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RULES AND REGULATIONS

LAKE COUNTY AIR POLLUTION CONTROL DISTRICT

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County of Lake
Air Pollution Control District

RULES AND REGULATIONS

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REGULATIONS OF THE
LAKE COUNTY AIR POLLUTION CONTROL DISTRICT

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CHAPTER I
GENERAL PROVISIONS

Article I Purpose

Section 100 These Rules and Regulations are enacted to achieve and maintain local, state and federal ambient air quality standards within Lake County.

Article II Definitions

Section 200 Whenever any words or phrases as used in these Rules and Regulations are not defined herein but are defined in Division 26 of the Health & Safety Code as last amended, such definitions are incorporated herein and shall be deemed to apply as if set forth in these Rules and Regulations.

Section 201 Unless the context requires otherwise, the definitions set forth in the Chapter shall govern the construction of these Rules and Regulations.

Section 202 Agricultural Operations: The growing and harvesting of crops, including timber or the raising of animals, as a gainful occupation.

Section 203 Agricultural Burning: (a) Open outdoor fires used in agricultural operations in the growing of crops or raising of animals or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention; (b) Agricultural burning also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purpose specified in subdivision (a) Section 203. Health & Safety Code Section 41807 shall not apply to such burning under this subdivision.

Section 204 Air Contaminant or Air Pollution: Any discharge, release, or other propagation into the atmosphere which includes, but is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof.

Section 205 Air Pollution Abatement Operations: Any operation which has as its essential purpose a significant reduction in (a) the emissions of air contaminants or pollution, or (b) the effect of such emissions or pollution.

Section 205.1 Air Pollution Control Director shall have all the powers and duties of the Air Pollution Control Officer as specified in Chapter 7, Part III, Division 26 of the Health & Safety Code.

Section 206 Alternation: Any addition to or enlargement of, or any major modification or change of the design, capacity, process, or arrangement, which will significantly increase or affect the kind or amount of air contaminant emitted.

Section 207 Ambient Air Quality Standards: Specified concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of air pollution to undesirable effects established by the State Board, or, where applicable, by the Federal Government.

Section 208 Atmosphere: The air that envelopes or surrounds the earth.

Section 208.1 Best Available Control Technology (BACT): The maximum degree of emission control for any air contaminant emitting equipment taking into account technology which is known to be practical and feasible but not necessarily in use provided the APCO shall not interpret BACT to include a requirement that will result in the closing and elimination of or the inability to construct or operate a lawful business which could be operated with the application of the best control technology currently in use, or cause a situation where an exclusive manufacturer of BACT will obtain unreasonable compensation for such technology.

Section 209 Carbon Monoxide: A colorless gas, odorless under atmospheric conditions, having the molecular formula CO.

Section 210 Collection Efficiency: The overall performance of an air cleaning device in terms of the ratio of material collected to the total input to the collector unless specific size fractions of the contaminant are stated or required.

Section 211 Combustible or Flammable Solid Waste: Any garbage, rubbish, trash, rags, paper, boxes, crates, excelsior, ashes, offal, carcasses of a dead animal, or any other combustible or flammable refuse matter which is in a solid form.

Section 212 Combustible Refuse: Any solid or liquid combustible waste material containing carbon in a free or combined state.

Section 213 Combustion Contaminants: Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

Section 214 Condensed Fumes: Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

Section 215 Continuous Flow Conveying Methods: Transporting of materials at uniform rates of flow or at the rates generated by the production process.

Section 216 Control Strategy: A combination of measures designed to reduce air contamination or to prevent or interfere with same.

Section 217 District: The Lake County Air Pollution Control District.

Section 218 District Board: The Board of Supervisors of the County of Lake sitting as the Board of Directors of the Lake County Air Pollution Control District.

* Section 208.1 adopted June 6, 1977.

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Section 219 Dust: Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

Section 220 Emission: The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant.

Section 221 Emission Data: Are measured or calculated concentrations, mass, or volumes of air contaminants emitted into the atmosphere. Data used to calculate emission data are not emission data.

Section 222 Emission Point: The point located in the horizontal place and vertical elevation at which an emission enters the atmosphere.

Section 223 Equipment: Any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or which may be designed for or used to control air contaminants.

Section 224 Equivalent Method: Any procedure for measuring the concentration of a contaminant other than that specified in the air quality standard for the contaminant which can be shown to the satisfaction of the Air Resources Board or the Air Pollution Control Officer to give equivalent results at or near the level of the air quality standards.

Section 225 Excess Air: An amount of air that exceeds the theoretical quantity of air required for complete combustion.

Section 226 Existing Source of Equipment: Any air contamination source or equipment in use or existent at the use site at the time of adoption of these regulations.

Section 227 Flue: Any duct or passage for air, gases, or the like, such as stack or chimney.

Section 228 Hearing Board: The hearing board of the Air Pollution Control District of Lake County.

Section 229 Hot Mix Asphalt Plant: A plant conveying proportion quantities or batch loading of cold aggregate to a dryer, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use.

Section 230 Household Rubbish: Papers, cartons, wrapping, not to include rubber products, plastic, roofing materials, petroleum oils, garbage or other materials which create offensive odors.

Section 230.1 Household Backyard Wastes: Prunings, grass, leaves, not to include rubber products, plastic, roofing materials, petroleum oils, garbage or other materials which create offensive odors.

Section 231 Hydrogen Sulfide: A colorless, noxious gas having the molecular formula H_2S .

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Section 232 Incineration: An operation in which the combustion is carried on for the principal purpose or with the principal result of oxidizing a waste material to reduce its bulk or facilitate its disposal.

Section 233 Industrial Area: Any area for the manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, materials, liquids and flammable or explosive matter.

Section 234 Installation: The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used and includes all preparatory work at such premises.

Section 235 Measurable Contribution: The contribution (calculated, based upon modeling or measurement) of nitrogen oxides, organic gases or any pollutant to the ambient air in the basin or sub-basin, for which there is a local, state, or federal standard which can be resolved by the best reasonably available analytical methodology. Measurements shall be made no closer than the property line.

Section 236 Micrograms Per Cubic Meter ($\mu\text{g}/\text{m}^3$): A unit of concentration which is numerically equal to the mass of a contaminant (in micrograms) present in one cubic meter sample of air measured at standard conditions.

Section 237 Modification: Means any physical change in, or change in method of operation of a stationary source which increases the amount of any air pollutant emitted by such source to which an ambient air standard applies, except that:

A. Routine maintenance, repair and replacement shall not be considered physical changes; and

B. The following shall not be considered a change in the method of operation provided no permit condition in effect as of the effective date of the Rules is worded otherwise:

1. An increase in the production rate if such increase does not exceed the operating design capacity of the affected facility;
2. An increase in hours of operation;
3. Use of an alternate fuel or raw material, if the source is designed to accommodate such alternate use; or
4. Use of an alternate fuel when mandated by any government policy or regulation.

Section 238 Most Relevant Effects: Effects which ambient air quality standards are intended to prevent or abate.

Section 239 New Sources or Equipment: Any air-pollution source or any equipment constructed or installed after the effective date of these regulations. Any air pollution source or equipment replaced, altered or processes changed as to have any substantial effect on the production or control of air contaminants. Any air pollution source or equipment moved to another premise involving a change of address. Any equipment purchased and to be operated after effective date of these regulations by a new owner or when a new lessee desires to operate such equipment. Any equipment that is or has been shut down, put out of service or otherwise made inoperative for 180 days and which is to be put back into service.

Section 240 Nitrogen Dioxide: A red-brown gas, odorless under atmospheric conditions and having the molecular formula NO_2 .

Section 241 Open Outdoor Fire: Any combustion of combustible material of any type outdoors in the open, not in any enclosure where the products of combustion are not directed through a flue.

Section 242 Operation: Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

Section 243 Operator: Any person constructing, drilling, maintaining or operating facilities or equipment emitting air contaminants. "Operator" includes "Owner" when any source of air pollutant is, has been or is about to be operated by or under the direction of the owner.

Section 244 Owner: Any person having a legal or equitable interest in property or equipment subject to these rules or his legal representative.

Section 245 Oxidant: A substance that oxidizes a selected reagent that is not oxidizable by oxygen under ambient conditions. It includes ozone, organic peroxides, and peroxyacetyl nitrates but not nitrogen dioxides for purposes of these regulations.

Section 246 Particulate Matter: Discrete atmospheric particles of liquid, other than uncombined water, or solids, as distinguished from a gas or vapor.

Section 247 Parts per Million (PPM): (v/v) a volumetric unit of gas concentration which is numerically equal to the volume of gaseous contaminant present in one million volumes of air or steam.

Section 247.1 Permissive Burn Day: A day during which the Air Resources Board declares that certain specified outdoor burning is allowed for each air basin.

Section 248 Person: Any person, firm, association, organization, partnership, business trust, corporation or company. Any State or local governmental agency or public district, or any officer or employee thereof. The United States or its agencies, to the extent authorized by local law.

Section 249 Prevailing Visibility: The greatest visibility which is attained or surpassed around at least half of the horizon circle but not necessarily in continuous sectors, as determined by the procedure given in "Manuals of Surface Observation", U.S. Weather Bureau.

Section 250 Refuse: Anything thrown away or rejected or worthless or useless; waste, rubbish; including but not restricted to domestic garbage, lawn and shrubbery trimmings; commercial wastes such as garbage, cardboard, paper; industrial wastes.

