

PART II: AUTHORIZATION AND DISCLOSURE:

- A. These regulations are pursuant to the authority granted the County of Lake by the Health and Safety Code of the State of California. The Air Pollution Control Board of the Lake County Air Pollution Control District does hereby enact the following regulations. These shall be known as the regulations of the Lake County Air Pollution Control District and of the Lake County Air Basin.
- B. The Board of Directors of the Lake County Air Pollution Control District recognize and acknowledge the fact that pursuant to the provisions of Section 6254.7 of the Government Code of the State of California air pollution emission data and all monitoring data are matters of public record, with the exceptions noted in that code section.
- C. Disclosure Policy: It is the policy of the District that all records not exempted from disclosure by State law shall be open for public inspection with the least possible delay and expense to the requesting party.
- D. Disclosure Procedure:
- 1) A request to inspect public records in the custody of the District need not be in any particular form, but it must describe the records with sufficient specificity to enable the District to identify the information sought. The District may require that a request to inspect be in writing.
 - 2) The District shall make available the records requested, with the exception of those records specifically exempted from disclosure by state law and those records labelled pursuant to state law as "trade secret", which are not emission data, within ten (10) working days of the date of receipt of the request therefor. If, for good cause, the information cannot be made available within ten (10) working days, the board will notify the requesting person the reasons for the delay and when the information will be available. Those records labelled as "trade secret" shall be governed by the procedure set forth in state law.

- 3) Within five (5) working days of receipt of a request to inspect public records, the district shall advise the requesting person of the following facts when appropriate:
- a) The location at which the public records in question may be inspected, and the date and office hours during which they may be inspected.
 - b) If copies of the public records are requested, the cost of providing such copies, if any.
 - c) Which of the records requested, if any, have been labelled pursuant to state law as "trade secret" and are not public records.
 - d) The specific reason why the records cannot be made available, if such is the case. Reasons for unavailability may be, but are not limited to, the following: the records are exempt from disclosure by state law; the records cannot be identified from the information contained in the request; the records do not exist; the district has determined pursuant to Section 6255 of the Government Code that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the records; or the records in question are not in custody of the district. In the latter situation the district shall, if possible, notify the requesting party of the entity most likely to have custody of the records requested.

Rules in the Lake County Air District SIP

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Part III: Definitions. (Submitted to the EPA on October 23, 1974)

6. Alteration

Any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly increase or affect the kind or amount of air contaminant emitted.

24. 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 District Board to give equivalent results at or near the level of the air quality standards.

49a. Public Record

“Public Record” means any record made available to the public by law containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by the Board, except “trade secrets”. (Based on Section 6252(d) of the Government Code).

49b. Record

“Record” means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents. (Based on Section 6252(e) of the Government Code).

50. Process Weight Per Hour

The total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion will not. The process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For continuous processes, the total weight of materials per twenty-four (24) hours period will be used in calculations.

Part V: Prohibitions and Standards (Submitted to the EPA on October 23, 1974)

1.B. Visible Emissions

Visible emissions from any new source shall not discharge into the atmosphere from any single source of emission whatsoever any air contamination for a period or periods aggregating more than three (3) minutes per hour which is:

- 1) 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
- 2) of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this section.

Existing visible emission sources will comply with subsection V-1B by 1 January 1974.

3.F. Other Emissions or Contaminants - Sulfur

A person shall not discharge into the atmosphere from any single source of emission whatsoever emissions in excess of 1,000 ppm sulfur compounds calculated as sulfur dioxide.

Part VII – Permits (Submitted to the EPA on June 30, 1972)

1. Registration

These regulations do not constitute an automatic permit for the installation or operation of any equipment in existence upon the effective date of these regulations. Upon request of the Control Officer, any source of emission, actual or potential, shall register with the District. Any owner, operator, or user of any equipment in use at the time of adoption of these regulations and subject to these regulations who is required to register shall be allowed thirty (30) days to register to obtain a permit to operate and to furnish the Control Officer with information required. Registration information required may include all information required under VII-4 relating to operating permits.

