

REGULATION II
PROHIBITIONS

Rule 201 **District-Wide Coverage**

Prohibitions, as set forth in this Regulation, shall apply in all portions of the Northern Sierra Air Quality Management District unless otherwise stated.

REGULATION II
PROHIBITIONS

Rule 202 **Visible Emissions**

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

- A. As dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or
- B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (A) of this section.

REGULATION II
PROHIBITIONS

Rule 203 **Exceptions**

The provisions of Rule 202 do not apply to:

- A. Smoke from fires set or permitted by any public fire officer, if such fire is set by or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 - 1. For the purpose of the prevention of a fire hazard. (or health hazard as determined by the Health Officer) which cannot be abated by any other means, or
 - 2. The instruction of public employees and/or volunteer firemen in the methods of fighting fires.
- B. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fires.
- C. Open outdoor fires used for recreational purposes or for cooking of food for human consumption.
- D. The use of an experimental device, system, or method to study or research open burning authorized by Section 41707 and 41805 (b) of the Health and Safety Code and these Rules and Regulations.
- E. Agricultural operations necessary for the growing of crops, or raising of fowl or animals.
- F. Use of any aircraft to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops, or the raising of fowl or animals.
- G. The use of other equipment in agricultural operations necessary for the growing of crops, or the raising of fowl or animals.
- H. Orchard or citrus grove heaters that are on the approved list published by the State Air Resources Board.

REGULATION II PROHIBITIONS

- I. The governing board of the district may by Rule provide for the issuance by the Air Pollution Control Officer of permits for open burning. The provisions of Rule 202 do not apply to smoke from fires set pursuant to such permit.

- J. Smoke emissions from tepee burners operating in compliance with Section 4438 of the Public Resources Code during the disposal of forestry and agricultural residues with supplemental fossil fuels, and burners used to produce energy and fired with such fuels, when such emissions result from startup or shutdown of the combustion process or from the malfunction of emissions control equipment. This subdivision shall not apply to emissions which exceed a period or periods of time aggregating more than 30 minutes in any 24-hour period. This subdivision shall not apply to emissions which result from the failure to operate and maintain in good working order any emission control equipment.

REGULATION II
PROHIBITIONS

Rule 204 **Wet Plumes**

Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 202 that Rule shall not apply. The burden of proof which establishes the application of this Rule shall be upon the person seeking to come within its provisions.

REGULATION II
PROHIBITIONS

Rule 205 **Nuisance**

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

Exception:

The provisions of Rule 205 do not apply to odors emanating from agriculture operations necessary for the growing of crops or raising of fowl or animals.

REGULATION II
PROHIBITIONS

Rule 206 **Incinerator Burning**

Except for the burning of residential rubbish, as defined in Rule 102, a person shall not burn any combustible or flammable waste in any incinerator within the boundaries of the Northern Sierra Air Quality Management District except in a multiple-chamber incinerator as defined in Rule 102 or in equipment found by the Air Pollution Control Officer to be equally effective for the purpose of air pollution control.

Pathological Incineration

A person shall not burn any pathological waste in any incinerator within the boundaries of the Northern Sierra Air Quality Management District unless all gases, vapors, and gas-entrained effluents from such an incinerator are:

- A. Incinerated at temperatures of not less than 1,500 degrees Fahrenheit for a period of not less than 0.5 seconds in an incinerator distributing direct flame to pathological waste on a solid grate, 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 (A) above.

For the purpose of this Rule, "Pathological Waste" is defined as including, but not limited to, human or animal tissue, or natural constituents thereof, being combusted for reasons of waste reduction, disease control or burial preparation.

REGULATION II
PROHIBITIONS

Rule 207 **Particulate Matter**

A person shall not release or discharge into the atmosphere from any source or single processing unit, exclusive of sources emitting combustion contaminants only, particulate matter emissions in excess of 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

REGULATION II
PROHIBITIONS

Rule 208 **Orchard or Citrus Heaters**

- A. No person shall use any orchard or citrus heater unless it has been approved by the ARB or does not produce more than one (1) gram per minute of unconsumed solid carbonaceous material.

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

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

REGULATION II
PROHIBITIONS

Rule 209 **Fossil Fuel-Steam Generator Facility**

A person shall not build, erect, install or expand any fossil fuel fired steam generating facility unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

- A. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO₂);
- B. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO₂);
- C. 10 pounds per hour of combustion contaminants as defined in Rule 102, and derived from the fuel.