Section 251 Residential-Commercial Area: Any area used for single or multiple family dwelling purposes, including all accessory uses and facilities; any retail sales facility, professional offices, facilities for institutional and recreational uses and facilities and highway service activities not to include industrial areas as defined in Section 233.

Section 252 Standard Conditions: As used in these regulations refers to a gas temperature of 0°C and a gas pressure of 760 Torr.

Section 253 Standard Cubic Foot of Gas: The amount of gas that would occupy a volume of one (1) cubic foot if free of combined water at standard conditions. When applied to gaseous combustion products, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of twelve percent (12%) carbon dioxide or fifty percent (50%) excess air.

Section 254 Stationary Source: A unit or aggregation of units of air contaminant emitting articles, machines, equipment, or other contrivances, all of which are located on adjoining properties having one ownership, all of which are determined by the Air Pollution Control Officer to be related to one another through a similar product raw material or function.

Section 255 Sulfur Dioxide: A colorless, irritating gas under atmospheric conditions and having a molecular formula SO_2 .

Section 256 Teepee or Wigwam Burner: A burner of wood wastes, consisting of a single burning chamber having the general features of a truncated cone and generally used in conjunction with sawmills, lumber mills and similar activities.

Section 257 Total Reduced Sulfides (TRS): Reduced sulfur contained in

hydrogen sulfide, mercaptans, dimethyl sulfide, diethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid mist are not to be included in the determination of TRS.

Section 258 Tons: Tons are mass units equal to 2000 pounds, avoirdupois standard or 907.18 kilograms (metric).

Section 259 Underfire Air: Air introduced into a tepee or wigwam burner or other type of incineration device beneath the fuel pile or into the primary combustion chamber.

Section 260 Visibility Reducing Particles: Atmospheric particles resulting in the scattering of light in the visible spectrum.

Article III Hearing Board

Section 300 The District Board shall appoint a hearing board or boards consisting of five (5) members as specified in Article I, Chapter 8, Part 3, Division 26 of the Health & Safety Code (commencing with Section 40800).

Section 301 Compensation of the hearing board members shall be \$35.00 per meeting as set forth in the appropriate resolution by the District Board.

CHAPTER II

PROHIBITIONS AND STANDARDS

Article I Visible Emissions

Section 400 No person shall discharge into the atmosphere from any 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. 2 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 smoke described in paragraph A of this section.

Section 401 This Article shall not apply to any aircraft being used to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops or raising of animals (Health & Safety Code Sections 41704 (d).).

Section 402 Exclusions: The provisions of this Article, "Visible Emissions" do not apply to emissions:

- A. from fires set by or permitted by any public officer if such fire is set on permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 - 1. for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
 - 2. for the instruction of public employees in the methods of fighting fire.
- B. from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire (Health & Safety Code Section 14704).
- C. of agricultural operation necessary for the growing of crops or raising of animals (Health & Safety Code Section 41704).
- D. from fires set for improvement of watershed, range, or pasture (Health & Safety Code Section 41704).
- E. of orchard or citrus grove heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute (Health & Safety Code Section 41704).
- F. from the use of other equipment in agricultural operations necessary for the growing of crops or raising animals (Health & Safety Code Section 41704).
- G. from fires set pursuant to an open burning permit issued by the Control Officer (Health & Safety Code Section 41704).

Article II Particulate Matter Emissions

Section 410 Combustion contaminants discharged into the atmosphere from any source shall not exceed:

- A. two-tenths (0.2) grain per standard cubic foot of gas calculated to 12 % carbon dioxide for equipment in use prior to December 20, 1971, or
- B. one-tenth (0.1) grain per standard cubic foot of gas calculated to 12% carbon dioxide for equipment beginning operation after

December 20, 1971.

Section 411 Other Sources: Particulate matter discharged into the atmosphere from other than combustion sources shall not exceed:

- A. Two-tenths (0.2) grain per standard cubic foot of gas, or
- B. The total process emission from a single premise source for any dust, condensed fume, or other particulate matter, as given in Table IV. The more stringent of A or B shall apply.

Section 412 Sulfur Recovery Units: A person shall not discharge into the atmosphere from any sulfur recovery unit producing elemental sulfur, effluent process gas containing more than:

- A. 300 parts per million by volume of sulfur compounds calculated as sulfur dioxide.
- B. 10 parts per million by volume of hydrogen sulfide.
- C. 100 pounds per hour of sulfur compounds calculated as sulfur dioxide. Any sulfur recovery unit having an effluent process gas discharge containing less than 10 pounds per hour of sulfur compounds calculated as sulfur dioxide may dilute to meet the provisions of Section 412 A.

Article III Geothermal Operations

Section 421 Sulfur Emissions:

- A. A geothermal well operation may not emit total sulfur compounds expressed as hydrogen sulfide in excess of 150 PPM by weight unless:
 - 1. The developer has installed an operable control system capable of achieving a 75% or greater reduction in H_2S emission, or
 - 2. The developer documents that it is engaged in an active program of research and development of technology for abating H_2S emissions from geothermal well drilling acceptable to the APCO, and
 - 3. The emissions from such operation do not cause the 1-hour ambient air standard for H_2S to be exceeded.

The APCO may waive the requirements of this Section 421 provided that the developer installs and maintains an approved H₂S ambient air monitoring system in the prevailing downwind direction² and provided that the ambient air standard is not exceeded. In no case may the APCO waive the requirements of this section if total sulfur compounds expressed as hydrogen sulfide exceed 1000 PPM by weight.

- B. No geothermal well operation shall emit total sulfur expressed as hydrogen sulfide in excess of twenty-four (24) pounds/day during the lowest bleed rate consistent with keeping the well potentially productive unless monitoring evidence is being and has been collected and convinces the APCO that the incremental sulfur emissions by wells of various developers is not likely to cause a violation or make a measureable contribution to an existing violation of the ambient air standard.

Section 421.1 Particulate Emissions

- A. All geothermal well operations shall abide by rule 411 of the Rules and Regulations of the Air Pollution Control District except that during the air drilling phase of the operation, the particulate emission rate may reach a level of 100 lbs/hr. for a time period not to exceed 16 days.
- B. In no case may the ambient particulate air standard be exceeded or caused to be exceeded during any phase of the geothermal well operation.

* Section 421.1 adopted August 8, 1977

Section 422 Geothermal Well Venting: No geothermal well operator shall intentionally exhaust into the atmosphere any well in excess of five (5) percent of full venting capacity without first notifying the APCO at least twenty-four (24) hours in advance of the proposed action, except:

- A. Operations during the exploratory phase under Authority to Construct.
- B. When abatement equipment proven effective is used in removing air contaminants for which there is an ambient air standard.
- C. In cases where wells are being vented full open for purposes of testing the chemical and/or physical properties of the effluent.
- D. In cases where the APCO requests chemical or physical tests to be performed on the well contents.

Article IV Other Emissions or Contaminants

Section 430 General: No person shall discharge, or permit to be discharged from any source whatever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to cause injury or damage or have natural tendency to cause injury or damage to business or property (Health & Safety Code Section 41700). This does not apply to odors emanating from agricultural operations in the growing of crops or raising of animals (Health & Safety Code 41705). Any discharge of air contaminants which will cause the ambient air quality to exceed those amounts listed in the Table of Standards, applicable statewide, as shown in the California Administrative Code, Title 17, Section 70200, off premises shall be a violation of this section. Section 70200 of the California Administrative Code is hereby adopted and made a part of this regulation as though fully set forth herein.

Section 431 Non-agricultural Burning: Except as otherwise provided in these rules and regulations, no person shall use open outdoor fires for the purpose of disposal or burning of petroleum wastes, demolition debris, tires, trees, wood waste, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of motor vehicle bodies or portions thereof.

Section 432 Nothing in this article shall be construed as limiting the authority granted under other provisions of law to any public officer to set or permit a fire when such fire is, in his opinion, necessary for any of the following purposes:

- A. the prevention of a fire hazard which cannot be abated by any other means on designated permissive burn days.

- B. The instruction of public employees in the methods of fighting fires.
- C. the instruction of employees in methods of fighting fire when such fire is set, pursuant to permit.
- D. the setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code.
- E. the abatement of fire hazards pursuant to Section 13055.

Section 433 Nothing in this Article shall be construed as prohibiting burning for the disposal of combustible or flammable solid waste of a single or two family dwelling on its premises on designated permissive burn days, or open outdoor fires used only for cooking food for human beings or for recreational purposes. Household wastes including cartons, wrapping and paper, may be burned in an approved type incinerator on a no-burn day.

Section 434 Nothing in this Article shall be construed to prohibit right-of-way clearing by a public entity or utility or for levee, reservoir, and ditch maintenance on designated permissive burn days. No such material may be burned pursuant to this section unless: a) agricultural burning is not prohibited on the day pursuant to Section 41855 of the Health & Safety Code, and b) the material has been prepared by stacking, drying, or other methods to promote combustion as specified by the air pollution control officer having jurisdiction.

Section 435 Notwithstanding Section 41508 and 41800 of the Health & Safety Code, open outdoor fires may be used to dispose of Russian thistle (*Salsola Kali*) when authorized by a chief of a fire department or fire protection agency of a city, county, or fire protection district, the State Forester or his commissioner, or an air pollution control officer.

