakdown

The rules have “adopted 6/91” which conflicts with the August 12, 1991 adoption date. Staff reviewed historical Board Meeting agendas and minutes, it appears that the rules were initially scheduled for the June 1991 Board Meeting and were public noticed for the June meeting. At the June Board Meeting the Board continued the item to August 1991 to allow CARB additional time to review the rules. The rules were adopted in August 1991 but it appears that the adoption date was not changed from 6/91 to August 12, 1991.

This Resolution would also request removal of the following Yuba County and Sutter County air district rules from the SIP:

Sutter County Air Pollution Control District rules, effective 12/16/1980:

- Regulation III Rule 3.0 – Visible Emissions
- Regulation III Rule 3.1 – Exceptions to Rule 3.0
- Regulation III Rule 3.2 – Particulate Matter Concentration
- Regulation III Rule 3.3 – Dust and Fumes
- Regulation III Rule 3.4 – Separation of Emissions

Regulation III Rule 3.5 – Combination of Emissions  
 Regulation III Rule 3.6 – Sand Blasting  
 Regulation III Rule 3.7 – Reduction of Animal Matter  
 Regulation III Rule 3.10 – Sulfur Oxides  
 Regulation III Rule 3.13 – Circumvention  
 Regulation IX Rule 9.5 – Air Pollution Equipment – Scheduled Maintenance  
 Regulation IX Rule 9.6 – Equipment Breakdown

Yuba County Air Pollution Control District rules, effective 7/24/1980:

Regulation III Rule 3.0 – Visible Emissions  
 Regulation III Rule 3.1 – Exceptions to Rule 3.0  
 Regulation III Rule 3.2 – Particulate Matter Concentration  
 Regulation III Rule 3.3 – Dust and Fumes  
 Regulation III Rule 3.4 – Separation of Emissions  
 Regulation III Rule 3.5 – Combination of Emissions  
 Regulation III Rule 3.6 – Sand Blasting  
 Regulation III Rule 3.7 – Reduction of Animal Matter  
 Regulation III Rule 3.10 – Sulfur Oxides  
 Regulation III Rule 3.13 – Circumvention  
 Regulation IX Rule 9.5 – Air Pollution Equipment – Scheduled Maintenance  
 Regulation IX Rule 9.6 – Equipment Breakdown

## 5.0 Socioeconomic Impact:

California Health and Safety Code §40728.5 requires, in part, that:

“Whenever a District intends to propose the adoption, amendment or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent that data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation.”

However, districts with a population of less than 500,000 persons are exempt from the provisions of CH&S §4072.5(a). The District’s population is estimated to be approximately 167,000<sup>5</sup>, which is below the 500,000 person threshold. Therefore, a socioeconomic analysis for this rulemaking is not required.

---

<sup>5</sup> <https://www.census.gov/data/tables/time-series/demo/popest/2010s-counties-total.html>

## 6.0 Emission Impacts of Proposed Rule

There are no emission impacts from this action as there are no proposed amendments to the rules.

## 7.0 Estimated Cost Impact

The HSC §40703 requires the District, in the process of the adoption of any rule or regulation, to consider and make public its findings related to cost effectiveness of the Rule.

There is no expected cost impact of the proposed amendments. There are no emission reductions from this action.

## 8.0 Environmental Review and Compliance:

The submittal of these rules is categorically exempt from the California Environmental Quality Act (CEQA) under Sections 15307 and 15308 of the State CEQA guidelines, and no exceptions to these exemptions apply as this action is taken by a regulatory agency for the protection of a natural resource. California Public Resources Code (Section 21159) requires an environmental analysis of the reasonably foreseeable methods of compliance. The District has concluded that no reasonably foreseeable adverse environmental impacts will be caused by the replacement of rules in the SIP.

## 9.0 Required Findings:

California Health and Safety Code (HSC) §40727(a) required that prior to adoption or amending a rule or regulation, an air district's Board must make findings of necessity, authority, clarity, consistency, nonduplication, and reference. The findings must be based on the following:

1. Information presented in the District's written analysis, prepared pursuant to HSC §40727.2;
2. Information contained in the rulemaking records pursuant to HSC §40728; and
3. Relevant information presented at the Board's hearing for the Rule.

This action does not adopt or amend a rule or regulation. This action directs staff to submit previously adopted rules into the SIP to replace rules from two entities that no longer exist.

## 10.0 Rule Analysis:

This action would send the following existing rules, adopted August 12, 1991, to the SIP and replace the same rules from the Yuba and Sutter County Air Pollution Control Districts:

- Regulation III Rule 3.0 – Visible Emissions
- Regulation III Rule 3.1 – Exceptions to Rule 3.0
- Regulation III Rule 3.2 – Particulate Matter Concentration
- Regulation III Rule 3.3 – Dust and Fumes
- Regulation III Rule 3.4 – Separation of Emissions
- Regulation III Rule 3.5 – Combination of Emissions
- Regulation III Rule 3.6 – Abrasive Blasting
- Regulation III Rule 3.7 – Reduction of Animal Matter
- Regulation III Rule 3.10 – Sulfur Oxides
- Regulation III Rule 3.13 – Circumvention
- Regulation IX Rule 9.6 – Equipment Breakdown

These rules are essentially identical to the corresponding Yuba and Sutter county rules, except for Rule 3.1 as discussed in section 4 above. The name of Rule 3.6 was changed from Sand Blasting to Abrasive Blasting.

Attachment A contains the FRAQMD rules to be submitted to the SIP upon approval of Resolution 2022-13.

Attachment B is the minutes from the August 1991 FRAQMD public hearing adopting Regulation III.

Attachment C is a summary from August 1991 of the changes between the FRAQMD Regulations and the Yuba and Sutter County Air Pollution Control District's Regulations.

Attachment D are the Sutter County Air Pollution Control District's Rules and Regulations that will be removed from the SIP by this action.

Attachment E are the Yuba County Air Pollution Control District's Rules and Regulations that will be removed from the SIP by this action.

**FRAQMD RULE 3.0 - VISIBLE EMISSIONS** (Adopted 6/91)

- A.** As provided by Section 41701 of the California Health and Safety Code, a person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is:
1. As dark or darker in shade as that designated as No. 2 on the Ringlemen Chart, as published by the United States Bureau of Mines; or
  2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 'a' above.



**FRAQMD RULE 3.1 - EXCEPTIONS TO RULE 3.0** (Adopted 6/91)

In accordance with Section 41704 of the California Health and Safety Code, nothing in Rule 3.0 shall be construed to prohibit:

- A. Open burning as authorized in Rule 2.1;
- B. The use of orchard and citrus grove heaters which are in compliance with Rule. 2.15;
- C. Emissions resulting from food preparation, heating, or comfort fires in single or two-family dwellings, providing prohibited materials as outlined in Rule 2.9 of these Rules and Regulations are not burned.
- ~~D. Emissions from Tee Pee burners or from forestry/agricultural residue burners used to produce energy when such emissions result from start up or shut down of the process or from the malfunction of emission control equipment providing:
  - 1. These emissions shall not exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period.
  - 2. The emissions do not result from the failure to operate and maintain in good working order any emission control equipment.
  - 3. Fuels used are forestry and/or agricultural residue with supplementary fossil fuels.~~

**FRAQMD RULE 3.2 - PARTICULATE MATTER CONCENTRATION** (Adopted 6/91)

A person shall not discharge into the atmosphere from any source, except as allowed by Rule 3.1, section 'a' and 'c' of these Rules and Regulations, particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions.

