

REGULATION II  
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**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.

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**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.

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**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.

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- 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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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 (SO<sub>2</sub>);
- B.      140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO<sub>2</sub>);
- C.      10 pounds per hour of combustion contaminants as defined in Rule 102, and derived from the fuel.

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**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 (SO<sub>2</sub>), 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 (CO<sub>2</sub>) 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.

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**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.

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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.

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**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.

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**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.

***APRIL 25, 2011***

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**Rule 214**      **Phase I Vapor Recovery Requirements**

**Part 1.0**      **General**

**1.1**      **Purpose**

To limit the emission of gasoline vapor into the atmosphere during gasoline transfer operations other than vehicle fueling.

**1.2**      **Applicability**

The provisions of this rule shall apply to the transfer of gasoline from delivery vehicles to storage tanks. In addition, in ozone non-attainment areas the provisions of this rule shall apply to the pump-out of gasoline from any stationary storage container, delivery vessel, or vehicle fuel tank. Part 3.0 applies to areas that have not been federally designated as non-attainment and Part 4.0 applies to areas that have been designated as non-attainment. Parts 1.0 (General), 2.0 (Definitions) and 5.0 (Monitoring and Records) apply to all areas.

**Part 2.0**      **Definitions**

**APCO:** Air Pollution Control Officer or Executive Director of the Northern Sierra Air Quality Management District, or an authorized representative thereof.

**Background:** A reading as methane on a portable hydrocarbon detection instruction which is observed at least three (3) meters upwind from the device to be inspected and reasonably uninfluenced by any specific emission point.

**CARB:** The California Air Resources Board.

**CARB Certified:** A Phase I or Phase II vapor recovery system, equipment, or any component thereof, for which CARB has evaluated its performance and issued a valid Executive Order pursuant to Health and Safety Code Section 41954. Each component of a system is a separate CARB certified item and cannot be replaced with a non-certified item or other items that are not certified for use with that particular system. Except for qualified repairs, a CARB certified component shall be as supplied by the qualified manufacturer. A rebuilt component shall not be deemed as CARB certified unless the person who rebuilds the component is authorized by CARB to rebuild that specific CARB certified component.

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**Delivery Vessel:** Any motor vehicle, trailer, or rail car used for the transportation of gasoline.

**Dry Break:** A Phase I vapor recovery component that opens only by connection to a mating device to ensure that no gasoline vapors escape from the underground storage tank before the vapor return line is connected and sealed.

**Executive Order:** A document issued by CARB pursuant to Health and Safety Code Section 41954 certifying that a specific vapor recovery system meets the applicable performance specifications and setting conditions for the certification.

**Gasoline:** Any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure of 4 pounds per square inch absolute or greater as determined by a method specified in Section 5.1(A).

**Gasoline Dispensing Facility:** A mobile fueler or a stationary source consisting of one or more storage tanks and associated equipment that receives, stores and dispenses gasoline to motor vehicle fuel tanks.

**Gasoline Vapors:** Organic compounds in the displaced vapors including any entrained liquid gasoline.

**Installer/Contractor:** A person(s) engaged in the installation, alteration, repair or replacement of a vapor recovery system or its components at a gasoline dispensing facility.

**Leak Free:** A liquid leak of less than three drops in any minute.

**Mobile Fueler:** Any gasoline delivery vessel with an attached container that is used to transport and dispense gasoline from an onboard storage container into any motor vehicle fuel tank.

**Offset Fill Pipe:** A fill pipe which contains one or more pipe bends and for which the horizontal distance between the truck delivery connection and the storage container fill opening is 6.1 meters (20 feet) or greater.

**Purge:** To release gasoline vapors, gases, or hydrocarbon vapors to the atmosphere from a delivery vessel by introduction of air or an inert gas.

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**Rebuild/Rebuilt:** Repairs, replacement, or reconstructions to any part of a component of a vapor recovery system that forms the gasoline vapor passage of the component, or that comes in contact with the recovered gasoline vapors in the component. Rebuild does not include the replacement of a complete component with another CARB certified complete component; nor does it include the replacement of a spout, bellows, or vapor guard of a CARB certified nozzle. The new part shall be CARB certified and as supplied by the qualified manufacturer specifically for the CARB certified nozzle.