2. Construction, Alteration, Replacement, Sale or Rental

Permits shall be required to construct, erect, alter, replace, sell or rent any equipment which may cause, potentially cause, reduce control or eliminate the issuance of air contaminants. Written authority to construct, alter, replace, sell or rent shall be obtained from the Control Officer prior to starting construction, erection, alteration, sale or rental. A single permit may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices, may be required as a prerequisite to permit issuance. The authority to construct shall remain in effect for one (1) year or until a permit for operation is issued, whichever occurs first. If the authority to construct expires prior to issuance of a permit to operate, the authorization may be extended one year at the request of permittee. A renewal fee may be assessed. Construction not in accordance with this permit shall be sufficient reason to deny a permit to operate.

3. Notice of Completion

Notice shall be provided in writing to the Control Officer of the completion of construction, alteration, or replacement and the date when operation will commence.

4. Operation

Permits shall be required to operate any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. No permits to operate shall be granted by the Control Officer or Hearing Board unless the equipment is designed to meet standards set forth in these regulations and the regulations of the Air Resources Board of the State of California and the following further requirements are met:

- A. Registration shall be completed within thirty (30) days following the mailing date of the request by the Control Officer.

- B. Registration shall be made on forms furnished by the District and completed by the owner, lessee, or agent of the source.
- C. The following information may be required of the registrants:
 - 1) Name, address, owner and nature of business.
 - 2) Name of local person responsible for compliance with these rules and regulations.
 - 3) Name of person authorized to receive requests for data and information.
 - 4) A description of the production processes and a related flow chart.
 - 5) 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.
 - 6) Type and quantity of fuels used or wasted combusted.
 - 7) Amount, nature and duration of air contaminant emissions.
 - 8) Estimated collection efficiency of air pollution control equipment under present or anticipated operation conditions.
 - 9) Amount and method of refuse disposal.
- D. Re-Registration will be carried out:
 - 1) Annually upon the date of initial registration, by person responsible for the air contamination source reaffirming in writing the correctness and current status of the information furnished the District, or
 - 2) At any time changes the factual data reported under Section VII-3 occur, such changes shall be reported to the District in writing. Re-registration may be required on forms furnished by the District.

5. Approval

A permit, conditional permit or notice of approval to construct, alter, replace, sell, rent or operate does not relieve the owner or operator of the responsibility of complying with the emission standards and regulations of this District, the Air Resources Board, and the Health and Safety Code.

6. 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 a 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.

8. Conditional Permits

The Control Officer may issue an authority to construct or permit to operate or use, subject to conditions which will bring the operation of any equipment within the applicable standards set forth in these regulations, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

9. Use Permits

Permits to construct, alter, replace, or operate issued under these regulations do not replace, supplant or negate the need for a Use Permit issued by the Planning Commission under Section 20-74 of the Lake County Code.

10. Action on Applications

The Control Officer shall act promptly on an application for authority to construct, alter, replace, sell or rent, or permit to operate, and shall notify the applicant in writing by mail or in person, of the action taken; namely approval, conditional approval, or denial, Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown in the application, or when personally delivered to the applicant or his representative.

12. Fees for Permits

The Air Pollution Control Board may provide a schedule of fees not exceeding the estimate cost of issuing permits and inspection pertaining to such.

13. Source Emission Testing

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 emissions warrants, emission source 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 with acceptable methods.
- C. The District may conduct emission tests on any premise. The owner shall provide necessary holes, stacks, ducts, platforms 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.

14. Plans and Specifications

The Control Officer at any time may require from an application for, or holder of any permit provided for by these regulations, such information, analysis, plans, or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source (H and S 24269).

15. Suspension of Permit

- A. Any permit issued under these regulations may be suspended by the Control Officer, Board or Hearing Board for violation of any regulation or standard of the District.

- B. If the holder of any permit provided for by these regulations within fifteen (15) days (H and S says “reasonable” time) willfully fails and refuses to furnish to the Control Officer information, analyses, plans or specifications requested, the Control Officer may suspend the permit. Written notice of such suspension and the reasons therefore shall be served the permittee (H and S 24270).
- C. Within ten (10) days after receipt of notice of suspension the permittee may file with the Hearing Board a demand for a public hearing as to whether or not the permit was properly suspended (H and S 24271).