When the source involves a combustion process, the concentration must be calculated to 12 per cent carbon dioxide (CO<sub>2</sub>). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning the carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of Carbon Dioxide (CO<sub>2</sub>).

**FRAQMD RULE 3.3 - DUST AND FUMES** (Adopted 6/91)

A person shall not discharge in any one hour from any source whatsoever, except as provided by Rule 3.1, section 'a' and 'c' of these Rules and Regulations, dust or fumes in total quantities in excess of the amounts shown in the following table:

To use the following table, take the process weight per hour as such is defined in the attached definitions. Then find this figure on the table opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example; if "A" has a process which emits contaminants into the atmosphere and which process takes four (4) hours to complete, he 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. The table shows that "A" may not discharge more than 1.83 lbs., in any one hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation:

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

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

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

E = Rate of emission in pounds/hour;  
P = Process weight rate in ton/hour.

Table for Rule 3.3

**ALLOWABLE RATE OF EMISSION BASED ON  
PROCESS WEIGHT RATE**

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of
<u>Emission</u>					
Lb.Hr.	Ton Hr.	Lb. Hr.	Lb. Hr.	Ton Hr.	Lb. Hr.
100	0.15	0.551	16,000	8.	16.5
200	0.10	0.877	18,000	9.	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.70	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	180,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

**FRAQMD RULE 3.4 - SEPARATION OF EMISSIONS** (Adopted 6/91)

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; 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 combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct emitted quantity.

**FRAQMD RULE 3.5 - COMBINATION OF EMISSIONS** (Adopted 6/91)

- A.** 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 Air Pollution 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 source operation, then all of the applicable prohibitions shall apply to each source operation separately.
- B.** If the 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 section 'a', of this Rule, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined.

**FRAQMD RULE 3.6 - ABRASIVE BLASTING** (Adopted 6/91)

- A.** All abrasive blasting must be in compliance with the following:
1. Performed under permit issued by the Air Pollution Control Officer. The Air Pollution Control Officer may impose permit conditions necessary to protect the health, safety and welfare of the public.
  2. All abrasive blasting shall be in accordance with Subchapter 6, Chapter 1, Division 3 of Title 17, of the California Code of Regulations.

**FRAQMD RULE 3.7 - REDUCTION OF ANIMAL MATTER** (Adopted 6/91)

- A. A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapor and gas-entrained effluents from such an article, machine, equipment or other contrivance are:
1. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit, for a period of not less than 0.3 seconds; or,
  2. Processed in such a manner determined by the Air Pollution Control Officer to be equally or more effective for the purpose of air pollution control than subsection 'a' of this Rule.

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

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

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



**FRAQMD RULE 3.10 - SULFUR OXIDES** (Adopted 6/91)

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any sulfur oxides in excess of 0.2 percent by volume (2,000 ppm) collectively calculated as sulfur dioxide (SO<sub>2</sub>).

**FRAQMD RULE 3.13 - CIRCUMVENTION** (Adopted 6/91)

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California.

**FRAQMD RULE 9.6 - EQUIPMENT BREAKDOWN** (Adopted 6/91)

In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner which may cause the emission of air contaminants in violation of this article, the person responsible for such equipment shall immediately notify the Air Pollution Control Officer of such failure or breakdown and subsequently a written statement giving all pertinent facts, including the estimated duration of the breakdown. The Air Pollution Control Officer shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation.

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT BOARD

YUBA COUNTY AND SUTTER COUNTY

STATE OF CALIFORNIA

AUGUST 12, 1991

The Feather River Air Quality Management District Board held a special meeting, commencing at 1:35 p.m. on the above date, within the Courthouse, Marysville, California, with the following members present: Directors Thomas I. "Tib" Belza, Barbara LeVake, Michelle Mathews, Larry Montna, and Joan Saunders. Also present were Yuba County Administrative Analyst William Morland, Sutter Deputy County Counsel Joseph P. Cerullo, Air Pollution Control Officer Ken Corbin, and Yuba County Deputy Clerk of the Board of Supervisors Terry A. Hansen. Chairman Mathews presided.

DISTRICT BOARD

1. Air Pollution Control Hearing Board: Air Pollution Control Officer Ken Corbin proposed seven applicants and requested the Board appoint individuals to the Air Pollution Control Hearing Board.

Mr. Corbin recommended the Board appoint Mel Androus, three year term; William Appleby, two year term; Mike Smith, two year term; and two of the following: John Johnson, Leroy Gingrich, James Howard, or Arvid Crabtree for one year terms.

Upon motion of Director Montna, seconded by Director Belza, and unanimously carried, the Board appointed Mel Androus, William Appleby, Mike Smith, James Howard, and Arvid Crabtree to the Air Pollution Control Hearing Board for the respective terms as indicated above. APPOINT HEARING BOARD MEMBERS

2. Payment and Purchase Warrants: Air Pollution Control Officer Ken Corbin requested the Board grant approval for the Air Pollution Control Officer to execute warrants for purchases and payments.

Upon motion of Director Mathews, seconded by Director Saunders, and unanimously carried, the Board authorized the Air Pollution Control Officer to execute warrants for purchases and payment of expenses which are authorized the in District budget. AUTHORIZE WARRANTS BY APCO

3. Fife Engineering: Air Pollution Control Officer Ken Corbin recapped the need for a consulting engineer for the evaluation of new source applications, annual compliance evaluation of existing sources, emission inventory preparation, assistance with toxic source evaluation, and special projects. Mr. Corbin recommended approval of a contract with Fife Engineering.

Director LeVake requested the District submitted these types of contract for bids in the future.

Upon motion of Director Montna, seconded by Director Belza, and unanimously carried, the Board approved the and authorized the Chairman to execute a contract with Fife Engineering to provide consulting services for Fiscal Year 1991/92 in the amount of \$3,200 per month.

APPROVE  
FIFE  
CONTRACT

4. Memorandum of Understanding/Yuba County Agricultural Department: Air Pollution Control Officer Ken Corbin recapped the Yuba County Agricultural Department's involvement with the open burning regulations and issuing of pesticide and open burning permits. The proposed contract with Yuba County would only address agricultural burning.

Director Montna stated he felt 30 days would be too short a period of time to terminate a contract should it become necessary to do so. Mr. Montna suggested the MOU be revised to incorporate a figure of 180 days.

Upon motion of Director Montna, seconded by Director LeVake, and unanimously carried, the Board authorized the Air Pollution Control Officer to execute a Memorandum of Understanding with Yuba County Agricultural Department, which will include the period for termination be revised to 180 days, for regulation and enforcement of the District's Agricultural Burning Regulations for Fiscal Year 1991/92 at a cost not to exceed \$40,000.

AUTHORIZE  
MOU W/YUBA  
AG. DEPT.

5. Memorandum of Understanding/Sutter County Agricultural Department: Air Pollution Control Officer Ken Corbin indicated this matter is similar to the above issue, the only difference being a greater amount of \$65,000, which reflects a larger agricultural burn program in Sutter County and includes the residential burn program.