**Spill Container:** An enclosed container around a Phase I fill pipe that is designed to collect gasoline spillage resulting from disconnection between the liquid gasoline delivery hose and the fill pipe.

**Submerged Fill Pipe:** Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

**Switch Loading:** The transfer of diesel fuel into a delivery vessel or storage container which previously contained gasoline.

**Tester:** Any person(s) who conducts a performance or re-verification test as required by this Rule or by a CARB Executive Order.

**VRED List:** Vapor Recovery Equipment Defects List. A list of defects that CARB has identified as substantially impairing the efficiency of the vapor recovery system, incorporated by reference in Title 17 CCR Section 94006, pursuant to California Health & Safety Code Section 41960.2(c).

**Vapor Tight:** For delivery vessels other than mobile fuelers, a reading 100% or less of the lower explosive limit (21,000 ppm measured as equivalent propane), as determined by the method specified in Section 5.1(B). For all other operations, a condition under which the concentration of total organic compounds, measured 0.4 inch (1 centimeter) from any source, does not exceed 10,000 ppmv (expressed as methane) above background, as determined by the method specified in Section 5.1(B).

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**Part 3.0**      **Federal Ozone Attainment/Unclassified Areas**

The following provisions (3.1 through 3.4) shall apply only in those portions of the District that have not been designated as non-attainment for any national ambient air quality standard for ozone.

**3.1**      **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 from a delivery vehicle to a stationary storage tank unless a CARB-certified Phase I vapor recovery system is installed on the storage tank and used during the transfer and the transfer vehicle is CARB-certified to be compatible with the Phase I stationary storage tank CARB certification.

**3.2**      **Exemptions to 3.1**

**A.**      **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.

**B.**      **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.

**C.**      **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.

**D.**      **Annual Volume Throughput**

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

**3.3**      **Tank Replacement - Phase I Requirement**

At the time of tank replacement, a CARB-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 Section 3.2(A) or Section 3.2(B).

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**3.4 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.

**3.5 Submerged Fill Pipe**

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

**3.6 Exemptions to Subdivision (3.5)**

- 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.

**Part 4.0 Federal Ozone Non-attainment Areas**

The following provisions (Sections 4.1 through 4.4) shall apply only in areas designated as non-attainment for any national ambient air quality standard for ozone. These are in addition to and supersede all other provisions of this Rule.

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**4.1 Applicability Thresholds**

This Part (4.0) applies to the transfer of gasoline or switch loading from any delivery vessel into any stationary storage container with a capacity of 250 gallons or more, or any mobile fueler with a capacity of 120 gallons or more. This rule also applies to the “pump-out” of gasoline from any stationary storage container with a capacity of 250 gallons or more, mobile fueler with a capacity of 120 gallons or more, or vehicle fuel tank with a capacity of 5 gallons or more.

**4.2 Exemptions to Section 4.1**

**A. Implements of Husbandry**

The provisions of this rule shall not apply to the transfer of gasoline into any stationary container which is used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 36000 et seq) of the California Vehicle Code, if such container is equipped with a permanent submerged fill pipe.

**B. Throughput**

The provisions of this rule shall not apply to any facility, retail or non-retail, where each and every month of operation within a calendar year has a volume throughput of gasoline less than 10,000 gallons.

**4.3 Standards**

**A. Storage and Transfer of Gasoline Products**

- i. No person shall install or maintain any stationary gasoline tank with a capacity greater than 250 gallons that is not equipped with a CARB certified Phase I Vapor Recovery System.
- ii. Any gasoline tank required to be equipped with a Phase I Vapor Recovery System shall utilize that system during any and all transfers of gasoline.

**B. Prohibition of Use of Defective Systems or Components**

Whenever a Phase I vapor recovery system, or any component thereof, contains a defect listed in the VRED List, the operator 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 has reinspected it or has authorized its use pending reinspection.