16. Reinstatement of Permit

- A. The Control Officer shall reinstate a suspended permit when all information, analyses, plans and specifications are furnished (H and S 24272).
- B. The Control Officer may reinstate a suspended permit where, in his opinion, good reasons exist therefore (H and S 24273).
- C. The Control Officer may request the Hearing Board to hold a public hearing to determine whether a permit should be revoked, or a suspended permit should be reinstated (H and S 24274).
- D. Within thirty (30) days after either the Control Officer or the permittee has requested a public hearing, the Hearing Board shall hold such hearing and give notice of the time and place of such hearing to the permittee, to the Control Officer and to such other persons as the Hearing Board deems should be notified, not less than ten (10) days before the date of the public hearing (H and S 24275).
- E. After a public hearing the Hearing Board may:
 - 1) Continue the suspension of a permit suspended by the Control Officer, or
 - 2) Remove the suspension of an existing permit invoked by the Control Officer pending the furnishing by the permittee of the information, analyses, plans and specifications required, or
 - 3) Find that no violation exists and reinstate an existing permit, or
 - 4) Revoke an existing permit, if it finds:
 - a) The permittee has failed to correct and conditions required by the Control Officer, or
 - b) A refusal of a permit would be justified, or
 - c) Fraud or deceit was employed in the obtaining of the permit, or
 - d) Any violation of these regulations or Chapter 2 of the H and S Code (H and S 24276).

17. Denial of Applications

- A. In the event of denial of an authority to construct, permit to operate or permit to sell or rent, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the person served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Control Officer as his reason for denial of the authority to construct, the permit to operate or the permit to sell or rent.

- B. Before acting on an application for authority to construct, permit to operate or permit to sell or rent, the Control Officer may require the applicant to furnish further information or further plans or specifications.
- C. Failure of the Control Officer to act upon an application to construct, alter, replace, sell or rent within sixty (60) days of initial application or within thirty (30) days after the applicant furnishes further information, plans and specifications requested by the Control Officer, whichever is later, shall be considered a denial of permit. The applicant may thereafter petition the Control Officer for action.
- D. Within ten (10) days after notice by the Control Officer of denial or conditional approval of an authority to construct, permit to operate or use or permit to sell or rent or within ten (10) days after the application is deemed denied pursuant to C above, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Control Officer; such order may be made subject to specified conditions.

18. Schedule of Compliance

A person responsible for emission which is not in compliance with these regulations on their effective date or a person found by the Control Officer at a later date not in compliance, shall submit to the Control Officer for approval a schedule for compliance containing estimates of time for engineering, time for procurement, time for fabrication and time for installation and adjustment. The schedule shall be submitted within sixty (60) days of the initial request. The original schedule may be amended within ninety (90) days of the original request, provided the material facts are presented in writing, indicating a different reasonable schedule. Failure of the applicant to comply with the original or modified schedule may result in:

- A. Further demand by the Control Officer for a compliance schedule or reports as necessary to show reasonable progress, or
- B. Application of enforcement procedures contained in these regulations if unreasonable delay has occurred without significant progress.
- C. Variance granted by APB only.

Part VIII – Emergency Conditions (Submitted to the EPA on June 30, 1972)

In the event of generalized atmospheric conditions or localized dangerous contamination of such a nature to warrant, the Control Officer may take immediate action and instruct person or persons contributing to air pollution to reduce or discontinue immediately the emission of air contaminants. A hearing may be held by the Hearing Board within twenty-four (24) hours of such action.

Agricultural Burning Regulations – Appendices (Submitted to the EPA on October 23, 1974)

Appendix A – Definitions (Adopted 1/22/73)

- A. “Agricultural burning” means outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat (Section 39295.6 of the California Health and Safety Code).

- B. "Open burning in agricultural operations in the growing of crops or raising of fowls or animals" means:
1. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and
 2. In connection with operations qualifying under Subdivision (1):
 - a. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and
 - b. The burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are fertilizers and pesticide sacks or containers, where the sacks or containers are emptied in the field.
- C. "Range improvement burning" means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- D. "Forest management burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.
- E. "Brush treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.
- F. "Timber operations" means cutting or removal of timber or other forest vegetation.
- G. "Silviculture" means the establishment, development, care and reproduction of stands of timber.
- H. "Board" means Air Resources Board, or any person authorized to act on its behalf.
- I. "Designated agency" means any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.
- J. A "no-burn" day means any day on which agricultural burning is prohibited by the Board.
- K. A "permissive-burn" day means any day on which agricultural burning is not prohibited by the Board.
- L. "District" means the Lake County Air Pollution Control District.
- M. "Approved ignition device" means any butane or propane burning device or any other device which does not create heavy unconsumed carbonaceous emission.