Upon motion of Director Montna, seconded by Director Saunders, and unanimously carried, the Board authorized the Air Pollution

Control Officer to execute a Memorandum of Understanding with Sutter County Agricultural Department, which will include the period for termination be revised to 180 days, for regulation and enforcement of the District's Agricultural Burning Regulations for Fiscal Year 1991/92 at a cost not to exceed \$65,000. AUTHORIZE M O U W/SUTTER AG. DEPT.

PUBLIC HEARINGS

1. Final Budget Fiscal Year 1991/92: Air Pollution Control Officer Ken Corbin indicated the Department is proposing a balanced budget with no contributions from either County General Fund except for start up costs in the form of individual loans from the respective counties of \$29,700 from Yuba County and \$36,300 from Sutter County for a total amount of \$66,000. Mr. Corbin advised Yuba County has approved their portion of funding and minor details are being discussed with Sutter County prior to their final approval. Mr. Corbin recapped the efforts made to pare the final budget and outlined the various line items that were affected.

Director LeVake commended Mr. Corbin on his efforts to present a balanced budget.

Chairman Mathews opened the public hearing and inquired if anyone in the audience wished to address the Board. No one came forward.

Upon motion of Director Saunders, seconded by Director Belza, and unanimously carried, the public hearing was closed.

Upon motion of Director Saunders, seconded by Director LeVake, and unanimously carried, the Board adopted the Final Budget for Fiscal Year 1991/92 in a total amount of \$66,000. ADOPT FINAL BUDGET

2. Air Pollution Control Rules and Regulations (continued from June 17, 1991): Air Pollution Control Officer Ken Corbin discussed the proposed revisions to the Rules and Regulations as requested by the Air Resources Board. Mr. Corbin presented the proposed revisions to Rules 1.1, 3.6, 3.17, 4.5, and 5.16. It was recommend by Mr. Corbin that the Board continue Rules 3.16 and 3.18 and Regulation VII, Fees, to September 3, 1991, at 1:30 p.m.

Following an in depth discussion by the Board, Chairman Mathews opened the public hearing and inquired if anyone in the audience wished to address the Board. No one came forward.

Upon motion of Director Saunders, seconded by Director Mathews, and unanimously carried, the public hearing was closed.

The Board stressed their great reluctance to adopt the proposed Rules and Regulations.

Upon motion of Director Montna, seconded by Director Saunders, and unanimously carried with reservations expressed, the Board approved Regulation I, IV, and V, with amendments as proposed by the Air Resources Board; approved Regulation III; and with the deletion of proposed Rules 3.16 and 3.18, approved Regulation VI, VIII, and IX as originally proposed.

APPROVE  
REG. &  
RULES

3. Public Hearing - Request for Continuation: Chairman Mathews opened the public hearing and inquired if anyone in the audience wished to address the Board. No one came forward.

Upon motion of Director Belza, seconded by Director Montna, and unanimously carried, the Public Hearing for Regulation II, Open Burning, rule 3.16 and 3.18, and Regulation VII, Fees, was continued to September 3, 1991, at 1:30 p.m.

CONTINUE  
PUBLIC  
HEARING

OTHER BUSINESS

Director Montna advised he attended an air pollution meeting in Sacramento on August 9, 1991, to discuss rice burning. The meeting was scheduled with Mr. Connally, but in his absence, he was represented by an aide. Fees and ag department monitoring of the fields was discussed. Mr. Montna advised if fees were "put on the backs of the supervisors, they would be hung by the nearest wall and left there to dry". Mr. Montna stated Mr. Connally's bill does not address who will monitor the fields and who can burn. Mr. Chandler is co-chairing the bill with Mr. Connally and Mr. Hayden.

Mr. Corbin indicated the committee has looked at a \$5 fee, which will not begin to cover the cost, and could be as high as \$2 per acre.

Mr. Montna advised fees were discussed at the meeting and the rice processors are in agreement with "Connally's" bill.

ADJOURNMENT

There being no further business to come before the Feather River Air Quality Management District Board, the meeting was adjourned at 2:50 p.m. by Chairman Mathews.

Michelle D. Mathews  
Chairman

ATTEST: TERRY A. HANSEN  
DEPUTY CLERK OF THE BOARD

Terry A. Hansen

Approved: September 3, 1991



AIR POLLUTION CONTROL RULES AND REGULATIONS  
Summary of Proposed 1991 Changes

General Changes:

The first objective of the following changes is to combine the Rules and Regulations of the Sutter and Yuba Air Pollution District as one set of Rules for the Feather River Air Quality Management District. In doing this Yuba County Air Pollution District Rules and Regulations are used as the basic document. Therefore, referenced changes are as they relate to the basic document. This results in some of the Rules and Regulations of the Sutter County Air Pollution Control District being included as a new Rule or Regulation.

Changed language throughout regulations to reflect new district name of "Feather River Air Quality Management District."

Changed language from Fall Agricultural Burning Program to Coordinated Burning Program.

Regulation I:

Rule 1.1 Definitions:

Redefined Agricultural Burning-added Wildland Vegetative Management Burning and provisions for burning to maintain water delivery systems.

Added definition for Coordinated Agricultural Burning Program.

Deleted definition for Fall Agricultural Burning Program.

Added definition for Spray Coating.

Added definition for Regulation.

Added definition for Rule.

Dropped Rule 1.3 Effective Date

Regulation II General Provisions

Rule 2.1 Exceptions to Rule 2.0

Item a. 2) - Added last sentence-allows burning of prohibited material for fire training.

Item b. 2) - Changed wording.

Item b. 3) - Added "Burning of" at beginning.

Item b. 4) - Reformatted.

Item c. - Reformatted.

Item e. 1) - Allows up to 50 acres for residential burning definition.

Item e. 5) - For residential burning, changed required distance from a structure from 25 to 50 feet.

Item e.6) - Added as new Item-prohibits residential burning in State Responsibility Area from June 15 through Oct 15.

Item f. 3) - Reworded.

Item g. - Added "or for fire control purposes" to end.

Item h. - Some rewording and reformatted.

Item i. - Dropped this item and relettered rest of Items.

Rule 2.5 Permit Regulations

- Item a. - Added additional clarification language, "Fire hazard reduction and Designated Agent for Ag Burning ."
- Item b. - Added Sub-Item 5) and 6).-requires permittee to notify District prior to burning.
- Item c . - Added Sub-Item 3).-residential burning in State Responsibility Areas (SRA).
- Item e. - Added as new Item and relettered rest of Items.-must notify District prior to burning.
- Item f. - Inserted "Designated Representative for Agricultural Burning."
- Item h. - Some rewording and reformatted.
- Item i. - Added "Designated Agent for AG Burning."

Rule 2.6 Burning Hours

- Item a. - Made changes to burning hours.
- Item b. - Specifies residential burn hours
- Item c. - Deleted and relettered rest of Items.
- Item d. 2) - Added Sub-sub Item c)-fire out times
- Item d. 3) - Deleted orchard removal and changed pruning burning times from 10 to 8 PM.
- Item d. 4) - Added areas of Jurisdiction.
- Item d. 5) - Added orchard removal.

Rule 2.7 Agricultural Burning Requirements

- Item h. - Made language clarification changes.
- Item j. 2) - Reworded and added language-allows APCO to limit acreage during Fall Burn Season.

Rule 2.8 Forest Management .....

- Item b. - Reformatted.
- Item c. 2) - Added as new Sub-Item allows APCO to limit burning for fire safety.
- Item d. - Added "or produced" after word "grown."