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**C. Equipment and Operation Requirements**

A person shall not transfer or permit the transfer of gasoline, or perform or permit switch loading, from any delivery vessel into any stationary storage container with a capacity of 250 gallons or more or mobile fueler with a capacity of 120 gallons or more, unless such container is provided with a permanent submerged fill pipe and unless such transfer is made under the following conditions, as applicable:

- i. Underground storage tanks are equipped with a CARB certified vapor recovery system that shall prevent emission to the atmosphere of at least 98%, by volume, of the gasoline vapors displaced from the storage container during the transfer of gasoline into the container. The vapor recovery system shall be maintained and operated according to the manufacturer's specifications and the applicable CARB Executive Orders, and shall meet all of the following:
  - a. The vapor recovery system is maintained to be leak free, vapor tight, and in good working order;
  - b. All fill tubes are equipped with vapor tight caps;
  - c. All dry breaks are equipped with vapor tight seals and vapor tight caps;
  - d. Each vapor tight cap is in a closed position except when the fill tube or dry break it serves is actively in use.
  - e. A CARB certified spill container shall be installed and maintained free of standing liquid, debris and other foreign matter. The spill container shall be equipped with an integral drain valve or other devices that are certified by CARB to return spilled gasoline to the underground stationary storage tank. The drain valve shall be maintained closed and vapor tight at all times except when the valve is actively in use.
- ii. Aboveground storage tanks are equipped with a CARB certified vapor recovery system that shall prevent emission to the atmosphere of at least 95%, by volume, of the gasoline vapors displaced from the storage container during the transfer of gasoline into the container, and shall meet all of the following:

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- a. The vapor recovery system shall be maintained and operated according to the manufacturer's specifications and the applicable CARB Executive Orders;
  - b. The vapor recovery system is maintained to be leak free, vapor tight, and in good working order;
    - c. All fill tubes are equipped with vapor tight caps;
  - d. All dry breaks are equipped with vapor tight seals and vapor tight caps;
  - e. All vapor return lines without dry breaks are equipped with vapor tight caps;
  - f. Each vapor tight cap is in a closed position except when the fill tube or dry break it serves is actively in use.
  - g. All CARB certified coaxial fill tubes are spring-loaded and operated so that the vapor passage from the stationary storage tank or the mobile fueler back to the tank truck trailer is not obstructed.
- iii. Mobile fuelers are equipped with a CARB certified vapor recovery system that shall prevent emission to the atmosphere of at least 95%, by volume, of the gasoline vapors displaced from the mobile fueler container during the transfer of gasoline into the container. The vapor recovery system shall be maintained and operated according to the manufacturer's specifications and the applicable CARB Executive Orders, and meet all of the following:
- a. The vapor recovery system is maintained to be leak free, vapor tight, and in good working order;
  - b. The container dome hatch must remain closed and latched at all times. It must not be opened for the purpose of routine tank gauging operations. It may only be opened to accomplish inspections which are necessary due to equipment failures, scheduled maintenance and repairs.

**D. Delivery Vessels**

A person shall not operate or allow the operation of a gasoline delivery vessel other than a mobile fueler, unless it is certified according to CARB Certification Procedure CP-204 and maintained in compliance with the certification requirements, and meets all of the following:

- i. Each gasoline delivery elbow is equipped with sight windows.
- ii. The fuel delivery lines shall be maintained leak free, vapor tight, and free of air ingestion. A fuel delivery that is free of air ingestion is determined by observing the fuel stream as clear and free of air bubbles through the sight windows on the delivery system, except during the initial and final 60 seconds of fuel transfer.

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- iii. All vapor return lines are connected between the delivery vessel and the stationary storage tank or other delivery vessel. In addition, all associated hoses, fittings, and couplings are maintained in a leak free and vapor-tight condition.
- iv. The hatch on any delivery vessel shall be equipped with a vapor tight cover during gasoline transfer and pumping. The hatch shall not be opened except for visual inspection, which may be performed after at least three minutes following the completion of the gasoline transfer or pumping. Except otherwise specified by CARB, visual inspection shall be completed in three minutes or less.
- v. A person shall not purge gasoline vapors, gases, or hydrocarbon vapors from a delivery vessel to the atmosphere.

**E. Pressure Vacuum Valve Requirement**

Unless otherwise specified in the applicable CARB Executive Order, the operator of any vapor recovery system shall have a pressure vacuum valve installed on all vent pipes open to the atmosphere with a minimum pressure setting at 2.5 to 6.0 inches of H<sub>2</sub>O. The pressure vacuum valve shall have a minimum vacuum setting at 6.0 to 10.0 inches of H<sub>2</sub>O.