Appendix B – Part II Definitions

1. Agricultural burning: outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat (Section 39295.6 of the California Health and Safety Code).
2. Open burning in agricultural operations in the growing of crops or raising of fowls or animals:
 - a. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

- b. In connection with operations qualifying under Subdivision (1):
 1. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and
 2. The burning of materials not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are fertilizers and pesticide sacks or containers, where the sacks or containers are emptied in the field.
3. Range improvement burning: the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
4. Forest management burning: the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.
5. Brush treated: that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.
6. Timber operations: cutting or removal of timber or other forest vegetation.
7. Silvicultural: the establishment, development, care and reproduction of stands of timber.
8. Board: The State Air Resources Board, or any person authorized to act on its behalf.
9. Designated agency: any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.
10. No-burn day: any day on which agricultural burning is prohibited by the Board, or the Lake County Air Pollution Control Districts.
11. Permissive-burn day: any day on which agricultural burning is not prohibited by the Board.

Appendix B – Part V Burning Permits

1. All burning permits, with the exception of Subdivision 2 of this Part, will be issued by the appropriate fire control agency having jurisdiction in the area of the proposed burn. The applicant shall provide all information required by the fire control agency and the Control District. All permits issued are subject to these agricultural burning guidelines, Control District regulations, fire control agency regulations and other such regulations as may be applicable. The permit shall contain the following words or words of similar import: "This permit is valid only on these days which are not prohibited by the State Air Resources Board pursuant to Section 39298 of the Health and Safety Code".
4. Notwithstanding the provisions in Subdivision 3 of this part, the Air Resources Board may prohibit range improvement burning during the period designated if in the opinion of the Board, such prohibition is required for the maintenance of suitable air quality.
5. Permittees will be issued applicable guidelines and prohibitions as an integral portion of the permit.
6. Designated fire control agencies will be provided with applicable information on Control District and State Air pollution control regulations. Such information will be reviewed and kept current on a continuing basis.

2-10-77

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.

3.30.81

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.

2-10-77

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 25 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.

**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 203 Agricultural Burning:

(1) "Agricultural burning" means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or 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.

(2) "Agricultural burning" also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in paragraph (1).

(3) "Agricultural burning" also means open outdoor fires used in wildland vegetation management burning, prescribed burning, or forest improvement burning.

2-10-77

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.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
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Section 204.5 Air Quality: means the characteristics of the ambient air as indicated by state ambient air quality standards which have been adopted by the state board pursuant to section 39606 of the Health and Safety Code and by National Ambient Air Quality Standards which have been established pursuant to Sections 108 and 109 of the federal Clean Air Act pertaining to criteria pollutants and section 169A of the federal Clean Air Act pertaining to visibility.

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Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

Section 205 Air Pollution Abatement Operations

Any operation which has as its essential purpose a signification 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

[Air Pollution Control Officer] 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 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.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 208.3 Burn Plan, or Smoke Management Plan: means an operational plan for managing a specific fire to achieve resource benefits and specific management objectives. The plan includes, at a minimum, the project objectives, contingency responses for when the fire is out of prescription with the smoke management plan, the fire prescription (including smoke management components), and a description of the personnel, organization, and equipment.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 208.8 Burn Day or Permissive Burn Day: means a day on which burning is allowed and is not prohibited pursuant to these rules and regulations, the California Health and Safety code, or by other agencies having jurisdiction. Hours of burning are limited to 9 AM to 3 PM unless the day is designated an extended burn day. On extended burn days open burning is allowed during the period of the day from sunrise to sunset.

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Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

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, carcass of a dead animal, or any other combustible or flammable refuse matter which is in 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 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 contaminant emission or to prevent or interfere with same.

5-28-81

Section 216.1 Determination of Compliance: A document which is required to be issued during the California Energy Resources Conservation and Development Commission's thermal power plant certification process in place of an Authority to Construct. For the purpose of these rules and regulations, a Determination of Compliance shall be considered equivalent to and subject to all rules and regulations of an Authority to Construct.