Rule 2.12 Fire Hazard Control - Reworded.

Rule 2.14 Exceptions to Rule 2.13 - Reformatted.

Rule 2.16 Cost of Putting Out a Fire - Reformatted-applied to all fires.

Rule 2.17 Wildland Vegetative Management Burning

- Item c. - Changed by exempting 5 acre burns at elevations below 1000 ft. from filing a burn plan.

Rule 2.18 -Added notification requirements.

Regulation III Prohibition - Stationary Emission Sources

Rule 3.6 Sand Blasting - Changed title to "Abrasive Blasting."

- Item a. - Reformated.
- Item b. - Reworded.

Rule 3.16 Spray Coating - Added as new Rule.

Rule 3.17 Hexavalent Chromium - Added as new Rule.

Rule 3.18 Incinerator Burning - Added as new Rule.

Regulation IV Stationary Emission Sources

Rule 4.1 Permit Requirements

- Item a. - Added two year limit for permits and "must be renewed annually."
- Item b. - Changed and added language for clarification.  
(Allows 90 day operation under Authority to Construct)

Rule 4.2 Existing Emission Sources

- Changed language for clarification.  
(Dropped requirement to register existing sources)

Rule 4.3 Exemptions From Permit and Registration

- Dropped "and Registration" from Rule Title.

Rule 4.8 Further Information - Reformated.

Rule 4.13 Alteration of Permit

- Added as a new Rule.

Rule 4.14 Posting of Permit

- Added as a new Rule.

Rule 4.15 Transfer of Permit

- Added as a new Rule.

Regulation V Hearing Board Procedures

Rule 5.10 Place of Hearing

- Wording change necessary due to unification of Districts.

Rule 5.16 Decision

- Added last sentence. (To reference California Health and Safety Code which allows hearings with 1 member)

Regulation VI Variances

Rule 6.0 Any Person - Reformated Rule.

Regulation VII Fees

Made changes, deletions, and inclusions to the whole Regulation.  
Proposed fee changes include:

	Existing	Proposed
a. Hearing Board Filing	\$ 75.00	\$150.00
b. Annual Permit Renewal (per ton)		
Carbon Monoxide (CO)	1.00	2.00
Other Pollutants	5.00	10.00
c. Open Burning		
Fire Training - Private Property	50.00	100.00
Residential		
up to 2 acre (added Yuba Co.)	(Sutter)	15.00
3 - 29 acre	N/A	20.00
30 - 50 acre	N/A	25.00
d. Indirect Source (Changed Yuba Co. Only)		
Industrial - per square foot	0.04	0.02

Regulation VIII Penalties and Abatement

Rule 8.0 Penalties - Corrected Code Section and updated to California Health and Safety Code changes.

- Item b. - Changed from \$6,000 to \$25,000.
- Item c. - Substantially changed wording and updated penalty from \$600 to \$1,000.

Rule 8.2 Orders for Abatement

- Item a. - Inserted "or the Hearing Board" after District Board. (Allows either Board to issue abatement orders)
- Item d. - Changed wording to allow for use of Superior Court in either County comprising the unified District.

PROHIBITION - STATIONARY EMISSION SOURCES

Rule 3.0 Visible Emissions: As provided by Section 41701 of the California Health and Safety Code, a person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is:

- a. As dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; or
- b. Of such opacity as to obscure an observers view to a degree equal to or greater than does smoke described in Subsection 'a', above.

Rule 3.1 Exceptions to Rule 3.0: In accordance with Section 41704 of the California Health and Safety Code, nothing in Rule 3.0 shall be construed to prohibit:

- a. Open burning as authorized under Rule 2.1;
- b. The use of orchard and citrus grove heaters which are in compliance with Rule 2.15;
- c. Emissions resulting from food preparation, heating or comfort fires in single or two-family dwellings, providing prohibited materials as outlined in Rule 2.9 of these Rules and Regulations, are not burned.

Rule 3.2 Particulate Matter Concentration: A person shall not discharge into the atmosphere from any source, except as allowed by Rule 3.1, section a and c of these Rules and Regulations, particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions.

When the source involves a combustion process, the concentration must be calculated to 12 per cent carbon dioxide (CO<sub>2</sub>). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning the carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO<sub>2</sub>).

Rule 3.3 Dust and Fumes: A person shall not discharge in any one hour from any source whatsoever, except as provided by Rule 3.1, section a and c of these Rules and Regulations, dust or fumes in total quantities in excess of the amounts shown in the following table:

To use the following table, take the process weight per hour as such is defined in the attached definitions. Then find this figure on the table opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example; if "A" has a process which emits contaminants into the atmosphere and which process takes four (4) hours to complete, he 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. The table shows that "A" may not discharge more than 1.83 lbs., in any one hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation:

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

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

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

E = Rate of emission in pounds/hour;  
 p = Process weight rate in tons/hour.

ALLOWABLE RATE OF EMISSION BASED ON  
 PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb. Hr.	Tons Hr.	Lb. Hr.	Lb. Hr.	Tons Hr.	Lb. Hr.
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.70	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	180,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Table for Rule 3.3

Agenda Item 2  
Rule 3.4 Separation of Emissions: 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; 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 combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

Rule 3.5 Combination of Emissions:

- a. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution 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 source operation, then all of the applicable prohibitions shall apply to each such source operation separately.
- b. If the 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 section 'a', of this Rule, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined.

Rule 3.6 Sand Blasting: All sand blasting must be in compliance with the following:

- a. Performed under permit issued by the Air Pollution Control Officer.
  - 1) The Air Pollution Control Officer may impose permit conditions necessary to protect the health, safety and welfare, of the citizens of Sutter County.
- b. All sand blasting shall be in accordance with regulations promulgated by the California Air Resources Board pursuant to Article 4 (Commencing with Section 41900) of Chapter 3 of Part 4 of Division 26 of the California Health and Safety Code.

Rule 3.7 Reduction of Animal Matter: A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapor and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

- a. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit, for a period of not less than 0.3 seconds; or,
- b. Processed in such a manner determined by the Air Pollution Control Officer to be equally or more effective for the purpose of air pollution control than Subsection 'a' of this Rule.

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

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

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

~~Rule 3.8 Storage and Transfer of Gasoline:~~

- a. Any person who installs after December 31, 1970, any gasoline storage tank with a capacity of 250 gallons or more which is not equipped with a permanent submerged fill pipe or other equipment referred to in this rule is guilty of a misdemeanor. This provision does not apply to any storage tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with Section 3600) of the Vehicle Code.
- b. Transfer of Gasoline into Stationary Storage Containers
- 1) A person shall not transfer or permit the transfer of gasoline from any delivery vessel (i.e., tank truck or trailer) into any stationary storage container with a capacity of more than 250 gallons unless 90% by weight of the vapors displaced from such transfer are prevented from being released to the atmosphere.
 