**F. Prohibition of Sale**

A person shall not supply, offer for sale, sell, install or allow the installation of any new or rebuilt vapor recovery system or any of its components, unless the system and components are CARB certified. Each vapor recovery system and its components shall be clearly and permanently marked with the qualified manufacturer's name and model number as certified by CARB. In addition, any qualified manufacturer who rebuilds a component shall also clearly and permanently mark the corresponding information on the component.

**G. Pump-out**

- i. No person shall allow the transfer ("pump-out") of gasoline from a stationary storage container with a capacity of 250 gallons or more or a mobile fueler with a capacity of 120 gallons or more into a stationary storage container or delivery vessel unless the

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transfer is made using a vapor collection and transfer system capable of returning the displaced vapors to the storage container being pumped out.

- ii. No person shall allow the transfer (“pump-out”) of gasoline from a vehicle fuel tank with a capacity of 5 gallons or more into a stationary storage container or delivery vessel unless the rate at which gasoline is allowed to drip outside an area that drains back into the vehicle fuel tank is less than 3 drops per minute.

**H. Maintenance Inspection**

- i. The owner/operator of a gasoline dispensing facility shall, at a minimum, verify the following on each day that fuel is delivered:
  - a. The spill container is clean and does not contain gasoline. The spill containment drain valve is seating properly.
  - b. The fill caps and gaskets are not missing, damaged or loose.
  - c. The spring-loaded submerged fill pipe seals properly against the coaxial fitting.
  - d. The dry break (poppet valve) is not missing or damaged.
  - e. The submerged fill pipe is not missing or damaged.
- ii. Any equipment with a major defect listed in the VRED List shall be removed from service and tagged to ensure that is not used until it is repaired and brought into compliance before being returned to service.
- iii. The owner or operator of a vapor recovery system shall insure that the removal from service of one component of a vapor recovery system with multiple components will not result in gasoline liquid or vapors entering the atmosphere.
  - iv. Defects discovered during the maintenance inspection and repaired in accordance with Title 17, Division 3, Subchapter 7.5, Chapter 1, Section 93101 of California Code of Regulations such that after repair gasoline liquid or vapors do not enter the atmosphere shall not constitute a violation of this Rule.

**4.4 Administrative Requirements**

**A. Certification**

- i. Installers/contractors shall not install, alter, repair or replace a vapor recovery system unless they meet all of the following requirements:
  - a. Are certified by the International Code Council (ICC) for Vapor Recovery System Installation and Repair, and, if required by the Executive Order, certified by the system manufacturer.

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- b. Maintain valid certifications as required in paragraph (a).
  - c. Have and make available on site proof of any and all certifications required by this Rule, the Executive Order and the Installation, Operation and Maintenance Manual in order to install or maintain specific systems.
- ii. Testers shall not test a vapor recovery system unless they meet all of the following requirements:
- a. Effective 3 months after a certification test is available, be certified by the International Code Council (ICC) for Vapor Recovery System Testing and Repair.
  - b. If required by the Executive Order, be certified by the system manufacturer.
  - c. Maintain valid certifications as required in paragraphs (a) and (b).
  - d. Have and make available on site proof of any and all certifications required by this Rule, the Executive Order and the Installation, Operation and Maintenance Manual in order to test specific systems.

**B. Notification of Testing**

At least 7 days prior to performance or re-verification testing, the owner or operator shall notify the Air Pollution Control Officer of the exact date and time of the test. If the vapor recovery system fails any of the applicable tests and the necessary repairs are performed that same day, the owner or operator may retest the vapor recovery system on the same day without re-notification, provided that the reasons for the test failure and any repairs performed are properly documented in the test reports and repair records.

**C. Test Requirements for Vapor Recovery System**

The following requirements are to verify the proper operation of a vapor recovery system.