REGULATION II
PROHIBITIONS

Rule 210 **Specific Contaminants**

A. **Sulfur Compounds**

A person shall not release or discharge into the atmosphere from any source of emission whatsoever, sulfur compounds, calculated as sulfur dioxide (SO₂), in excess of 2000 parts per million by volume (0.2%) of exhaust gas.

B. **Combustion Contaminants**

A person shall not release or discharge into the atmosphere from the following sources or units thereof, combustion contaminants calculated at 12 percent carbon dioxide (CO₂) in excess of:

1. Wood Fired Boilers and Incinerators: 0.2 grains per cubic foot of dry exhaust gas at standard conditions.
2. All Other Sources: 0.1 grains per cubic foot of dry exhaust gas at standard conditions.

C. Particulate matter emitted from a source or combination of sources in which exhaust gases from a combustion unit or process are used to dry, calcine, pyrolyze, sinter or otherwise thermally condition, exclusive of combusting any process material, shall be excluded from calculation as combustion contaminants.

REGULATION II
PROHIBITIONS

Rule 211 **Process Weight Per Hour**

A person shall not release or discharge into the atmosphere from any source operation solid particulate matter in excess of that allowed in the table in Rule 212.

- A. The provisions of this Rule shall not apply to:
1. Portland cement kilns, except that no owner or operator shall release or discharge into the atmosphere from any portland cement kiln particulate matter at a rate in excess of 0.30 pounds per ton of dry kiln feed, exclusive of fuel charged.
 2. Portland cement clinker coolers, except that no owner or operator shall release or discharge into the atmosphere from any portland cement clinker cooler particulate matter at a rate in excess of 0.10 pounds per ton of dry kiln feed, exclusive of fuel charged.
 3. Sewage sludge incinerators, except that no owner or operator shall release or discharge into the atmosphere from any sewage sludge incinerator particulate matter at a rate in excess of 1.30 pounds per ton of dry sludge input as determined in CFR 40, Part. 60.154.
 4. Rotary lime kilns, except that no owner or operator of such source constructed or modified after May 3, 1977, shall release or discharge into the atmosphere from such rotary lime kiln particulate matter at a rate in excess of 0.30 pounds per ton of limestone feed, exclusive of fuel charged.
 5. Lime hydrators, except that no owner or operator of such source constructed or modified after May 3, 1977, shall release or discharge into the atmosphere from such lime hydrator particulate matter in excess of 0.15 pounds per ton of lime feed.
 6. Combustion equipment which derives at least 80% of its fuel input heat content from wood or wood associated waste, except that such equipment shall comply with all other Rules in this Regulation.

REGULATION II
PROHIBITIONS

7. Processing equipment used in conjunction with combustion sources, other than those types provided for in other subsections of this Rule, used to dry, calcine, pyrolyze, sinter or otherwise thermally condition any process material, except that such equipment shall comply with all other Rules in this Regulation.
- B. Performance tests undertaken to determine compliance of sources with Part A., Sections 1. through 5., of this Rule shall comply with the provisions of CFR 40, Part 60, Appendix A only.

REGULATION II
PROHIBITIONS

Rule 212 **Process Weight Table**

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

<u>Process Weight Rate</u> <u>Lbs./Hr.</u>	<u>Emission Rate</u> <u>Lbs./Hr.</u>
50	0.4
100	0.6
500	1.5
1,000	2.3
5,000	6.3
10,000	9.7
20,000	15.0
60,000	29.6
80,000	31.2
120,000	33.3
160,000	34.9
200,000	36.2
400,000	40.4
1,000,000	46.8

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

$$E=3.59 P^{0.62} \quad P \text{ is less than or equal to } 30 \text{ tons/hr.}$$

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

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

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

REGULATION II
PROHIBITIONS

Rule 213 **Storage of Gasoline Products**

1. **Submerged Fill Pipe**

No person shall install or maintain any stationary gasoline tank with a capacity of 250 gallons or more which is not equipped for loading through a permanent submerged fill pipe.

2. **Exemptions to Subdivision (1)**

- A. Storage tanks installed prior to December 31, 1970.
- B. Storage tank is a pressure tank, floating roof tank, or tank equipped with a vapor recovery system.
- C. Storage tanks used primarily for fueling implements of husbandry, as such vehicles are defined in Division 16, Chapter 1, of the Vehicle Code.