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

    - a) The transfer of gasoline into any stationary storage container used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 3600 et seq.) of the California Vehicle Code.
    - b) The transfer of gasoline into any stationary storage container in existence prior to date of adoption of this rule when such container is served by a delivery vessel exempted by the Air Pollution Control Officer pursuant to Section 3a of this rule.
    - c) The transfer of gasoline into any stationary storage container in existence prior to adoption of this regulation which is equipped with an offset fill pipe.
    - d) The transfer of gasoline into any stationary storage container installed prior to the effective date of this regulation for which the total monthly throughput of the facility does not exceed 25,000 gallons.
  - 2) No person shall store gasoline in or otherwise use or operate any gasoline vessel unless such vessel is designed and maintained to be vapor tight. Any delivery vessel into which gasoline vapors are required to be transferred shall be filled only at a loading facility that is equipped with a system that prevents at least 90% by weight of the gasoline vapors displaced from entering the atmosphere.
  - 3) a) The owner or operator of any bulk loading facility which was in operation prior to the date of adoption of this rule and for which the annual throughput to stationary storage containers that are not exempted from Section 1a does not exceed 500,000 gallons, may petition the Air Pollution Control Officer to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility exempted from the provisions of Section 2. The owner or operator of such a facility must petition annually to renew such exemptions.
    - b) A person shall not load gasoline into any delivery vessel from any loading facility granted an exemption pursuant to Section 3a of this rule unless such delivery vessel is loaded through a submerged fill pi



Sutter

Rule 3.9 Incinerator Burning. Except for the burning of residential rubbish, a person shall not burn any combustible refuse within the boundaries of the Sutter County Air Pollution Control District, except 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 3.10 Sulfur Oxides: A person shall not discharge into the atmosphere from any single source of emission whatsoever, any sulfur oxides in excess of 0.2 per cent by volume (2,000ppm) collectively calculated as sulfur dioxide (SO<sub>2</sub>).

Rule 3.12 Organic Solvents:

- a. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge had been reduced by at least 85 per cent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this Section shall be collectively subject to compliance, with this Section.
- b. A person shall not discharge into the atmosphere more than 10 pounds of organic materials in any one day, nor more than 3 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than described in Section 'a' of this Rule, for employing, or applying, any photochemically reactive solvent, as defined in Section '1' of this Rule, or material containing such photochemically reactive solvent unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this Section shall be included in determining compliance with this Section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in Section 'a' of this Rule shall be excluded from determination of compliance with this Section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this Section shall be collectively subject to compliance with this Section.

- c. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour from any article, machine, equipment or other contrivance in which any photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal of any article, machine, equipment, or other contrivance described in this Section shall be included in determining compliance with this Section. Emissions resulting from baking, or heat-polymerizing as described in Section 'a' of this Rule, shall be excluded from determination of compliance with this Section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use operations described in this Section shall be collectively subject to compliance with this Section.
- d. A person shall not sell or offer for sale for use in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Section '1' of this Rule.
- e. A person shall not employ, apply, evaporate or dry any architectural coating purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Section '1' of this Rule.
- f. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Section '1' of this Rule.
- g. For the purpose of this Rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances or industrial buildings.
- h. A person shall not, during any one day dispose of a total of more than  $1\frac{1}{2}$  gallons of any photochemically reactive solvent, as defined in Section '1' of this Rule, or of any material containing more than  $1\frac{1}{2}$  gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.
- i. Emissions of organic materials into the atmosphere from the clean-up with photochemically reactive solvent, as defined in Section '1' of this Rule of any article, machine, equipment or other contrivances described in Sections 'a', 'b' or 'c', of this Rule, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivances for determining compliance with this Rule.
- j. Emissions of organic materials into the atmosphere required to be controlled by Section 'a', 'b' or 'c', of this Rule, shall be reduced by:
- 1) Incineration, provided that 90 per cent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide; or,
  - 2) Adsorption; or,
  - 3) Processing in a manner determined to be not less effective than '1', or '2', above.
- k. For the purposes of this Rule, organic solvents include dilutents and thinners and are defined as organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220 degrees Fahrenheit at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 degrees Fahrenheit.

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

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

- m. For the purpose of this Rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
- n. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in an Authorization to Construct or a Permit to Operate, or as specified by an Air Pollution Control Officer for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.
- o. Any person using organic solvents or any materials containing organic solvents shall supply written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.
- p. The provisions of this Rule shall not apply to:
  - 1) The manufacture of organic solvents or the transport or storage of organic solvents or materials containing organic solvents;
  - 2) The spraying or other employment of insecticides, pesticides or herbicides;
  - 3) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene;
  - 4) The use of any material in any article, machine, equipment or other contrivance described in Section 'a', 'b', 'c', or 'i', of this Rule, if:
    - a) The volatile content of such material consists only of water and organic solvents; and,
    - b) The organic solvents comprise not more than 20 per cent by volume of said volatile content; and,
    - c) The volatile content is not photochemically reactive as defined in Section '1' of this Rule; and,
    - d) The organic solvent or any material containing organic solvent does not come into contact with flame.
  - 5) The use of any material in any article, machine, equipment or other contrivance described in Sections 'a', 'b', 'c', or 'i', of this Rule, if:
    - a) The organic solvent content of such material does not exceed 20 per cent by volume of said material; and,
    - b) The volatile content is not photochemically reactive as defined in Section '1' of this Rule; and,
    - c) The organic solvent or any material containing organic solvent does not come into contact with flame.

- 6) The use of equipment for which other requirements are ~~Agenda Item 2d~~ by or which are exempt from air pollution control requirements by said Prohibitions.
- 7) In addition to other restrictions contained in these regulations:
- a) A person shall not use, in any dry-cleaning operation, organic solvents containing 4 per cent or more by volume of any photochemically reactive organic material as defined in Section 'l', of this Rule, unless the emissions of the discharged organics are reduced by 90 per cent or more by use of any of the methods described in Section 'j', of this Rule.
  - b) A person shall not discharge into the atmosphere any organic materials from surface degreasing operations unless they are either reduced by at least 85 per cent, or unless such materials are not photochemically reactive as defined in Section 'l', of this Rule.
  - c) A person shall not manufacture nor use any photochemically reactive solvent as defined in Section 'l' of this Rule for the purpose of thinning or diluting any metal surface coating.

Rule 3.13 Circumvention: A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California.

~~Rule 3.14 Solvent Degreasing: After January 1, 1980, any containers of solvent which exceed 55 gallons capacity shall contain instructions to store in a closed condition.~~

Rule 3.15 Architectural Coatings:

a. Definitions:

- 1) Architectural Coatings: For the purpose of this rule, an architectural coating is defined as any coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.
- 2) Bituminous Coatings Materials: Black or brownish materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or as residues from the distillation of crude petroleum oils, or of low grades of coal.
- 3) Fire Retardant Coatings: Architectural coatings which are designed to retard fires and which will significantly:
  - a) Reduce the rate of flame spread on the surface of a material to which such a coating has been applied, or,
  - b) Resist ignition when exposed to high temperatures, or,
  - c) Insulate a substrate to which such a coating has been applied and prolong the time required to reach ignition temperature.
- 4) Graphic Arts Coatings: Coatings which are marketed solely for application to indoor and outdoor signs and include lettering enamels, poster colors and bulletin colors.
- 5) Industrial Maintenance Finishes: High performance coatings which are formulated for the purpose of heavy abrasion, water immersion, chemical, corrosion, temperature, electrical or solvent resistance.

## REGULATION IX

## ENFORCEMENT PROCEDURES

Rule 9.0 Enforcement: The Rules and Regulations of the Sutter County Air Pollution Control District and all State statutes so authorizing and concerning air pollution controls shall be enforced by the Air Pollution Control Officer and any officer as authorized by the state and/or local law.

- a. This rule specifically includes inspectors and officers of the Sutter County Air Pollution Control District.