- i. Required Tests: Unless otherwise specified in the applicable CARB Executive Orders, performance and re-verification tests shall include the following, as applicable, according to the test methods specified in Section 5.1 of this rule:

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- a. Static Torque of Rotatable Adaptors Test
  - b. Leak Rate of Drop Tube Test
  - c. Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves
  - d. Leak Rate and Cracking Pressure of P/V Valves Test, and
  - e. Static Leak Tests
- ii. Initial Tests: Within 30 calendar days of completion of construction or modification of any vapor recovery system, the owner or operator shall conduct and pass all applicable performance tests.
- iii. Testing Frequency: The owner/operator of a gasoline dispensing facility shall perform and pass all applicable reverification tests annually within 30 days of the end of each annual period following the most recent successful tests, or more frequently as required by the applicable CARB Executive Order.

**Part 5.0**     **Monitoring and Records**

**5.1**     **Testing Procedure**

The performance and reverification tests shall be conducted in accordance with the following test methods. All test methods referenced in this section shall be the most recent version approved by the U.S. Environmental Protection Agency, CARB, and the Air Pollution Control Officer or as stated in the applicable Executive Orders.

- A.** Vapor Pressures: Vapor pressures shall be determined by ASTM D2879-97 (Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, 1997); ASTM D323-94 (Test Method for Vapor Pressure of Petroleum Products ((Reid Method)), 1994); or ASTM D5191-07 (Standard Test Method for Vapor Pressure of Petroleum Products ((Mini Method)), 2007).
- B.** Vapor Tight:
- i. For delivery vessels other than mobile fuelers, CARB Vapor Recovery Test Procedure TP-204.3 shall be used to determine vapor tight condition.
  - ii. For all other operations, EPA Reference Method 21 shall be used to determine vapor tight condition.
- C.** Static Torque of Rotatable Phase I Adaptors: CARB Test Procedure TP-201.1B.

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- D. Leak Rate of Drop Tube/Drain Valve Assembly Test: CARB Test Procedure TP-201.1C.
- E. Leak Rate of Drop Tube Overfill Protection Devices and Spill Container Drain Valves: CARB Test Procedure TP-201.1D
- F. Leak Rate and Cracking Pressure of P/V Valves Test: CARB Test Procedure TP-201.1E
- G. Static Leak Tests: CARB Test Procedure TP-201.3 or TP-201.3B as applicable.
- H. Those vapor recovery systems whose CARB Executive Orders specify different tests to be performed instead of, or in addition to, the referenced test methods, or which, by their design, preclude the use of the referenced test methods, shall be tested in accordance with the test procedures specified in the applicable CARB Executive Orders or their equivalents as approved by the APCO and EPA.
- I. Multiple Test Methods: When more than one test method or set of test methods is specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

**5.2 Recordkeeping**

A person subject to this rule shall maintain the following records on-site and make them available for review by the Air Pollution Control Officer immediately upon request.

- A. Results of the tests specified in Section 4.4(C) shall be delivered to the Air Pollution Control Officer within thirty (30) days of the completion of the test. The test results shall contain the following information:
  - i. Name, location, address, and telephone number of the facility tested, and Northern Sierra Air Quality Management District permit number
  - ii. Name, address and phone number of the person or company performing the test
  - iii. Date of the test
  - iv. Test data

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v. Statement of pass or fail

- B.** Maintenance inspection reports shall include at least the following:
- i. Date and time of inspection
  - ii. List of defects from the VRED List that are applicable to the vapor recovery equipment and have a verification procedure of “direct observation” or “direct measurement”
  - iii. Notation by person performing inspection whether each defect is present
  - iv. Description of any defects discovered
  - v. Action taken upon discovery of a defect
  - vi. Name and signature of person performing inspection
- C.** The following records must be retained by the owner or operator for a period not less than 3 years (5 years for sources subject to the requirements of Rule 522, Title V Federal Operating Permit Program):
- i. Maintenance records for the vapor recovery system
  - ii. Repair records for the vapor recovery system
  - iii. Maintenance inspection reports
  - iv. Records of repairs performed as a result of defects discovered during maintenance inspections
  - v. Performance test results
  - vi. Reverification of performance test results

REGULATION II  
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**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.

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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:

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- 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;

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- 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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**Rule 222**      **Abrasive Blasting**

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

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**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.

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**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.

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**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.

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**RULE 226 - DUST CONTROL**

**CONTENTS**

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**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.

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### 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.

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**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.

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### **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.

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**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.

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- 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.