REGULATION II
PROHIBITIONS

Rule 214 **Phase I Vapor Recovery Requirements**

A. **Phase I Storage Tanks**

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

B. **Exemptions to Rule 214 A**

1. **Small Tanks**

A gasoline storage tank with a capacity of less than 1.0 cubic meter (260 gallons) located at a retail service station or a tank of 550 gallons or less at all other locations.

2. **Agricultural Tanks**

A gasoline storage tank used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.

3. **Tanks With an Offset Fill Pipe**

An underground gasoline storage tank installed prior to December 15, 1988 which is equipped with an offset fill pipe.

4. **Annual Volume Throughput**

Any facility which has a calendar year volume throughput of less than 480,000 gallons of gasoline.

C. **Tank Replacement - Phase I Requirement**

At the time of tank replacement, an ARB-certified Phase I vapor recovery system shall be installed and used thereafter on all tanks at the facility unless exempted from the Phase I requirement pursuant to Rule 214.B.1 or 214.B.2.

REGULATION II
PROHIBITIONS

D. **Defective Gasoline Storage Tank or Phase I Equipment Prohibition of Use**

Whenever the Air Pollution Control Officer or his designee determines that a gasoline storage tank, Phase I vapor recovery system, or any component thereof, contains a defect, the Air Pollution Control Officer or his designee shall mark such system or component "Out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted as required to permit proper operation, and the Air Pollution Control Officer, or his designee has reinspected it or has authorized its use pending reinspection.

REGULATION II
PROHIBITIONS

Rule 215 Phase II Vapor Recovery System Requirements

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

B. **Exemptions to Rule 215 A**

1. **Phase I Exempted Tanks**

A transfer of gasoline from a stationary storage tank which is exempt from Phase I requirements pursuant to Rule 214 B.

2. **Facilities With Less than 480,000 Gallons Annual Output**

A transfer of gasoline from an existing retail service station with an annual gasoline throughput of 480,000 or fewer gallons. After the throughput exceeds 480,000 gallons this exemption shall expire on January 1 of the following year.

C. **Compliance Schedule**

1. **1988 Throughput in Excess of 480,000 Gallons**

If during calendar year 1988, the gasoline throughput from an existing retail service station meets or exceeds 480,000 gallons, the owner or operator of the retail service station shall:

- a. Immediately notify the Air Pollution Control Officer, in writing, in advance of the intended Phase II vapor recovery installation; and
- b. Secure all necessary permits and other approvals for the installation of the Phase II vapor recovery system within fifteen (15) months from December 15, 1988; and
- c. Install the Phase II vapor recovery system within two (2) years from December 15, 1988.

REGULATION II
PROHIBITIONS

2. **Throughput in Excess of 480,000 Gallons After 1988**

If during any calendar year or portion of a calendar year **after** 1988, the gasoline throughput from an existing retail service station meets or exceeds 480,000 gallons, the exemption pursuant to **Rule 215 B. 2** will expire. Upon expiration of this exemption the owner or operator of the retail service station shall:

- a. Immediately notify the Air Pollution Control Officer, in writing, in advance of the intended Phase II vapor recovery installation; and
- b. Secure all necessary permits and other approvals for the installation of the Phase II vapor recovery system within fifteen (15) months from the date the exemption expires; and
- c. Install the Phase II vapor recovery system within two (2) years from the date the exemption expires.

3. **New Retail Service Station**

The owner or operator of any new retail service station shall install and use an ARB-certified Phase II vapor recovery system at the time gasoline is first delivered to the facility.

4. **Tank Replacement**

At the time of tank replacement at an existing service station, an ARB-certified Phase II vapor recovery system shall be installed and used thereafter on all of the station's facilities, unless exempted by **Rule 214.B** (Phase I).