Rule 9.1 Emission Monitoring: The Air Pollution Control Officer may require the owner or operator of any air contaminant source to install, use and maintain monitoring equipment; sample emissions; establish and maintain records; and make periodic emission reports. All of these actions shall be accomplished in a manner approved by the Air Pollution Control Officer.

Rule 9.2 Records and Reports: Air Pollution monitoring records and such fuel composition data as deemed necessary shall be recorded, compiled and submitted on forms furnished by the Air Pollution Control Officer.

Rule 9.3 Tests: All tests shall be made and the results calculated in accordance with test procedures approved by the Air Pollution Control Officer. All tests shall be made under the direction of person qualified by training and experience in the field of air pollution control and approved by the Air Pollution Control Officer.

- a. The Air Pollution Control Officer may conduct tests of emissions or air contaminants from any source. Upon request of the Air Pollution Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

Rule 9.4 Field Inspection: Each source of air pollution subject to permit or registration shall be inspected or tested at such intervals of time so that no extended periods of violations will occur.

Rule 9.5 Air Pollution Equipment - Scheduled Maintenance: In the case of shut-down or re-start of air pollution equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Air Pollution Control Officer at least twenty-four (24) hours prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:

- a. Identification of the specific facility to be taken out of service as well as its location and permit number;
- b. The expected length of time that the air pollution control equipment will be out of service;
- c. The nature and quantity of emissions of air contaminants likely to occur during the shut-down period;

- d. Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shut-down period;
  - e. The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period;
- During the testing period moderate emission of air pollution will be allowed.

**Rule 9.6 Equipment Breakdown:** In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner which may cause the emission of air contaminants in violation of this article, the person responsible for such equipment shall immediately notify the Air Pollution Control Officer of such failure or breakdown and subsequently a written statement giving all pertinent facts, including the estimated duration of the breakdown. The Air Pollution Control Officer shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation.

**Rule 9.7 Permit Actions:** The Air Pollution Control Officer may request the Hearing Board to hold a public hearing to determine whether a permit should be revoked.

The Air Pollution Control Officer may also suspend a permit if a permittee fails to furnish all required information. He may then request that the Hearing Board hold a public hearing to determine whether the suspended permit should be reinstated, or he may reinstate the permit if, in his opinion, good reason exists to do so. Within ten (10) days after the receipt of a Notice of Suspension, the permittee may file a demand with the Hearing Board for a public hearing to determine whether or not the permit was properly suspended.

The Hearing Board must hold a public hearing to consider permit matters within thirty (30) days after receiving a request for the hearing from either the Air Pollution Control Officer or the permittee. The board must notify all concerned persons of the date, time and place of the hearing not less than ten (10) days before the hearing.

Regarding permit matters, the hearing board may:

- a. Revoke an existing permit;
- b. Find that no violation exists and reinstate a suspended permit;
- c. Remove the suspension of a suspended permit pending the furnishing, by the permittee, of the required information; or,
- d. Continue the suspension of the permit.

**Rule 9.8 Variance Action:** Except in the case of an emergency, as determined by the Hearing Board, the Hearing Board shall hold a hearing pursuant to Chapter 9 (commencing with Section 40800) of Part 3, of the California Health and Safety Code, to determine under what conditions, and to what extent a variance shall be granted.

PROHIBITION - STATIONARY EMISSION SOURCES

- Rule 3.0 Visible Emissions: As provided by Section 41701 of the California Health and Safety Code, a person shall not discharge into the atmosphere from any single source of emissions whatsoever, any air contaminants for a period or periods aggregating more than three minutes in any one hour which is:
- As dark or darker in shade as that designated as No. 2 on the Ringlemann Chart, as published by the United States Bureau of Mines; or
  - Of such opacity as to obscure an observers view to a degree equal to or greater than does smoke described in Subsection 'a', above.
- Rule 3.1 Exceptions to Rule 3.0: In accordance with Section 41704 of the California Health and Safety Code, nothing in Rule 3.0 shall be construed to prohibit:
- Open burning as authorized under Rule 2.1;
  - The use of orchard and citrus grove heaters which are in compliance with Rule 2.15;
  - Emissions resulting from food preparation, heating or comfort fires in single or two-family dwellings, providing prohibited materials as outlined in Rule 2.9 of these Rules and Regulations, are not burned.
- Rule 3.2 Particulate Matter Concentration: A person shall not discharge into the atmosphere from any source, except as allowed by Rule 3.1, section a and c of these Rules and Regulations, particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions.
- When the source involves a combustion process, the concentration must be calculated to 12 per cent carbon dioxide (CO<sub>2</sub>). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning the carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO<sub>2</sub>).
- Rule 3.3 Dust and Fumes: A person shall not discharge in any one hour from any source whatsoever, except as provided by Rule 3.1, section a and c of these Rules and Regulations, dust or fumes in total quantities in excess of the amounts shown in the following table:
- To use the following table, take the process weight per hour as such is defined in the attached definitions. Then find this figure on the table opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example; if "A" has a process which emits contaminants into the atmosphere and which process takes four (4) hours to complete, he 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. The table shows that "A" may not discharge more than 1.83 lbs., in any one hour during the process. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation:

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

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

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

E = Rate of emission in pounds/hour;  
 p = Process weight rate in tons/hour.

ALLOWABLE RATE OF EMISSION BASED ON  
 PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb. Hr.	Tons Hr.	Lb. Hr.	Lb. Hr.	Tons Hr.	Lb. Hr.
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.70	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	180,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Table for Rule 3.3



Agenda Item 2  
Rule 3.4 Separation of Emissions: 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; 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 combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

Rule 3.5 Combination of Emissions:

- a. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution 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 source operation, then all of the applicable prohibitions shall apply to each such source operation separately.
- b. If the 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 section 'a', of this Rule, then all applicable prohibitions shall be applied to the combined emission as if it originated in a single source operation, subject to the most stringent limitations and requirements placed by these prohibitions on any of the source operations whose air contaminants are so combined.

Rule 3.6 Sand Blasting: All sand blasting must be in compliance with the following:

- a. Performed under permit issued by the Air Pollution Control Officer.
  - 1) The Air Pollution Control Officer may impose permit conditions necessary to protect the health, safety and welfare, of the citizens of Sutter County.
- b. All sand blasting shall be in accordance with regulations promulgated by the California Air Resources Board pursuant to Article 4 (Commencing with Section 41900) of Chapter 3 of Part 4 of Division 26 of the California Health and Safety Code.

Rule 3.7 Reduction of Animal Matter: A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapor and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

- a. Incinerated at temperatures of not less than 1,200 degrees Fahrenheit, for a period of not less than 0.3 seconds; or,
- b. Processed in such a manner determined by the Air Pollution Control Officer to be equally or more effective for the purpose of air pollution control than Subsection 'a' of this Rule.