Section 436 The air pollution control officer may authorize by permit open outdoor fires for the purpose of disposing of agricultural wastes, or wood waste from trees, vines, bushes, or other wood debris free of non-wood materials, in a mechanized burner such that no air contaminant is discharged into the atmosphere for a period or periods aggregating more than 30 minutes in any eight-hour period 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 subdivision A. In authorizing the operation of a mechanized burner, the air pollution control officer may make the permit subject to whatever conditions he determines are reasonably necessary to assure conformance with the standards prescribed in this section.

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conformance with the standards prescribed in this section.

Section 437 Animal Matter: A person shall not operate or use any article, machine, equipment or other contrivance for the destruction 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 one thousand two hundred (1,200) degrees Fahrenheit for a period of not less than three-tenths (0.3) second, or
- B. processed in a manner determined by the Control Officer to be equally, or more, effective for the purpose of air pollution control than A above.

Section 438 Orchard Heaters: No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage unless it has been approved by the California Air Resources Board. All orchard heaters used shall be of a type which produces unconsumed solid carbonaceous matter at a rate of not more than one (1) gram per minute. Burning permits are not required for orchard heater operations.

Section 439 Gasoline Storage: No person shall install or maintain a stationary gasoline storage tank in violation of the provisions of Article 5, Chapter 3, Part 4, Division 26 of the Health & Safety Code (commencing with Section 41950).

Section 440 New Source Performance Standards (NSPS): New sources of emissions shall comply with the applicable standards contained in Appendix "A".

Section 450 National Emissions Standards for Hazardous Air Pollutants (NESHAP):

Emissions of hazardous air pollutants shall comply with the provisions of Appendix "B".

CHAPTER III

MAINTENANCE, MALFUNCTION, EVASION & INSPECTION

Article I Maintenance

Section 500 Emissions exceeding any air pollution district standard as a direct result of a shutdown of equipment for scheduled maintenance shall not be deemed to be a violation of these regulations provided:

- A. a report shall be submitted to the control officer at least

twenty four (24) hours prior to scheduled shutdown, and

- B. the person responsible for such emissions shall complete maintenance with reasonable speed. The control officer may require in writing a full report on such occurrences if the nature of emissions or length of shutdown warrants.

Article II Malfunction

Section 510 Emissions exceeding any local, state, or federal air quality standards resulting from equipment failure or malfunction shall not be deemed a violation of these Rules and Regulations provided all of the following criteria are met:

- A. the excessive emissions did not result from operator error or improper operating or maintenance procedures.
- B. steps are immediately taken to correct the condition leading to the excessive emissions and to minimize the emission itself.
- C. the breakdown is reported to the District within one (1) hour and the estimated time for repairs is reported as soon as possible thereafter.
- D. the equipment is operated for only twenty four (24) hours at which time it shall be shut down for repairs.

The burden for proving subparagraph A shall be upon the person attempting to come under the provisions of this section.

Section 511 If the equipment will be operated beyond the limitation in Section 510 D, the operator may make written application to the air pollution control officer to permit the continuance of operation for a period not to exceed ten (10) days. The air pollution control officer may permit the continued operation only if he makes all the findings required by Section 42352 of the Health & Safety Code.

Article III Evasion

Section 520 No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation.

Article IV Inspection

Section 530 Emission Data and Sampling Access: The control officer or his authorized representative may, upon reasonable written notice, require the owner or operator of any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce or control the issuance of air contaminants to:

- A. Provide the district with descriptions of basic equipment, control equipment and rates of emissions. Where this information does not provide sufficient data to the district to carry out the purposes of Part 4, Division 26 of the Health & Safety Code, or where such information is in question, the control officer or his authorized representative may require such other additional information as may be necessary, including process and production data, techniques and flow diagrams.
- B. Provide sampling platforms, sampling ports, and means of access to sampling locations.
- C. Provide and maintain sampling and monitoring apparatus to measure emissions or air contaminants when the control officer or his authorized representative has determined that such apparatus is available and should be installed.

Section 531 Credentials for Entry: The control officer shall issue identification cards, with the photograph of the holder and signature of the control officer, to such employees of the district who need such credentials for entry as authorized by Section 41510 of the Health & Safety Code.

Section 532 Request Procedure:

- A. When requesting information for determining the amount of air contaminants from non-vehicular sources pursuant to Section 41511 or other sections of the Health & Safety Code, the district shall identify the information requested with sufficient specificity to enable the person to identify the precise information sought. The air pollution control officer shall give notice in writing that the information provided may be released (1) to the public upon request, except trade secrets, which are not emission data, and (2) to the Federal Environmental Protection Agency, which protects trade secrets as provided in Section 114 (c) of the Clean Air Act, as amended in 1970 and in 40 Code of the federal regulations, Chapter 1, Part 2.
- B. Any person from whom the district obtains any records whether requested by the district or furnished by a person for some other

reason, may label as "trade secret" any part of those records which are entitled to confidentiality under Section 6254.7 of the Government Code (quoted in Section 91000). Written justification for the trade secret designation shall be furnished with the records so designated and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, which information, upon request, will be kept confidential in the same manner as the record sought to be protected.

- C. After preliminary review, the air pollution control officer may reject a justification as having no merit, in which case the person making the justification shall be promptly notified in writing the records in question shall, upon expiration of 21 days from the date of the notice, be subject to public inspection unless a justification is received and accepted.
- D. An application for approval, accreditation, or certification of a motor vehicle emission control device or system shall be deemed a trade secret until such time as the approval, accreditation, or certification is granted, at which time the application shall become a public record, except that estimates of sales volume of new model vehicles contained in an application shall be treated as trade secrets for the model year, and then shall become public records. If an application is denied, it shall continue to be treated as a trade secret but shall be subject to the provision of Section 533.

Section 533 Trade Secrets:

- A. Except as otherwise provided in State law, only those portions of records in the custody of the district which are not emission data and (1) were labeled "trade secret" prior to the adoption of this subchapter, (2) are hereafter specifically labeled as "trade secret" pursuant to State law, or (3) are received from a state or local agency, including an air pollution control board, with a "trade secret" designation, shall be subject to the procedure set forth in this section. All other portions of such records shall be available for public inspection.
- B. When the district receives a request to inspect any record so labeled which is not emission data, it shall promptly notify the requesting party that (1) such record is designated a trade secret under state law, and, if such is the case, under law it cannot be made available; (2) the district has not determined if it is a trade secret, but the justification of the request for confidentiality is enclosed; and (3) if the requesting party considers the justification inadequate, he may so advise the district in writing, setting forth his reasons.

- C. Upon receipt of such advice, the district shall (1) promptly review in detail the justification, the challenge to the justification, and the record; (2) determine if the record is in its entirety a trade secret; and (3) promptly notify those persons affected of its decision in writing. If the district withholds the record from inspection, the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the district determines that the record is in any significant part not a trade secret, the district shall send the notice required by this subdivision by certified mail, return receipt requested, to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one (21) days after receipt of the notice, unless the district is restrained from so doing by a court of competent jurisdiction.
- D. Should the person designating the record as a trade secret seek protection in a court of law, the requesting party may be made a party to the litigation to justify his challenge to the designation.

CHAPTER IV

PERMITS

Article I Authority to Construct

Section 600 A written Authority to Construct shall be required to construct, erect, alter, replace any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct.

Section 601 An Authority to Construct shall be valid for a period of one (1) year from the date of issuance, or until a permit to operate is required, whichever occurs first. An Authority to Construct may be renewed annually for a maximum period of four (4) years.

Section 602 The Air Pollution Control Officer shall deny an Authority to Construct for any new stationary source or modification of an existing source specified in subparagraph A of this section unless he determines that the emissions from the new source or modification may not be expected to result in the violation or measurable contribution to the continued violation of any Local, State or National ambient air quality standard and provided that the best available control technology as defined, will be used on the contaminant emitting equipment.

* Section 602 revised and adopted June 6, 1977.

A. The Air Pollution Control Officer shall apply the provisions of this section to:

1) Any proposed new stationary source described in the application for the Authority to Construct which he estimates will emit:

a) More than either twenty (20) pounds per hour or one hundred fifty (150) pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a local, state or national ambient air quality standard, except carbon monoxide, or

b) more than either 150 pounds per hour or 1500 pounds per day of carbon monoxide.

2) Any proposed modification of an existing stationary source described in the application for the Authority to Construct that he estimates will emit after modification:

a) More than either twenty (20) pounds per hour or one hundred fifty (150) pounds per day of nitrogen oxides, organic gases or any air contaminant for which there is a local, state or national ambient air quality standard, except carbon monoxide, or

b) More than either one hundred fifty (150) pounds per hour or 1500 pounds per day of carbon monoxide.

B. The air pollution control officer may exempt from the provisions of this section any new stationary source or modification which he determines:

1) Is a modification which eliminates, reduces, or controls air contaminant emissions from an existing source, provided that the emissions of any contaminant from the modified source will not be greater than such emissions were from the existing source, or

2) Will be an addition to, or replacement for, an existing stationary source and will not result in emissions of any air contaminant greater than those from the existing source, or

3) Will have demonstrable basin wide air quality benefits. Calculations and technical data used by the air pollution control officer as the basis for granting the exemption shall be made available to the Air Resources Board, and Environ-

mental Protection Agency, or

4) Will be used exclusively for providing essential public services, including but not limited to hospitals, police, and fire fighting facilities, and will employ the best practicable emission control methods and equipment.