D. **Operation and Maintenance**

1. A person shall not transfer, permit the transfer, or provide equipment for the transfer of gasoline from a stationary storage tank subject to the provisions of **Rule 215 A** (Phase II) into any motor vehicle fuel tank unless:

REGULATION II
PROHIBITIONS

- a. The vapor recovery system is operating in accordance with the manufacturer's specifications and is maintained to be leak free, vapor tight, and in good working order; and
- b. The equipment subject to this rule is operated and maintained with none of the following defects, pursuant to the definitions in the California Code of Regulations, Section 94006, Subchapter 8, Chapter 1, Part III, of Title 17:
 - 1) Absence or disconnection of any component required to be used in the system as certified by the California Air Resources Board;
 - 2) A vapor hose which is crimped or flattened such that the vapor passage is blocked;
 - 3) A nozzle boot which is torn in one or more of the following manners:
 - a) Triangular-shaped or similar tear 1/2 inch or more to a side, or hole 1/2 inch or more in diameter or;
 - b) Slit 1 inch or more in length.
 - 4) Faceplate or flexible cone which is damaged in the following manner:
 - a) For balance nozzles and for nozzles for aspirator and eductor assist type systems, damage shall be such that the capability to achieve a seal with a fill pipe interface is affected for 1/4 of the circumference of the faceplate (accumulated);
 - b) For nozzles for vacuum assist type systems, more than 1/4 of the flexible cone is missing;
 - 5) Nozzle shutoff mechanisms which malfunction or are blocked;

REGULATION II
PROHIBITIONS

- 6) Vapor return lines, including such components as swivels, anti-recirculation valves and underground piping, which malfunction or are blocked;
- 7) Vapor processing unit which is inoperative or severely malfunctioning;
- 8) Vacuum producing device which is inoperative or severely malfunctioning;
- 9) Pressure/vacuum relief valves, vapor check valves, or dry breaks which are inoperative;
- 10) Any equipment defect which is identified in a California Air Resources Board system certification as substantially impairing the effectiveness of the system in reducing air contaminants.

c. **Posting of Operating Instructions**

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

E. **Defective Phase II Equipment - Prohibition of Use**

Whenever the Air Pollution Control Officer or his designee determines that a Phase II vapor recovery system, or any component thereof, contains a defect specified by the Air Resources Board pursuant to Rule 215 D. 1.a., 1.b., the Air Pollution Control Officer or his designee shall mark such system or component "Out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted as required to permit proper operation, and the Air Pollution Control Officer or his designee has reinspected it or has authorized its use pending reinspection.

REGULATION II
PROHIBITIONS

Rule 216 **Delivery Vessels Equipped With Vapor Recovery**

A. **Vapor Tight Requirement**

No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor tight. A person shall not allow loading or unloading of gasoline, or other use or operation of any vapor recovery equipped transporting vessel unless the vessel has a valid certification of vapor integrity as defined by the applicable Air Resources Board Certification and Test Procedures, pursuant to Health and Safety Code Section 41962 (g) and the California Code of Regulations Title 17, Section 94004. Hatch openings of no more than three minutes in duration are permitted for visual inspection provided that pumping has been stopped for at least 3 minutes prior to opening, and the hatch is closed before pumping is resumed.

B. **Loading Requirements**

No owner or operator of any vapor recovery equipped gasoline delivery vessel shall load, permit the loading or provide equipment for the loading of gasoline into such a vessel unless an ARB-certified vapor recovery system or its equivalent, approved by the Air Pollution Control Officer, is used during the transfer.

C. **Unloading Requirements**

The owner or operator of any vapor recovery equipped gasoline delivery vessel shall, when unloading gasoline to any Phase I equipped storage tank, use a Phase I vapor recovery system or its equivalent approved by the Air Pollution Control Officer. Vapor recovery equipped gasoline delivery vessels shall not be prevented from unloading gasoline to storage tanks which are not equipped with a Phase I vapor recovery system.

REGULATION II
PROHIBITIONS

Rule 217 **Delivery Vessels Not Equipped With Vapor Recovery**

A. **Loading Requirements**

No owner or operator of any delivery vessel which is **not** equipped with vapor recovery shall load, permit the loading or provide equipment for the loading of such a vessel unless the gasoline is loaded through a submerged fill pipe or its equivalent approved by the Air Pollution Control Officer.

B. **Unloading Requirements**

The owner or operator of any delivery vessel which is **not** equipped with vapor recovery shall only unload gasoline to storage tanks which are not equipped with a Phase I vapor recovery system.

REGULATION II
PROHIBITIONS

Rule 218 **Vapor Collection And Disposal System at Loading Facilities**

A. **Vapor Recovery Required**

A person shall not load any organic liquids having a vapor pressure of 10.34 kPa (1.5 PSI) or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility having an annual throughput of five million (5,000,000) gallons or more unless the loading facility is equipped with a vapor collection and disposal system as specified below, or its equivalent approved by the Air Pollution Control Officer.