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

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

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

~~Rule 3.8 Storage and Transfer of Gasoline:~~

- a. Any person who installs after December 31, 1970, any gasoline storage tank with a capacity of 250 gallons or more which is not equipped with a permanent submerged fill pipe or other equipment referred to in this rule is guilty of a misdemeanor. This provision does not apply to any storage tank which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (commencing with Section 3600) of the Vehicle Code.
- b. Transfer of Gasoline into Stationary Storage Containers
- 1) A person shall not transfer or permit the transfer of gasoline from any delivery vessel (i.e., tank truck or trailer) into any stationary storage container with a capacity of more than 250 gallons unless 90% by weight of the vapors displaced from such transfer are prevented from being released to the atmosphere.
- The provisions of this Section shall be subject to the following exceptions:
- a) The transfer of gasoline into any stationary storage container used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 3600 et seq.) of the California Vehicle Code.
  - b) The transfer of gasoline into any stationary storage container in existence prior to date of adoption of this rule when such container is served by a delivery vessel exempted by the Air Pollution Control Officer pursuant to Section 3a of this rule.
  - c) The transfer of gasoline into any stationary storage container in existence prior to adoption of this regulation which is equipped with an offset fill pipe.
  - d) The transfer of gasoline into any stationary storage container installed prior to the effective date of this regulation for which the total monthly throughput of the facility does not exceed 25,000 gallons.
- 2) No person shall store gasoline in or otherwise use or operate any gasoline vessel unless such vessel is designed and maintained to be vapor tight. Any delivery vessel into which gasoline vapors are required to be transferred shall be filled only at a loading facility that is equipped with a system that prevents at least 90% by weight of the gasoline vapors displaced from entering the atmosphere.
  - 3) a) The owner or operator of any bulk loading facility which was in operation prior to the date of adoption of this rule and for which the annual throughput to stationary storage containers that are not exempted from Section 1a does not exceed 500,000 gallons, may petition the Air Pollution Control Officer to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility exempted from the provisions of Section 2. The owner or operator of such a facility must petition annually to renew such exemptions.
  - b) A person shall not load gasoline into any delivery vessel from any loading facility granted an exemption pursuant to Section 3a of this rule unless such delivery vessel is loaded through a submerged fill pi

Sutter

Rule 3.9 Incinerator Burning. Except for the burning of residential rubbish, a person shall not burn any combustible refuse within the boundaries of the Sutter County Air Pollution Control District, except 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 3.10 Sulfur Oxides: A person shall not discharge into the atmosphere from any single source of emission whatsoever, any sulfur oxides in excess of 0.2 per cent by volume (2,000ppm) collectively calculated as sulfur dioxide (SO<sub>2</sub>).

Rule 3.12 Organic Solvents:

- a. A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge had been reduced by at least 85 per cent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this Section shall be collectively subject to compliance, with this Section.
- b. A person shall not discharge into the atmosphere more than 10 pounds of organic materials in any one day, nor more than 3 pounds in any one hour from any article, machine, equipment or other contrivance used under conditions other than described in Section 'a' of this Rule, for employing, or applying, any photochemically reactive solvent, as defined in Section '1' of this Rule, or material containing such photochemically reactive solvent unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this Section shall be included in determining compliance with this Section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in Section 'a' of this Rule shall be excluded from determination of compliance with this Section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this Section shall be collectively subject to compliance with this Section.

- c. A person shall not discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour from any article, machine, equipment or other contrivance in which any photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 per cent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal of any article, machine, equipment, or other contrivance described in this Section shall be included in determining compliance with this Section. Emissions resulting from baking, or heat-polymerizing as described in Section 'a' of this Rule, shall be excluded from determination of compliance with this Section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and use operations described in this Section shall be collectively subject to compliance with this Section.
- d. A person shall not sell or offer for sale for use in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Section '1' of this Rule.
- e. A person shall not employ, apply, evaporate or dry any architectural coating purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Section '1' of this Rule.
- f. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Section '1' of this Rule.
- g. For the purpose of this Rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances or industrial buildings.
- h. A person shall not, during any one day dispose of a total of more than  $1\frac{1}{2}$  gallons of any photochemically reactive solvent, as defined in Section '1' of this Rule, or of any material containing more than  $1\frac{1}{2}$  gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.
- i. Emissions of organic materials into the atmosphere from the clean-up with photochemically reactive solvent, as defined in Section '1' of this Rule of any article, machine, equipment or other contrivances described in Sections 'a', 'b' or 'c', of this Rule, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivances for determining compliance with this Rule.
- j. Emissions of organic materials into the atmosphere required to be controlled by Section 'a', 'b' or 'c', of this Rule, shall be reduced by:
- 1) Incineration, provided that 90 per cent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide; or,
  - 2) Adsorption; or,
  - 3) Processing in a manner determined to be not less effective than '1', or '2', above.
- k. For the purposes of this Rule, organic solvents include dilutents and thinners and are defined as organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220 degrees Fahrenheit at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 degrees Fahrenheit.

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

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

- m. For the purpose of this Rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.
- n. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in an Authorization to Construct or a Permit to Operate, or as specified by an Air Pollution Control Officer for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.
- o. Any person using organic solvents or any materials containing organic solvents shall supply written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.
- p. The provisions of this Rule shall not apply to:
  - 1) The manufacture of organic solvents or the transport or storage of organic solvents or materials containing organic solvents;
  - 2) The spraying or other employment of insecticides, pesticides or herbicides;
  - 3) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene;
  - 4) The use of any material in any article, machine, equipment or other contrivance described in Section 'a', 'b', 'c', or 'i', of this Rule, if:
    - a) The volatile content of such material consists only of water and organic solvents; and,
    - b) The organic solvents comprise not more than 20 per cent by volume of said volatile content; and,
    - c) The volatile content is not photochemically reactive as defined in Section '1' of this Rule; and,
    - d) The organic solvent or any material containing organic solvent does not come into contact with flame.
  - 5) The use of any material in any article, machine, equipment or other contrivance described in Sections 'a', 'b', 'c', or 'i', of this Rule, if:
    - a) The organic solvent content of such material does not exceed 20 per cent by volume of said material; and,
    - b) The volatile content is not photochemically reactive as defined in Section '1' of this Rule; and,
    - c) The organic solvent or any material containing organic solvent does not come into contact with flame.

- 6) The use of equipment for which other requirements are ~~Agenda Item 2d~~ by or which are exempt from air pollution control requirements by said Prohibitions.
- 7) In addition to other restrictions contained in these regulations:
- a) A person shall not use, in any dry-cleaning operation, organic solvents containing 4 per cent or more by volume of any photochemically reactive organic material as defined in Section 'l', of this Rule, unless the emissions of the discharged organics are reduced by 90 per cent or more by use of any of the methods described in Section 'j', of this Rule.
  - b) A person shall not discharge into the atmosphere any organic materials from surface degreasing operations unless they are either reduced by at least 85 per cent, or unless such materials are not photochemically reactive as defined in Section 'l', of this Rule.
  - c) A person shall not manufacture nor use any photochemically reactive solvent as defined in Section 'l' of this Rule for the purpose of thinning or diluting any metal surface coating.

Rule 3.13 Circumvention: A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California.

~~Rule 3.14 Solvent Degreasing: After January 1, 1980, any containers of solvent which exceed 55 gallons capacity shall contain instructions to store in a closed condition.~~

Rule 3.15 Architectural Coatings:

a. Definitions:

- 1) Architectural Coatings: For the purpose of this rule, an architectural coating is defined as any coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs.
- 2) Bituminous Coatings Materials: Black or brownish materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or as residues from the distillation of crude petroleum oils, or of low grades of coal.
- 3) Fire Retardant Coatings: Architectural coatings which are designed to retard fires and which will significantly:
  - a) Reduce the rate of flame spread on the surface of a material to which such a coating has been applied, or,
  - b) Resist ignition when exposed to high temperatures, or,
  - c) Insulate a substrate to which such a coating has been applied and prolong the time required to reach ignition temperature.
- 4) Graphic Arts Coatings: Coatings which are marketed solely for application to indoor and outdoor signs and include lettering enamels, poster colors and bulletin colors.
- 5) Industrial Maintenance Finishes: High performance coatings which are formulated for the purpose of heavy abrasion, water immersion, chemical, corrosion, temperature, electrical or solvent resistance.