Section 602.1 The Air Pollution Control Officer shall deny an Authority to Construct for a new source or a modification of an existing source specified in Section 600 unless he determines that the existing source or modification will operate within all applicable rules and regulations pertaining to the emission of air contaminants.

Section 603 When the air pollution control officer intends to grant an exemption under subparagraph B of Section 602, he shall publish a notice by prominent advertisement in at least one newspaper of general circulation in the District, and he shall notify in writing the U.S. Environmental Protection Agency and the California Air Resources Board of his intention. No exemption shall be granted until at least thirty (30) days after the date of publication and notification to the above agencies. In making his decision, the air pollution control officer shall consider any comments received, and in the case of exemptions proposed under paragraph B (3) of Section 602, a condition of a decision to grant an exemption shall be at the concurrence of the California Air Resources Board and the U.S. Environmental Protection Agency. In the absence of written notice by the Air Resources Board or the Environmental Protection Agency within thirty (30) days from the date of publication, the air pollution control officer may assume their respective concurrence.

Section 604 Notwithstanding the criteria specified in paragraph A of Section 602, the air pollution control officer may apply the provisions of this Article to any new or modified stationary source if, in his opinion, the emissions from the source might result in a violation or a measurable contribution to the continued violation of any local, state, or national ambient air quality standard.

Section 605 Before granting or denying an Authority to Construct for any new stationary source or modification subject to the provisions of this Article, the air pollution control officer shall:

- A. Require the applicant to submit information sufficient to describe the nature and amount of emissions, location, design, construction, and operation of the source; and to submit any additional information necessary to make the analysis required by this Article.
- B. Require the applicant to submit any projected expansion

plans for the stationary source described in the application for the Authority to Construct for the ten (10) year period subsequent to the date of application for the Authority to Construct.

- C. Analyze the effect of the new stationary source or modification on air quality. Such analysis shall consider expected air contaminant emissions and air quality in the vicinity of the new source or modification within the Air Basin and within adjoining air basins at the time the source or modification is proposed to commence operation. Such analysis shall be based on application of existing state and local control strategies.
- D. Make available for public inspection at the District office the information submitted by applicant, the air pollution control officer's analysis of the effect of the source on air quality and the preliminary decision to grant or deny the Authority to Construct. This will include all relevant information except that protected as a trade secret.
- E. Publish a notice pursuant to Section 6061 of the Government Code in a newspaper of general circulation in the District stating where the public may inspect the information required in Section 605 (4). The public shall have thirty (30) days beginning on the date of publication to submit their comments. Copies of this notice should be forwarded to the U.S. Environmental Protection Agency, the California Air Resources Board and all adjoining air pollution control officers in other air basins.
- F. Consider the public comments submitted.

Section 606 Receipt of an Authority to Construct shall not relieve the owner or operator of responsibility to comply with any applicable local, state, or national air pollution rules or regulations.

Section 607 Any Authority to Construct granted pursuant to this Article shall be forwarded to the California Air Resources Board within thirty (30) days of issuance, together with the data used by the air pollution control officer in the air impact assessment process to allow review thereof by the Air Resources Board pursuant to its authority under the Health & Safety Code to review air pollution control district enforcement procedures and actions. In the absence of written notice of nonconcurrence by the Air Resources Board within thirty (30) days from the date of receipt by the Air Resources Board, the Air Pollution Control Officer may assume its concurrence.

Article II Permit to Operate

Section 610 A permit to Operate may be required to operate any article, machine, equipment, or other contrivance which causes or may cause the issuance of any air contaminant.

Section 611 Applicants for a Permit to Operate shall submit the following information:

- A. Name, address, owner and nature of business.
- B. Name of person authorized to receive requests for data and information.
- C. A description of the production process and a related flow chart.
- D. A plot plan showing the location and height of all air contaminant sources. The plot plan shall also indicate the nearest residential or commercial property.
- E. Type and quantity of fuels used or wastes consumed.
- F. Amount, nature, and duration of air contaminant emissions.
- G. Estimated collection efficiency of air pollution control equipment under present or anticipated operating conditions.
- H. Amount and method of refuse disposal.

Section 612 Any significant changes in the data required under Section 611 shall be reported in writing to the air pollution control officer.

Section 613 The air pollution control officer shall deny a Permit to Operate to any stationary source subject to the requirements of Article I of this Chapter until the source has obtained an Authority to Construct granted pursuant to the provisions of Article I, except as provided in Section 611.

Section 614 The air pollution control officer shall not grant a Permit to Operate to any stationary source that he determines emits quantities of air contaminants greater than those assumed in the analysis required for the Authority to Construct for the source, unless the air pollution control officer performs the air quality impact analysis required by Section 605 and determines that the actual emissions from the source may not be expected to result in the violation or a measurable contribution to the continued violation of any local, state, or national ambient air quality standard.

A permit system established pursuant to Section 42300 shall:

- A. Insure that the article, machine, equipment or contrivance for which the permit is to be issued shall not prevent or interfere with the attainment or maintenance of any applicable air quality standard.
- B. Prohibit the issuance of a permit on the basis of criteria adopted by the district board unless the article, machine, equipment or contrivance for which a permit is to be issued will comply with all applicable orders, rules and regulations of the district and of the state board and with all applicable provisions of these rules and regulations.

Section 615 The air pollution control officer shall impose conditions on a Permit to Operate which he deems necessary to ensure that the stationary source will be operated in the manner assumed in making the analysis required by Article I of this Chapter, or Section 611, whichever is applicable. Where appropriate, the Permit to Operate shall include a condition to prohibit a new stationary source from operating concurrently with the operation of an existing source for no more than thirty (30) days.

Section 616 Within thirty (30) days after the granting of a Permit to Operate a source subject to this rule, the air pollution control officer shall forward to the Air Resources Board a copy of the permit including conditions imposed upon the source and calculations and support data used in determining that the permit should be granted.

Section 617 Copies of the Permit to Operate application and air pollution control officer's action shall be forwarded to the Air Resources Board to allow review thereof by the Air Resources Board pursuant to its authority under Health and Safety Code Sections 41500 and 41505 to review district enforcement procedures and actions.

Article III

Section 620 Posting of Permits: Permits shall be posted on the equipment. Posting shall consist of affixing the permit, an approved facsimile, or other approved identification bearing the permit number upon the equipment in such manner to be clearly visible and accessible. In the event the equipment is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within twenty-five (25) feet of the equipment, or maintained readily available at all times on the operating premises.

Section 630 Permits are non-transferable from one location to another, or from one piece of equipment to another.

Article IV Exemptions

Section 640 Permits shall not be required for:

- A. Any vehicle as defined in the Vehicle Code.
- B. Any structure designed for and used exclusively as a dwelling for not more than four (4) families.
- C. An incinerator used exclusively in connection with an exempt dwelling.
- D. Barbecue equipment which is not used for commercial purposes.
- E. Orchard or citrus grove heaters described in Section 438 of these rules and regulations.
- F. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

Article V Source Emission Testing

Section 650 In the event that emission occurs, or is likely to occur, which is in excess of that allowed by these regulations, or if the nature of the source of the emissions warrants, emission source testing or emission premise monitoring may be required as follows:

- A. The source owner or operator may be required to perform or have performed tests to determine the emission of air contaminants from any source. Tests must be conducted by reputable, qualified personnel and in accordance with good professional practice and acceptable methods. The district may observe such testing at any time and be supplied with a copy of test results in writing, signed by the person responsible.
- B. Require the installation of emission monitoring equipment on a permanent basis so the operators of air contamination sources may know the nature and extent of emission. Record of such monitoring shall be available to the District upon demand. Such monitoring must be done by qualified personnel and be acceptable analytical methods.

- C. The District may conduct emission tests on any premise. The owner shall provide necessary holes, stacks, ducts, platforms, ports, or other such safe and proper sampling and testing facilities. Any construction required shall be in accordance with the General Industrial Safety Orders of the State of California. If permanent monitoring is deemed necessary, any equipment needed shall be provided and maintained by the owner under the general direction of the District. Copies of any District testing result shall be provided the owner upon request.

Article VI Fees

Section 660 The District Board shall provide, by resolution, a schedule of fees not exceeding the estimated cost of issuing permits and inspection pertaining to such issuance to be paid for the issuance of permits. Every person applying for a permit shall pay the fee required by the schedule.

Section 661 Analysis Fee: Whenever the APCO finds that an analysis of the emissions from any source is necessary to determine the extent and amount of pollutant being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and an analysis made by District or other qualified personnel approved by the APCO.

The time and materials required for collecting samples, making the analysis and preparing the necessary reports, but excluding the time required in going to and from such premises shall be charged against the owner or operator of said premises in a sum to be determined by the APCO. Said sum shall not exceed the actual cost of the work performed and supplies and equipment used.

Article VII Plans, Specifications, Permit Revocation

Section 670 The APCO, at anytime, may require from an applicant for, or holder of, any permit required by these rules and regulations, such information, analyses, plans or specifications which will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied.

Section 671 If within a reasonable time, not to exceed fifteen (15) days, the holder of any permit willfully fails and refuses to furnish the information, analyses, plans, or specifications requested by the APCO, such officer may suspend the permit. The APCO shall serve notice in writing of such suspension and the reasons therefore on the permittee.