B. **Vapor Recovery Criteria**

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. The vapor disposal portion of the collection and disposal system shall consist of one of the following:

1. An adsorber system, condensation system, incineration system, or combination system which processes all vapors and which limits the emission of vapors and gases to no more than 0.5 pounds of non-methane hydrocarbons per 1,000 gallons of organic liquids transferred, as determined by CARB Test Method 2-3 or by an equivalent method approved by the APCO in writing.
2. A vapor handling system which directs all vapor to a fuel gas system.
3. Other equipment of an efficiency equal to or greater than that specified in Sections A or B if approved by the Air Pollution Control Officer.

C. **Equipment Maintenance**

All equipment associated with loading operations shall be maintained to be leak free and vapor tight.

REGULATION II
PROHIBITIONS

Rule 219 **Storage of Gasoline Products at Bulk Facilities**

A person shall not place, store, or hold gasoline in any stationary tank, reservoir or other container of more than forty thousand (40,000) gallons capacity unless such tank, reservoir, or other container is a pressure tank maintaining working pressures sufficient at all times to prevent gasoline vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, and in good working order:

A. **A Floating Roof of An Approved Type**

The control equipment provided for in this paragraph shall not be used if the gasoline has a vapor pressure of eleven (11.0) pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.

B. **A Vapor Recovery System**

A vapor recovery system, of efficiency equivalent to a floating roof meeting the requirements of A above, consisting of a vapor gathering system capable of collecting the gasoline vapors and gases discharged and a vapor disposal system capable of processing such gasoline vapors and gases so as to prevent their emissions to the atmosphere and with all tank gauging and sampling devices gas tight except when gauging or sampling is taking place.

C. **Other Equipment**

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

REGULATION II
PROHIBITIONS

Rule 220 **New or Modified Bulk Petroleum Facilities**

Any new or major modified bulk loading facility as of December 15, 1988 shall install bottom loading equipment at the time of installation or modification.

REGULATION II
PROHIBITIONS

Rule 221 **Reduction of Animal Matter**

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

- A. Incinerated at temperatures of not less than 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 (A) above.

A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Rule shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure, or other operating conditions. For the purpose of this Rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

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

REGULATION II
PROHIBITIONS

Rule 222 **Abrasive Blasting**

By reference Title 17, Subchapter 6, of the California Code of Regulations shall apply.

REGULATION II
PROHIBITIONS

Rule 223 **Enforcement**

These Rules and Regulations shall be enforced by the Air Pollution Control Officer under authority of Section 40001, 40702, 40752, and all officers empowered by Section 40120.

REGULATION II
PROHIBITIONS

Rule 224 **Existing Sources**

In any case where Regulation II imposes standards different than the standards applicable to an existing source of emission (on day before adoption of new Regulation 1974), and the source of emissions was in compliance, under variance, or authority to construct, with the less restrictive standards applicable on such date, then the source shall remain in compliance with such Rule, until modified or until July 1, 1984, whichever occurs first. In no event is any modification to cause an increase in emissions over that being emitted prior to such modification.

REGULATION II
PROHIBITIONS

Rule 225 **Compliance Tests**

Except as otherwise provided in these Rules and Regulations, performance tests undertaken to determine compliance of sources with Regulation II shall comply with the provisions of CFR 40, Part 60, Appendix A except that Method 5 shall be modified to include the impinger train.

REGULATION II
PROHIBITIONS

RULE 226 - DUST CONTROL

CONTENTS

PART 1.0 GENERAL

- 1.1 Purpose
- 1.2 Applicability
- 1.3 Exemption, Agricultural Operations

PART 2.0 DEFINITIONS

PART 3.0 STANDARDS

- 3.1 General Requirements

PART 4.0 ADMINISTRATIVE REQUIREMENTS

- 4.1 Correction of Condition
- 4.2 Remedial Action
- 4.3 Costs

REGULATION II
PROHIBITIONS

RULE 226

DUST CONTROL

RULE 226 **DUST CONTROL**

PART 1.0 **GENERAL**

1.1 **Purpose**

The purpose of this rule is to reduce and control fugitive dust emissions to the atmosphere.