REGULATION IXENFORCEMENT PROCEDURES

- Rule 9.0 Enforcement: The Rules and Regulations of the Yuba County Air Pollution Control District and all State statutes so authorizing and concerning air pollution controls shall be enforced by the Air Pollution Control Officer and any officer as authorized by the State and/or local law.
- a. This Rule specifically includes inspectors and officers of the Yuba County Air Pollution Control District.
- Rule 9.1 Emission Monitoring: The Air Pollution Control Officer may require the owner or operator of any air contaminant source to install, use and maintain monitoring equipment; sample emissions; establish and maintain records; and make periodic emission reports. All of these actions shall be accomplished in a manner approved by the Air Pollution Control Officer.
- Rule 9.2 Records and Reports: Air Pollution monitoring records and such fuel composition data as deemed necessary shall be recorded, compiled and submitted on forms furnished by the Air Pollution Control Officer.
- Rule 9.3 Tests: All tests shall be made and the results calculated in accordance with test procedures approved by the Air Pollution Control Officer. All tests shall be made under the direction of person qualified by training and experience in the field of air pollution control and approved by the Air Pollution Control Officer.
- a. The Air Pollution Control Officer may conduct tests of emissions of air contaminants from any source. Upon request of the Air Pollution Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.
- Rule 9.4 Field Inspection: Each source of air pollution subject to permit or registration shall be inspected or tested at such intervals of time so that no extended periods of violations will occur.
- Rule 9.5 Air Pollution Equipment - Scheduled Maintenance: In the case of shut-down or re-start of air pollution equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the Air Pollution Control Officer at least twenty-four (24) hours prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:
- a. Identification of the specific facility to be taken out of service as well as its location and permit number;
- b. The expected length of time that the air pollution control equipment will be out of service;

- c. The nature and quantity of emissions of air contaminants likely to occur during the shut-down period;
- d. Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shut-down period;
- e. The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period;

During testing period moderate emission of air pollution will be allowed.

Rule 9.6 Equipment Breakdown: In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner which may cause the emission of air contaminants in violation of this article, the person responsible for such equipment shall immediately notify the Air Pollution Control Officer of such failure or breakdown and subsequently a written statement giving all pertinent facts, including the estimated duration of the breakdown. The Air Pollution Control Officer shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation.

Rule 9.7 Permit Actions: The Air Pollution Control Officer may request the hearing board to hold a public hearing to determine whether a permit should be revoked.

The Air Pollution Control Officer may also suspend a permit if a permittee fails to furnish all required information. He may then request that the hearing board hold a public hearing to determine whether the suspended permit should be reinstated, or he may reinstate the permit if in his opinion, good reason exists to do so. Within ten (10) days after the receipt of a Notice of Suspension, the permittee may file a demand with the hearing board for a public hearing to determine whether or not the permit was properly suspended.

The hearing board must hold a public hearing to consider permit matters within thirty (30) days after receiving a request for the hearing from either the Air Pollution Control Officer or the permittee. The board must notify all concerned persons of the date, time and place of the hearing not less than ten (10) days before the hearing.

Regarding permit matters, the hearing board may:

- a. Revoke an existing permit;
- b. find that no violation exists and reinstate a suspended permit;
- c. Remove the suspension of a suspended permit pending the furnishing, by the permittee, of the required information; or,
- d. Continue the suspension of the permit.

Rule 9.8 Variance Action: Except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing pursuant to Chapter 8 (commencing with Section 40800) of part 3, of the California Health and Safety Code, to determine under what conditions, and to what extent a variance shall be granted.



Attachment C – Proof of Publication for Public Hearing

PROOF OF PUBLICATION

RECEIVED

SEP 08 2022

APPEAL-DEMOCRAT

1530 Ellis Lake Drive, Marysville, CA 95901 \* (530) 749-4700

FEATHER RIVER  
AQMD

STATE OF CALIFORNIA \* Counties of Yuba and Sutter

I am not a party to, nor interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE APPEAL-DEMOCRAT, a newspaper of general circulation, printed & published in the City of Marysville, County of Yuba, to which Newspaper has been adjudged a newspaper of general circulation by The Superior Court of the County of Yuba, State of California under the date of November 9, 1951, No. 11481, and County of Sutter to which Newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sutter, State of California under the date of May 17, 1999, Case No.CV PT99-0819. The Notice, of which the annexed is a copy, appeared in said newspaper on the following dates:

September 3, 2022

I declare under penalty of perjury that the foregoing is true and correct.

September 5, 2022

*Kathy Stannhill*

Date

Signature

Feather River Air Quality Management District

Notice of Public Hearing

**COPY:**

**NOTICE OF PUBLIC HEARING**

Historical Regulation III and IX SIP Submittal

PLEASE TAKE NOTICE that the Feather River Air Quality Management District ("District") will conduct a public hearing on Monday, October 3, 2022 at 4:00 p.m. at the District Office, 541 Washington Avenue, Yuba City. The purpose of the hearing is to consider submittal of historical rules to the State Implementation Plan (SIP) and removal of rules from the previous county air district boards that are no longer in existence.

The following rules that were adopted when the District formed in 1991 but were not submitted to the SIP are proposed to be submitted:

- Rule 3.0 Visible Emissions
- Rule 3.1 Exceptions to Rule 3.0 (partial)
- Rule 3.2 Particulate Matter Concentration
- Rule 3.3 Dust and Fumes
- Rule 3.4 Separation of Emissions
- Rule 3.5 Combination of Emissions
- Rule 3.6 Abrasive Blasting
- Rule 3.7 Reduction of Animal Matter
- Rule 3.10 Sulfur Oxides
- Rule 3.11 Reduced Sulfur Compounds
- Rule 3.13 Circumvention
- Rule 9.6 Equipment Breakdown

In addition, Yuba County and Sutter County air districts Rule 9.5 Air Pollution Equipment - Scheduled Maintenance is requested to be removed from the SIP without replacement. The analysis for the proposed SIP submittal, the proposed Rules, and supporting documentation is available on the District website: [www.fraqmd.org](http://www.fraqmd.org), or upon request from the District.

If approved, the rules listed above will be submitted to the California State Air Resources Board and the United States Environmental Protection Agency for inclusion into the State Implementation Plan. This notice, public hearing, and the proposed action are intended to satisfy the requirements of the Clean Air Act Sections 110, 172, 182, and Title 40 of the Code of Federal Regulation Part 51.

By this notice, the public is invited to comment on the proposed action. All written comments must be addressed to Christopher D. Brown AICP, APCO, 541 Washington Avenue, Yuba City, CA 95991 or emailed to

**fraqmd@fraqmd.org and must be received no later than 5:00 p.m. on September 21, 2022. Comments may also be presented orally during the public hearing. For more information, please contact Sondra Spaethe at (530) 634-7659 ext. 210 or sspaethe@fraqmd.org.**

September 3, 2022

Ad #00283334