EXHIBIT A

TABLE VI

LAKE COUNTY AIR POLLUTION CONTROL DISTRICT
SCHEDULE OF FEES FOR PERMITSCATEGORY I. Insignificant Sources

Operations estimated by calculation and/or analysis which conforms to the insignificant sources as commercial or industrial operations producing essentially no detectable emissions would not require a Permit to Operate.

Examples: Markets, cleaning companies, tire companies, stores, etc.

Authority to Construct	Fee \$10.00
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Permit to Operate	Fee none
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CATEGORY II. Sources Potentially Emitting Less than 25 tons/year

Operations estimated by calculation and/or analysis to be below 25 tons/year potential pollution emission.

Examples: Hospitals with approved incinerators, bulk oil plants, etc.

Authority to Construct	Fee \$50.00
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Permit to Operate	Fee \$20.00
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CATEGORY III. Sources Potentially Emitting 25-100 tons/year

Operations judged by calculation and/or analysis which potentially produce pollutant emissions between 25-100 tons/year.

Examples: Asphalt plants, gravel operations, etc.

Authority to Construct	Fee \$200.00
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Permit to Operate	Fee \$100.00
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CATEGORY IV. Sources Potentially Emitting More than 100 tons/year

Operations judged by calculation and/or analysis which potentially produce pollutant emissions exceeding 100 tons/year.

Examples: Steam wells, steam pipeline networks, etc.

Authority to Construct	Fee \$400.00
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Permit to Operate	Fee \$200.00
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CATEGORY V. Geothermal Power Plants

Operations judged by calculation and/or analysis which potentially produce pollutant emissions exceeding 100 tons/year.

Authority to Construct	Fee \$3,000.00*
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Permit to Operate	Fee \$ 600.00
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CATEGORY VI. Exempt Public Operation

When a County agency, under the jurisdiction of the Board of Supervisors, constructs a facility which has a potential air pollution emissions problem, no fee would be charged. All public operations would be exempt from permit fees but are required to conform to customary pollution abatement standards.

*No renewal fee required until the fourth year if construction is incomplete.

Adopted August 25, 1975

Revised February 7, 1978

Revised May 23, 1978

No Fee given for renewal.

Section 672 The APCO shall reinstate a suspended permit when furnished with all the requested information, analyses, plans, and specifications.

Section 673 Within ten (10) days after receipt of the notice of suspension pursuant to Section 671, the permittee may request the hearing board to hold a hearing on whether or not the permit was properly suspended.

Section 674 The APCO may request the hearing board to hold a hearing to determine whether a permit should be revoked if he finds that the holder of the permit is violating any applicable order, rule, or regulation of the District or any applicable rule of Division 26 of the Health & Safety Code.

Section 675 Within thirty (30) days after a hearing has been requested pursuant to Sections 673, 674 or 681, the hearing board shall hold a hearing pursuant to Chapter 8, Part 3, Division 26 of the Health & Safety Code.

Section 676 After a hearing the hearing board may do any of the following:

- A. Grant a permit denied by the APCO.
- B. Continue the suspension of a permit suspended by the APCO.
- C. Remove the suspension of an existing permit invoked by the APCO pending the furnishings by the permittee of the information, analyses, plans, and specifications required.
- D. Find that no violation exists and reinstate an existing permit.
- E. Revoke an existing permit if it finds any of the following:
 - 1) The permittee has failed to correct any conditions by the APCO.
 - 2) A refusal of a permit would be justified.
 - 3) Fraud or deceit was employed in the obtaining of the permit.
 - 4) Any violation of Division 26 of the Health & Safety Code, or of any order, rule or regulation of the District.

Section 680 Denial of Application: In the event of denial of an Authority to Construct, or a Permit to Operate, the APCO shall notify the applicant in writing of the reasons for the denial.

Section 681 Within ten (10) days after notice by the APCO of the denial, the applicant may petition the hearing board in writing to hold a public hearing on whether or not the permit was properly denied.

Section 682 Within thirty (30) days after a hearing has been requested, the hearing board shall hold a hearing pursuant to Chapter 8, Part 3, of the Health & Safety Code (commencing with Section 40800).

CHAPTER V

EMERGENCY CONDITIONS

Section 700 In the event that atmospheric conditions cause a dangerous, or potentially hazardous concentration of air contaminants, the APCO may instruct persons contributing to air pollution to reduce, or discontinue immediately the emission of air contaminants. A hearing should be held by the hearing board within twenty four hours of such action, or as soon thereafter as practicable.

CHAPTER VI

ORDERS FOR ABATEMENT

Section 800 The hearing board vested with all the powers and duties pursuant to Health & Safety Code 42450 and 42451 may, after notice and a hearing, issue an order for abatement whenever it finds that any person is in violation of any order, rule, or regulation of the District prohibiting or limiting the discharge of air contaminants into the air. Notice shall be given, and the hearing shall be held pursuant to Chapter 8, Part 3, and Article 4, Chapter 4, Part 4 of Division 26 of the Health & Safety Code.

CHAPTER VII

PENALTIES

Section 900 Pursuant to Section 42400 of the Health & Safety Code, any person who violates any order, rule, or regulation of the District is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

Section 901 Any person who intentionally or negligently violates any order of abatement issued by the District shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

Section 902 Any person who intentionally or negligently violates any rule or regulation of the District prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars (\$500) for each day in which such violation occurs.

CHAPTER VIII

AGRICULTURAL BURNING

Section 1000 The following rules and regulations are adopted in accordance with Section 41863 of the Health & Safety Code and the Air Resources Board's Agricultural Burning Guidelines (Title 17, California Administrative Code).

Section 1001 An agricultural permit shall be required for agricultural burning and shall be issued by the designated agency of jurisdiction. Each permit shall contain the following statement:

"This permit is valid only on those days during which agricultural burning is not prohibited by the State Air Resources Board."

Section 1002 The following agencies are hereby designated by the District as having authority to issue agricultural burn permits: U.S. Forest Service, the California Division of Forestry, all County Fire Protection Districts.

Section 1003 The District may issue a special permit to authorize agricultural burning on days designated by the Air Resources Board as no-burn days if denial of such permit would threaten imminent and substantial economic loss.

Section 1100 Range Improvement Burning: The following regulations shall apply to all range improvement burning:

- A. After obtaining an agricultural burn permit, range improvement burning may be conducted on no-burn days during the period of January 1 to May 31, providing more than fifty (50) percent of the land has been brush treated. The Air Resources Board may prohibit all range improvement burning during the period if, in the opinion of ARB, the prohibition is required for the maintenance of air quality.
- B. All burning shall be ignited by approved ignition devices, such as fuses, orchard torches, propane torches, pressurized flame-thrower-type torches, jellied petroleum devices, commercial jellied petroleum pumps, commercial grenade devices, matches, fuselights, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.
- C. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table II.

- D. Wastes to be burned shall be free of tires, tarpaper or other types of rubbish likely to cause excessive smoke.
- E. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.
- F. Maximum care must be taken to keep smoke from drifting into populated areas. Wind direction, topography and population density, shall be considered to minimize smoke reaching nearby populated areas.
- G. Brush is to be treated at least six (6) months prior to burning if economically and technically feasible.
- H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days.
- I. If the burn is to be done primarily for the improvement of land for wildlife and game habitat, the applicant must obtain a statement from the Department of Fish and Game certifying that the burn is desirable and proper. Such statements must be filed with the designated agency and Control District.

Section 1200 Forest Management Burning: The following regulations shall apply to all forest management burning:

- A. After obtaining an agricultural burn permit, forest management burning may be conducted on no-burn days during the period of January 1 to May 31 of each year.
- B. All forest management burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, commercial jellied petroleum pumps, commercial grenade devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.
- C. The total amount of material that may be burned in each designated district (Fig. 1) shall not exceed that set forth in Table II.
- D. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.
- E. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography and population density shall be considered to minimize smoke

reaching nearby populated areas.

- F. Materials to be burned shall be dried for minimum periods as determined by the designated agency.
- G. Wastes to be burned shall be free of tires, rubbish, tarpaper, construction debris or other types of material likely to cause excessive smoke.
- H. Wastes to be burned shall be reasonably free of dirt, soil and visible surface moisture.
- I. Wastes to be burned shall be wind-rowed or piled where possible, unless good silvicultural practices dictate otherwise.
- J. Wastes to be burned in piles shall be prepared to burn with a minimum of smoke.

Section 1300 Open Burning in Agricultural Operations in the Growing of Crops or Raising of Animals:

The following regulations shall apply:

- A. All burning shall be ignited by approved devices, such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers, or other such approved devices.
- B. All material to be burned shall be free of material that is not produced in an agricultural operation as defined in these regulations. Tires, tarpaper and other rubbish likely to cause excessive smoke shall not be burned.
- C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.
- D. Materials shall be dried as follows:
 - 1) Trees and branches over six (6) inches in diameter: 60 days.
 - 2) Prunings and smaller branches: 15 days.
 - 3) Field crops, brush and weeds cut in a green condition: 7 days.

- 4) Other materials: drying time will be determined by the designated agency.
 - 5) Designated agencies may modify the above drying times as conditions warrant.
- E. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table II.
 - F. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography, thermal inversion, and population density shall be considered to minimize smoke reaching nearby populated areas.
 - G. Burning of empty sacks or containers which contained pesticides or other toxic substances may be permitted on "no-burn" days providing the sacks or containers are within the definition of "Open Burning in Agricultural Operations in the Growing of Crops or Raising of Animals" as specified by Definition.