1.2 **Applicability**

This rule shall apply to any person engaged in:

- a. Dismantling or demolition of buildings;
- b. Public or Private Construction;
- c. Mining;
- d. Processing of solid bulk materials (i.e., sand, gravel, rock, dirt, sawdust, ash, etc.)
- e. Operation of machines or equipment;
- f. Operation and use of unpaved parking facilities;
- g. Operation and use of livestock and/or horse arenas;
- h. Operation of feed lots;
- i. Operation and use of raceways for animals or motor vehicles.

1.3 **Exemptions:**

The requirements set forth in Part 3.0 - Standards do not apply to commercial agricultural operations.

REGULATION II PROHIBITIONS

PART 2.0 DEFINITIONS

Bulk Materials:

Any unpackaged material which emits dust when stored or handled (i.e., dirt, sand, gravel, sawdust, ash, rock, etc.).

Chemical Soil Stabilization/Suppression:

A means of dust control implemented by any person to mitigate PM 10 emissions by applying petroleum resins, asphaltic emulsions, acrylics, adhesives, or any other approved materials.

Construction Site:

A site on which construction, demolition, or related activities occur, including, but not limited to, land clearing, excavation related to construction, land leveling, grading, cut and fill grading, and the erection or demolition of a structure. As used in this Rule, a construction site may encompass several contiguous parcels, or may encompass only a portion of one parcel, depending on the relationship of the property boundaries to the actual construction activities.

Disturbed Area:

An area in which soils have been disturbed by grading, land leveling, scraping, cut and fill activities, excavation, brush and timber clearing, grubbing, and soils on which vehicle operation has occurred.

Dust Suppressants:

Water, hygroscopic materials, chemical stabilization palliatives and suppression materials, and other approved substances.

Fugitive Dust:

The particulate matter entrained in the ambient air which is caused from man-made and natural activities which is emitted into the air without first passing through a stack or duct designed to control flow, including, but not limited to, emissions caused by movement of soil, vehicles, equipment, and wind blown dust. This excluded particulate matter emitted directly in the exhaust of motor vehicles, from other fuel combustion devices, portable brazing, soldering, or welding equipment, and from pile drivers.

REGULATION II
PROHIBITIONS

Hygroscopic Materials:

Any material that is readily capable of absorbing moisture from the air.

Land Preparation:

Any preparation of land for anthropogenic (human) purposes, including brush or timber clearing, grubbing, scraping, ground excavation, land leveling, or grading.

Operation:

Any activity, process, or project described in the applicability sections of the Rules of this Regulation.

Owner/Operator:

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

Palliative:

Any dust control agent used to lessen or reduce dust emissions.

Particulate Matter:

Any material emitted or entrained into the air as liquid or solid particulates, with the exception of uncombined water. (For PM-10, refer to Definition).

Paved Roads:

An improved street, highway, alley, public way, or easement that is covered by concrete, asphaltic concrete, asphalt, or other materials which provide a permanent stable surface.

Person:

Any individual, public and private corporation, government agency, partnership, association, firm, trust, estate, or any other legal entity which is recognized by law as the subject of rights and duties.

REGULATION II PROHIBITIONS

PM-10:

Particulate matter with an aerodynamic diameter smaller than or equal to a nominal ten (10) microns as measured by the applicable State and Federal reference test methods.

Reasonably Available Control Measures:

Techniques used to limit the emission and/or airborne transport of fugitive dust from a site including: application of water, chemical stabilizers/suppressants, soil stabilizers, or other liquids, covering, paving, enclosing, shrouding, compacting, planting, cleaning, or such other measures the Air Pollution Control Officer may approve to accomplish satisfactory results for temporary and/or extended suppression of PM-10 emissions.

Road:

Any paved or unpaved, public or private street, highway, freeway, alley way, access drive, access easement, haul road, or driveway.

Site:

Real property or land used or set aside for any specific use.

Unpaved Roads:

An open way that is not covered by one of the materials described in the paved road definition.

Vehicle:

Any device by which any person or property may be propelled, moved, or drawn, excepting aircraft or watercraft or devices moved exclusively by human or animal power or used exclusively upon rails or tracks.

Visible Dust Emission:

Visible dust of such opacity as to obscure an observer's view to a degree equal to or greater than an opacity of 20%, for a period or periods aggregating more than three (3) minutes in any one (1) hour.