Section 1400 Wood Waste Burning: The following regulations shall apply to the use of open fires for the disposal of wood waste from property being developed for industrial, commercial, or residential purposes:

- A. All burning shall be ignited by approved devices, such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, matches, fuselights, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.
- B. All material to be burned shall be free of material that is not produced in the clearance or grown on the property where the waste is to be burned. Tires, tarpaper and other rubbish and materials likely to cause excessive smoke shall not be burned.
- C. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.
- D. Material shall be dried as follows:
 - 1) Trees and branches over six (6) inches in diameter: 60 days.
 - 2) Vines and brush: 30 days.
 - 3) Prunings and smaller branches: 15 days.

- 4) Designated agencies may modify the above drying time as conditions warrant.
- E. The total amount of material that may be burned in each designated district watershed shall not exceed that set forth in Table II.
- F. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions.
- G. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, thermal inversion, topography and population density shall be considered to minimize smoke reaching nearby populated areas.
- H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least 60 days.
- I. Brush must be crushed, uprooted or desiccated with herbicides at least 6 months prior to burning if economically and technically feasible.
- J. An Agricultural Burning Permit is required and is permitted to burn only on "Permissive-Burn" days.
- K. No special "no-burn" permits shall be granted.
- L. No authorization shall be granted after January 1, 1980, or such earlier date if the Air Resources Board determines that an alternate method is technically and economically feasible.

Section 1500 Enforcement: Any person who knowingly sets or engages in agricultural burning without obtaining an agricultural burning permit is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

CHAPTER IX

HEARING BOARD

Article I Hearings

Section 1600 Public Hearings: The Hearing Board shall hold a public hearing as hereinafter provided before issuing, modifying, or revoking any order of abatement or any variance. All hearings shall be held at a site which is readily accessible to the public.

Section 1601 Notice: Notice of a public hearing, other than an emergency hearing called pursuant to Chapter V, shall be published at least once in a newspaper of general circulation in the District, not less than ten (10) days prior to the hearing date. Written notice shall be mailed by first class mail to the applicant and to any party requesting notice of a hearing. In the case of a variance, notice shall also be mailed to the Air Resources Board and the Environmental Protection Agency no less than thirty (30) days prior to the hearing.

Article II

Section 1610 Decisions: The Hearing Board shall submit its decision in writing together with the reasons therefor to its clerk and all parties requesting a notice.

Section 1611 Effective Date: The decision of the Hearing Board shall become final thirty (30) days after it is filed with the clerk, unless either of the following occurs:

- A. A rehearing is granted by the Hearing Board.
- B. The Hearing Board orders that it be made effective sooner.

Section 1612 Transcripts: A complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the Hearing Board and shall be delivered to the petitioner within thirty (30) days after a request therefor by him upon payment of the fee specified in Section 69930 of the Government Code for the transcript, the cost of preparation of other portions of the record, and for certification thereof.

Article III Fees

Section 1620 Applicant shall pay the fee as set forth in the appropriate resolution of the Hearing Board for the calling of a special meeting of the Hearing Board.

CHAPTER X

VARIANCES

Article I Interim Variance

Section 1700 An applicant for a variance who desires to commence or continue operations pending a decision of the Hearing Board may apply and may be granted an Interim Variance for good cause.

- A. Interim Variance shall not be valid beyond the date of decision of

the Hearing Board, or, for more than ninety (90) days from date of its issuance, whichever occurs first.

- B. An Interim Variance shall not be granted if Notice of Hearing has been given; or, if it was sought to avoid notice and hearing requirements as set forth in this Chapter.

Section 1710 Petition: A petition for an Interim Variance shall conform to the following:

- A. Name, address and telephone number of Petitioner, or other party authorized to receive services of Notices.
- B. Petitioner's status: Individual, partnership, association, corporation, or other entity; names and addresses of partners, officers or authorized manager.
- C. Brief descriptions of any article, machine or equipment involved.
- D. Type of business or activity involved and status of operations.
- E. Type of action desired.
- F. Signature of Petitioner, or person authorized to sign together with such authorization statement.
- G. Regulations involved under which Permit was granted in Petition for revocation and a brief statement of facts constituting the alleged violation.
- H. Request and alleged refusal resulting in suspension of permits, and brief statement as to why requested information was not furnished; whether such information was pertinent; and, if so, when it will be furnished in a Petition for Reinstatement of suspended Permits.
- I. Facts stating why compliance with this section, regulation, or order is unreasonable.
- J. Period of time for which variance is sought, and why such a period is requested.
- K. Damage or harm resulting, or which would result, to the Petitioner from compliance with District regulations or order.
- L. A final compliance date and increments of progress schedule.

- M. Advantage or disadvantage to the residents of the District resulting from requiring compliance or resulting from granting a variance.
- N. If granted, assurance that the operations under said variance would not constitute a nuisance.
- O. Whether or not any case involving the same identical equipment or process is pending in any Court.
- P. All Petitions shall be typewritten, double spaced, on legal or letter-sized paper, and on one side only, and with a one (1) inch margin at top and left side of each sheet.

Article II Variance

Section 1710 No variance shall be granted unless the Hearing Board makes all of the following findings:

- A. Variance is not, or will not be, in violation of the applicable provisions in this Chapter, or of any rule, regulation or order of the District.
- B. Due to conditions beyond the reasonable control of the Petitioner, requiring compliance would result in (1) an arbitrary or unreasonable taking of property, or (2) the practical closing and elimination of a lawful business.
- C. That such closing or taking would be without a corresponding benefit in reducing air contaminants.

Section 1711 After making the specific findings as noted hereinabove, the Hearing Board shall prescribe requirements applicable to plants and equipment operated by specified industry or business or for specified industry, or to the operations of individuals which do not conflict with any statute, rule, regulation or order.

- A. Hearing Board shall exercise wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the District; and to any lawful business, occupation or activity involved resulting from requiring compliance with said requirements or resulting from granting a variance.

Section 1712 As a condition precedent, Hearing Board may require a cash bond; a bond executed by two (2) or more good and sufficient sureties or a corporate surety bond to assure performance of any construction, alteration, repair, or other work required by the terms and conditions of the variance.

- A. On failure to perform, the Surety has the option to remedy the default or to pay the amount payable under the bond.

Section 1713 The Hearing Board may review a variance for good cause, such as (1) a change in the availability of materials, equipment, or adequate technology and may modify a schedule of increments of progress or a final compliance date in such a schedule.

Section 1714 The Hearing Board, in making any order permitting a variance shall specify the time during which such order shall be effective but in no event shall exceed one (1) year, and shall set a final compliance date.

- A. Exception: a variance may be issued for a period exceeding one (1) year if said variance includes a schedule of increments of progress specifying a final compliance date by which the emissions of air contaminants of a source for which the variance is granted will be brought into compliance with applicable emission standards.

Article III Increments of Progress

Section 1720 Increments of Progress means steps toward compliance to be taken by the Petitioner, including, but not limited to:

- A. Date of submittal of the Petitioner's sources final control plan to the appropriate air pollution control agency.
- B. Date that contracts for emission control systems or process modification was awarded; or, date orders would be issued for purchase of component parts to accomplish emission control or process modification.
- C. Date of initiation of on-site construction, or installation of emission control equipment, or process change.
- D. Date of completion for on-site construction or installation of emission control equipment or process modification.
- E. Date for final compliance.

Section 1721 Increments of progress shall include also such additional increments of progress as may be necessary or appropriate to permit close and effective supervision of progress toward timely compliance.

Section 1722 If the Air Pollution Control Board adopts a rule or regulation to limit emissions of pollutants as of a future date, then each party currently emitting pollutants exceeding such limits shall submit to the Hearing Board a schedule of increments of progress indicating a compliance on the effective date for public hearing, after due notice.

Section 1723 If the Air Pollution Control Board has prescribed a schedule of increments of progress, any party who cannot comply therewith shall submit a compliance schedule, or, file an application for a variance.

Section 1724 If party determines subsequently that he cannot meet the scheduled increments of progress, he shall submit to the Hearing Board immediately a compliance schedule or apply for a variance together with a justification therefor.

Section 1725 The Hearing Board shall approve such schedule or variance, or portion thereof, only if applicant demonstrates a bona fide effort to meet the published schedule and shows that his failure was caused by circumstances beyond his control.

Article IV Procedure

Section 1730 Non-acceptance of Petition: The clerk may refuse to file a Petition which does not comply with the applicable provisions set forth herein. The chairman or three (3) members of the Hearing Board may in writing order acceptance of the Petition or request the Petitioner to state further facts to reframe his Petition to disclose more clearly the issue involved.

Section 1731 The Petitioner may dismiss his Petition at any time prior to a hearing and the clerk shall notify all interested parties.

Section 1732 Not less than ten (10) days prior to the hearing, Petitioner may amend his Petition and shall serve all necessary parties with a copy thereof.

- A. Amendments within ten (10) days of a hearing may be allowed at the discretion of the Hearing Board.

Section 1733 If a district is included within a Regional District at a later date any variance shall remain valid for the time specified therein or, for one year, whichever is shorter, or unless the Regional Hearing Board modifies or revokes their variance.