REGULATION II
PROHIBITIONS

PART 3.0 **STANDARDS**

3.1 **General Requirements:**

Any person shall take all reasonable precautions to prevent dust emissions. Reasonable precautions may include, but are not limited to, cessation of operations, cleanup, sweeping, sprinkling, compacting, enclosure, chemical or asphalt sealing, and use of wind screens or snow fences.

- A. No person may disturb the topsoil or remove ground cover on any real property and thereafter allow the property to remain unoccupied, unused, vacant or undeveloped unless reasonable precautions are taken to prevent generation of dust. A dust control plan must be submitted to and approved by the Air Pollution Control Officer before topsoil is disturbed on any project where more than one (1) acre of natural surface area is to be altered or where the natural ground cover is removed. In the dust control plan, the Air Pollution Control Officer may require use of palliatives, reseeding, or other means to minimize windblown dust.

- B. For any proposed development, division of land, special use permit application of zone change, the Air Pollution Control Officer may require the applicant to submit soils data and any other pertinent data for the area in which the development is proposed.

- C. If a determination is made that the disturbance (per 3.1.A.) or development (per 3.1.B.) of the site may cause the generation of dust, the Air Pollution Control Officer may require:
 - 1. Phased clearing of the land;
 - 2. The use of palliatives;
 - 3. The use of water;
 - 4. The use of snow fencing;
 - 5. The use of wind screen;
 - 6. Reseeding;
 - 7. Controls of single lot development approved as a part of a land subdivision subject to these regulations.

REGULATION II PROHIBITIONS

After commencement of development, if the approved elements of the dust control plan prove ineffective, the Air Pollution Control Officer may require additional control measures to be instituted. Phasing will not be required as a control strategy after a project is under construction.

In the case of subdivisions, condominiums and planned unit developments, a dust control plan must be submitted as part of the final map approval process.

If a development requires a special use permit, the Air Pollution Control Officer may require the dust control plan to be submitted and become a condition of the special use permit process.

- D. No person shall cause or allow the handling or storage of any materials on a manner which results, or may result in the generation of dust.
- E. Any vehicle operating on a paved roadway with a load of any bulk material susceptible to being dropped, spilled, leaked, or other wise escaping therefrom and being entrained in the air, must take one of the following control measures:
 - 1. Six (6) inches of freeboard is maintained within the bed of the vehicle. For the purposes of this regulation, "freeboard" means the vertical distance from the highest portion of the edge of the load to the lowest part of the rim of the truck bed.
 - 2. Materials contain enough moisture to control dust emissions from the point of origin to their final destination. Whenever possible, the use of dust suppressants must be applied in conjunction with the water.
 - 3. In the event that measures 1 or 2 are ineffective in preventing materials from escaping, tarps or other cargo covers shall be employed.

This section does not prohibit a public maintenance vehicle from depositing sand on a paved roadway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

REGULATION II
PROHIBITIONS

- F. Paved entry aprons or other effective cleaning techniques (e.g., wheel washers), may be required by the Air Pollution Control Officer to prevent tracking onto paved roadways. Paved entry aprons may include road section or coarse aggregate or steel grate to "knock off" dirt which accumulates on the vehicle and/or vehicle wheels.

Any material which is tracked onto a paved roadway must be removed (swept or washed) as quickly and as safely as possible. Exceptions to this provision may be made by the Air Pollution Control Officer for the construction, maintenance, and/or repair of paved roadways and for the application of de-icing and traction materials for wintertime driving safety.

PART 4.0 **ADMINISTRATIVE REQUIREMENTS**

4.1 **Correction of Condition:**

If the Air Pollution Control Officer documents that a person is in non-compliance with any of the provisions contained in Subsection 3.1, he will notify the person of that fact and specify a period of time in which the person must achieve compliance. Failure to comply within 24 hours or as the time determined by the Air Pollution Control Officer constitutes grounds for a Notice of Violation (NOV) citation per the District Enforcement Policy.

4.2 **Remedial Action:**

The Air Pollution Control Officer, after proper notice, may enter upon any real property where dust is being generated and take such remedial and corrective action as he deems necessary.

4.3 **Costs:**

Any costs incurred in connection with any remedial or corrective action taken by the Air Pollution Control Officer, pursuant to this section, shall be assessed against the owner of the property involved. Failure to pay the full amount of such incurred costs shall result in a lien against the property. The lien shall remain in effect until all costs have been fully paid, which may include, but are not limited to, cost of collection and reasonable attorney fees.