Section 1734 The State Board may revoke or modify any variance granted by the District if same does not, as expeditiously as practicable, comply with the required schedule of increments of progress, emission standards, or any other applicable requirement set forth in this Chapter.

Section 1735 Following immediate notice to the interested party, a public hearing shall be held in the usual required manner.

Section 1736 The District may set a schedule of fees to cover, but not to exceed, the estimated cost of administration and the filing of applications in all matters pertaining to this Chapter.

TABLE I

**Agencies Designated to Issue Agricultural
Burning Permits**

- * 1. California Division of Forestry - Middletown (seasonal)
- * 2. California Division of Forestry - Kelseyville/Cobb
3. U. S. Forest Service - Upper Lake
4. Clearlake Oaks Fire Protection District
5. Kelseyville-Big Valley Fire Protection District
6. Lakeport County Fire Protection District
7. Lakeshore Fire Protection District (Clearlake Highlands)
8. Middletown Fire Protection District
9. Upper Lake Fire Protection District

* Supervision and Control of these offices are at Lake-Napa
Ranger District Headquarters, St. Helena.

TABLE II

Daily Quota of Agricultural Material that May Be
Burned by Watershed *

<u>Watershed</u>	<u>Acreage (or tonnage) Per Day**</u>
Clear Lake	5,000 acres (150,000 tons)
Putah Creek	2,000 acres (60,000 tons)
Scotts Creek	2,000 acres (60,000 tons)

*Watershed boundaries indicated in Figure I.

** Acreage based on an average fuel density of 30 tons per acre. Acreage must be adjusted downwardly in the event the average fuel density exceeds thirty (30) tons/acre. Acreage may be adjusted upwardly if fuel density is less than thirty (30) tons/acre. Adjustment of acreage will be at the discretion of the fire control agency or Control District based on Table III, "Guides for Estimating Dry Weights of Several California Fuel Types", air quality, and fire control conditions.

Daily quota is the maximum permissible material that may be burned. Neither the fire control agency nor the Control District is required to allow the maximal amount permissible on any given burn-day.

TABLE III

**Guides for Estimating Dry Weights of Several
California Fuel Types**

<u>Code No.</u>	<u>Material</u> (Fuel Types)	<u>Total Dry Weight</u> (Tons/acre)
1	Grass	2
2	Grass and scattered sage	4
3	Mature timber (little chopping)	30
4	Bear Clover	8
5	Open Manzanita	10
6	Timber - medium reproduction and brush	15
7	Light to medium chamise - Southern California	6
8	Brush mixture with sage	12
9	Medium brush - in cut-over or timber burn	20
10	Mixed Douglas Fir - White Fir with brush and rep.	40
11	Medium brush and oak - Southern California	15
12	Heavy pure manzanita, Chamise or buck brush	25
13	Heavy mixed brush	30
14	Heaviest mixed brush	35
15	Second growth - medium poles	20
16	Slash in cut-overs	See items 1-4 below
17	Woodland - little chopping	3
18	Prunings	3
19	Miscellaneous	to be estimated

Dry weights or slash in cut-overs (fuel type 16)

		<u>Total Dry Weight</u>
1.	Hand Piles 6' x 6' x 6'	1 ton
2.	Machine Piles 15' x 15' x 8'	6 tons
3.	Log Decks 32' x 15' x 10'	60 tons
4.	Patch Cut Areas:	
	Light	60 tons/acre
	Medium	90 tons/acre
	Heavy	150 tons/acre

TABLE IV

Lake County Air Pollution Control DistrictParticulate Matter Emissions Standard for
Process Units and Process Equipment

<u>Process Lbs/hr</u>	<u>Emission Lbs/hr</u>	<u>Process Lbs/hr</u>	<u>Emission Lbs/hr</u>	<u>Process Lbs/hr</u>	<u>Emission Lbs/hr</u>
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10,000	10.00
350	1.35	2900	5.02	11,000	10.63
400	1.50	3000	5.10	12,000	11.28
450	1.63	3100	5.18	13,000	11.89
500	1.77	3200	5.27	14,000	12.50
550	1.89	3300	5.36	15,000	13.13
600	2.01	3400	5.44	16,000	13.74
650	2.12	3500	5.52	17,000	14.36
700	2.24	3600	5.61	18,000	14.97
750	2.34	3700	5.69	19,000	15.58
800	2.43	3800	5.77	20,000	16.19
850	2.53	3900	5.85	30,000	22.22
900	2.62	4000	5.93	40,000	28.30
950	2.72	4100	6.01	50,000	34.30
1000	2.80	4200	6.08	60,000	40.00
1100	2.97	4300	6.15		
1200	3.12	4400	6.22	or more	
1300	3.26	4500	6.30		
1400	3.40	4600	6.37		
1500	3.54	4700	6.45		
1600	3.66	4800	6.52		
1700	3.79	4900	6.60		
1800	3.91	5000	6.67		
1900	4.03	5500	7.03		
2000	4.14	6000	7.37		
2100	4.24	6500	7.71		
2200	4.34	7000	8.05		

TABLE V.

LAKE COUNTY AIR POLLUTION CONTROL DISTRICT
TABLE OF STANDARDS, APPLICABLE STATEWIDE

(Section 7022 California Administrative Code, Title 17)

Substance	Concentration and Methods *	Duration of Averaging Periods	Most Relevant Effects	Comments
Oxidant, including Ozone	0.10 ppm neutral buffered KI***	1 hour	Eye Irritation	This level is below that associated with aggravation of respiratory diseases.
Carbon Monoxide	10 ppm NDIR 40 ppm NDIR	12 hours 1 hour	2-2 1/2% COHb 2-2 1/2% COHb	This level is below those associated with impairment in time discrimination, visual function, and psychomotor performance.
Sulfur Dioxide	0.5 ppm conductimetric method	1 hour	a. Approx. odor threshold. b. Possible alteration in lung function.	Alteration in lung function was found at this level in only one study. Other studies reported higher concentrations to cause this effect.
	0.04 ppm conductimetric method	24 hours	With particulate matter, 0.05 ppm long term average may be associated with respiratory irritation.	
Visibility Reducing Particles	In sufficient amt to reduce visibility** to less than 10 miles when relative humidity is less than 70%	1 observation	Visibility impairment on days when relative humidity is less than 70%	
(table continued)				

TABLE V. cont'd.

Substance	Concentration and Methods*	Duration of Averaging Periods	Most Relevant Effects	Comments
Suspended Particle Matter	60 ug/m ³ high volume sampling 100 ug/m ³ high volume	24 hour samples, annual geometric mean 24 hour sample	Long continued exposure may be associated with increase in chronic respiratory disease. Exposure with SO ₂ may produce acute illness	This standard applies to suspended particulate matter in general. It is not intended to be a standard for toxic particels such as asbestos, lead or beryllium. Because size distribution influences the effect of particulate matter on health, the standard will be reevaluated as data on health effects related to size distrebuton become available.
Lead (particulate)	1.5 ug/m ³ high volume sampling, dithizone method	30 day average	Possible inhibition of d-ALA dehydrase which is used in heme synthesis.	With exposure to 2 ug/m ³ or above as a 30 day av. increased storage of lead will produce detectable metabolic effects.
Hydrogen Sulfide	0.02 ppm, cadmium hydroxide STRactan Method	1 hour	Exceeds the odor threshold	
Nitrogen Dioxide	0.25 ppm, Saltzman	1 hour	a. At slightly higher dosage, effects are observed in experimental animals, which imply a risk to the public health. b. Produces atmospheric discoloration.	
Sulfates	25 ug/m ³ AIHL method No. 61	24 hour		

* Any equivalent procedure which can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.

** Prevailing visibility is defined as the greatest visibility which is attained or surpassed around at least half of the horizon circle, but not necessarily in continuous sectors.

*** Corrected for nitrogen dioxide.

Posted 5/17/77

SECTION 101

passed 1:40
1-0

ADOPTED

CHAPTER I, ARTICLE I

Section 101 Validity

- A. If any provisions of these regulations shall be rendered void or unconstitutional by judicial or other determination, all other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.
- B. The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, county or incorporated city; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether legal or equitable, which might otherwise be available to any person.
- C. These regulations shall be construed for the protection of the health, safety and welfare of the people of the Lake County Air Basin.

This is a rule common to all air districts. It is intended to protect the validity of the remaining rules when challenged legally or when a particular rule is found in conflict with other laws or regulations. Part C also states the purpose of the rules. This particular validity rule is taken verbatim from the Northern Sonoma County APCD rules except for removing the word "liberally" before the word "construed" in part C. With the removal of the word "liberally", all parties except Union found the wording acceptable. For Union's comment, see their attached letter.

SECTION 227.4

ADOPTED
4-0
147

CHAPTER I, ARTICLE 11

Section 227.1 - Delete definition of "Geothermal Exploratory Well."

Section 227.4 Geothermal Exploratory Well: Any well for which the original purpose is the discovery or evaluation of a geothermal resource.

This is a correction of a previous error. No comments received. This is simply a renumbering of the rule.

SECTION 301

~~\$56~~
103 3-1 (Combs)

CHAPTER I, ARTICLE III

Section 301

Compensation of the Hearing Board members shall be \$75.00 per meeting (or per day on continued meetings) and a mileage charge ~~equal to that currently paid by the County of Lake.~~

Section 301 as previously adopted:

Compensation of the hearing board members shall be \$35.00 per meeting as set forth in the appropriate resolution by the District Board.

This rule is proposed to bring the compensation of Hearing Board members to \$75.00/day, which was generally agreeable to the workshop participants. The original reason for the proposed rule change was to bring the compensation to a more reasonable level and on a par with the Planning Commission. The amount and type of material which must be read and understood to competently discharge these duties generally exceed that of other boards. Union expressed a desire for additional justification of the increased compensation. Given that a doctor, lawyer and engineer are on the board as a legislative requirement, the \$75.00/day proposed compensation can certainly be justified. DWR asked that the part specifying "equal to that currently paid by Lake County" be deleted due to the fact that DWR is not able to pay a mileage fee different from that set by the State Board of Equalization. As an alternative, the following could be added to the rule as proposed: "or for State agencies, that mileage rate specified by the State Board of Equalization."

ADOPTED

EXHIBIT A

CHAPTER II, ARTICLE II

Section 421.2 Geothermal Power Plant Operations

A. Power Plants

1. All geothermal power plants for which an Authority to Construct Permit is initially issued before January 1, 1981, shall emit no more than 175 grams of hydrogen sulfide per gross megawatt hour.
2. All geothermal power plants for which an Authority to Construct Permit is initially issued on or after January 1, 1981, shall emit no more than 50 grams of hydrogen sulfide per gross megawatt hour.
3. All geothermal power plants shall, by January 1, 1990, emit no more than 50 grams of hydrogen sulfide per gross megawatt hour. However, this rule shall be subject to confirmation at a properly noticed public hearing to be held in 1987.

SECTION 601

ADOPTED

4-0

2:18

CHAPTER IV, ARTICLE I

ADD TO Section 601

Any Authority to Construct Permit or Determination of Compliance for a geothermal project for which construction has been initiated prior to the fourth annual renewal, may be renewed annually until such time as a Permit to operate is issued for the project.

Section 601 as previously adopted:

An Authority to Construct shall be valid for a period of one (1) year from the date of issuance, or until a permit to operate is required, whichever occurs first. An Authority to Construct may be renewed annually for a maximum of four (4) years.

The proposed change has been made at the steam suppliers' request. As reworded, I believe it is acceptable to all parties. It assures a developer that permits will be renewed for sources with existing permits provided they are in compliance and construction has begun prior to the fourth year after permit issuance.

ADOPTED

Attachment F

Section 608 (Expedited Project Permitting)

Notwithstanding Sections 602, 604, and 605(C) of the District's rules, the Air Pollution Control Officer shall issue an Authority to Construct or other required documents to any geothermal power plant development project (power plants, production wells, and geothermal fluid transmission lines), which meets the following prescriptive criteria and utilizes the best available control technology.

- (1) Power plants and geothermal fluid transmission lines must limit on a continuous basis the hydrogen sulfide emission rate to no more than five (5.0) pounds per hour (2.3 kilograms per hour) per one million (1,000,000) pounds per hour of steam flow received;
- (2) The proposed power plant must be located such that not more than one permitted geothermal power plant (within the District) is closer than 0.6 mile, and no populated areas (as defined in Chapter 21 of the Lake County Code, Article XXV, Section 21-73.6a(1)) are within 1.0 mile of the proposed location;
- (3) Geothermal development wells must limit the hydrogen sulfide emission rate on a continuous basis during air drilling, clean-out, initial testing and reworking to no more than five (5.0) pounds per hour (2.3 kilograms per hour);
- (4) Wells on stand-by vent shall be located no closer than 0.5 mile from a populated area (as defined in Chapter 21 of the Lake County Code, Article XXV, Section 21-73.6a(1)), and emissions shall be no greater than an average of one (1) pound per hour per well based on the number of completed wells for the associated power plant's steamfield;
- (5) In the judgment of the Air Pollution Control Officer, the facility must be able to readily show compliance with all other rules and regulations limiting emissions of emittants other than hydrogen sulfide; and
- (6) No individual property owner or legal resident within a one-mile radius of the proposed power plant site or 0.5 mile from an associated drilling pad makes a request for a New Source Review of the project under Chapter IV, Article I of the Lake County Air Pollution Control District Rules and Regulations.

The Lake County Air Pollution Control District shall make proper public notice and reasonable attempts to notify affected parties (in writing) of the intent to issue permits under Rule 608, thirty (30) days prior to such permits being issued. The notice shall include a statement that affected parties may request a detailed New Source Review of the proposed power plant. Permit issuance after the 30 days notice pursuant to this rule shall be final.

SECTION 631

4-0
220
(ADOPTED)

CHAPTER IV, ARTICLE III

Section 631 Duplicate Permit

A request for a duplicate Permit to Operate or Authority to Construct shall be made in writing to the District within ten (10) days after the destruction, loss, or defacement of a Permit to Operate or an Authority to Construct and shall contain the reason a duplicate permit is being requested. A fee of \$10.00 shall be paid for a duplicate Permit to Operate or Authority to Construct.

This rule simply specifies how duplicate permits can be obtained.
No comments received.

SECTION 660.1

(ADOPTED)
40
250

CHAPTER IV, ARTICLE VI

Section 660.1 Permit Fee Penalty

The Air Pollution Control Officer shall annually notify permit holders by invoice/letter of fees due for renewal of current permits. If the fee is not paid within sixty (60) days of the invoice mailing date, the fee shall be increased by one-half the amount thereof and the Air Pollution Control Officer shall thereupon promptly notify the permit holder of the increased fee by mail. If the increased fee is not paid within ninety (90) days of the original invoice mailing date, the permit shall be deemed withdrawn and suspended. The Air Pollution Control Officer shall notify the permit holder by mail, and the permit shall be void.

Any suspended permit may be reinstated only upon payment in full of all accrued fees and penalties or by filing a new application complete with initial fee. Annual renewal fees will continue to be required until such time as the Authority to Construct and/or Permit to Operate cancellation or denial becomes final and all operations involving the stationary source have ceased.

This establishes a process for billing and issuing penalties for failure to pay fees. Judging from past experience, the rule is needed and all participants at the workshop were agreeable after a slight wording change. No negative comments have been received.

SECTION 660.2

4-0
254
(ADOPTED)

CHAPTER IV, ARTICLE VI

Section 660.2 Cancellation or Denial

If an application for an Authority to Construct or a Permit to Operate is cancelled, or if an Authority to Construct or a Permit to Operate is denied and such denial becomes final, the initial application fee required herein shall not be refunded nor applied to any subsequent application.

This rule specifies what is to happen in the event of a cancellation or denial of an application. Union has requested a partial refund be incorporated. Other parties have not commented. My position is that the denial process is rare, and that to deny a permit requires substantially more effort and demands considerably more work than issuing a permit. The rule would specify what is to happen to permit applications in cases of denial or cancellation and is a near verbatim copy of the NSCAPCD rule.

SECTION 660.3

(ADOPTED)
4-0
310

CHAPTER IV, ARTICLE VI

Section 660.3 Miscellaneous Charges

Information, circulars, reports of technical work, and other reprints prepared by the Air Pollution Control District, when supplied to other governmental agencies or individuals or groups requesting copies of same, may be charged for by the District in a sum not to exceed the cost associated with reproduction and delivery of such documents. All monies collected shall be deposited to the District treasury to the credit of the District.

No comments were received. The rule allows the District to charge miscellaneous fees and will formalize procedures which have been standard practice.

SECTION 1602

4.0

314

(ADOPTED)

CHAPTER IX, ARTICLE I

Section 1602 Petition Procedures

Requests for hearings shall be initiated by the filing of a petition or application for a variance with the Clerk of the Hearing Board, and the payment of a nonreturnable fee of \$100.00 or as provided for in Sections 1620 and 1736 of these rules and regulations. Service of a copy of the petition shall be made on the Air Pollution Control Officer and on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

This rule is necessary to specify the filing process for Hearing Board appeals by permit holders and applicants. Actions that the Air Pollution Control Officer may take can be challenged. The only negative comment received regarded the return of fees if a filing is withdrawn. The amount of the filing fee was reduced to account for the non-returnable application fee. I do not believe there is significant contention on this rule.

FEE SCHEDULE

(ADOPTED)
4-0

TABLE VI SCHEDULE OF FEES FOR PERMITS

Amend as follows:

Category V

- (1) - less than four (4) wells attached:

Application fee	\$800.00
A/C renewal fee	\$500.00
P/O fee	\$800.00

- (2) - four (4) or more wells attached:

Application fee	\$1000.00
A/C renewal fee	\$800.00
P/O fee	\$1000.00

Category VI

Application fee	\$3000.00
A/C renewal fee	\$1500.00
P/O fee	\$3000.00

No changes have been proposed for Categories I, II, III and IV. Category V fees have been lowered for pipelines (steam transmission lines) with less than four (4) wells attached. This change was suggested by Union who was concerned over short pipelines connected to out-of-County power generating facilities. The lowering of fees for this type of pipeline is a rational approach to the smaller pipelines serving out-of-County facilities.

The District would prefer to not utilize the reimbursement process available through the CEC for excess costs incurred in permit issuance. The experience gained from participating in two power plant siting processes have shown the present permit fee to be totally inadequate. The requested fee increase is an attempt to equalize those deficiencies and provide fees which will allow a full measure of activities without additional CEC reimbursement and associated complications.