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Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

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 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 plane 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 225 Excess Air

An amount of air that exceeds the theoretical quantity of air required for complete combustion.

Section 226 Existing Source or Equipment

Any air contamination source or equipment in use or existent at the use site at the time of adoption of these regulations.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 226.4 Fire Protection Agency: means any agency with the responsibility and authority to protect people, property, and the environment from fire, and having jurisdiction within a district or region.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 226.5
Title: Fire Season Burn Ban
Adopted 10/1/2002 (new definition)

Final Rule

Section 226.5: **Fire Season Burn Ban** means that period of each year from May 1 to the end of fire season, as proclaimed by the Director of the California Department of Forestry and Fire Protection or, in the event that fire and meteorological conditions in the Air Basin differ from those prevailing elsewhere within the California Department of Forestry, Region 1, as proclaimed by the Lake County Board of Supervisors (see applicable Lake County Ordinances for proclamation procedure).

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

Section 227 Flue

Any duct or passage for air, gases, or the like, such as a stack or chimney.

Section 227.1 Gross Megawatt Hour (submitted 5.23.79)

The amount of electrical energy which could be realized per hour from the expected potential energy of the steam prior to any internal plant electrical requirements, as guaranteed by the turbine generator manufacturer.

Section 227.4 Geothermal Exploratory Well (submitted 3.30.81)

Any well for which the original purpose is the discovery or evaluation of a geothermal resource.

Section 228 Hearing Board

The Hearing Board of the Air Pollution Control District of Lake County.

Section 228 Hazardous Air Pollutants (HAP)

Those air pollutants that are listed in the Federal Clean Air Act's Section 112(b) List of Hazardous Air Pollutants.

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Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

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, leaves, prunings, grass, 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 H₂S.

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.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 232.1
Title: Incinerator
Adopted 10/1/2002 (new definition)

Final Rule

Section 232.1: **Incinerator** means any device constructed of nonflammable materials, including containers commonly known as burn barrels, for the purpose of burning therein trash, debris, and other flammable materials for volume reduction or destruction.

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

Section 233 Industrial Area

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 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 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 238 Most Relevant Effects

Effects which ambient air quality standards are intended to prevent or abate.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 238.5
Title: Natural Vegetation
Adopted 10/1/2002 (new definition)

Final Rule

Section 238.5: **Natural Vegetation** means all plants, including but not limited to grasses, forbs, trees, shrubs, flowers, or vines that grow in the wild or under cultivation. Natural vegetation excludes vegetative materials that have been processed, treated or preserved with chemicals for subsequent human or animal use, including but not limited to chemically-treated lumber, wood products or paper products.

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

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 processed 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 NO₂.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 240.8 No Burn Day means any day so designated pursuant to District rule, or by the state Air Resources Board, or any fire agency(s) or emergency declaration by an official having lawful jurisdiction in which burning is prohibited.

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

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.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 246 Particulate Matter: means any airborne finely divided material, except uncombined water, which exists as a solid or liquid at standard conditions (e.g., dust, smoke, mist, fumes or smog). "PM2.5" means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers. "PM10" means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (including PM2.5).

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

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 1,000,000 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.

2-10-77

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.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 248.3 Pre-fire Fuel Treatment: means techniques which can reasonably be employed prior to prescribed burning in order to reduce the emissions that would otherwise be produced in a prescribed fire.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 248.5 Prescribed Burning: The planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of burning are specified in the definition of agricultural burning as set forth in the California Code of Regulation – Title 17.

2-10-77

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.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 249.3
Title: Processed or Treated Wood and Wood Products
Adopted 10/1/2002 (new definition)

Final Rule

Section 249.3: **Processed or treated wood and wood products** means wood that has been chemically treated to retard rot or decay or wood that has been modified with glues, laminates, stains, finishes, paints or glosses for use in furniture or for construction purposes, including but not limited to plywood, particle board, fencing or railroad ties. Dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, is not considered processed or treated wood.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 249.5 Range Improvement Burning: means the use of open fires to remove vegetation for a wildlife, game, or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

2-10-77

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.

Lake County Air Quality Management District
Chapter I General Provisions, Article II Definitions
Section 250.5
Title: Residential Waste Burning
Adopted 10/1/2002 (new definition)

Final Rule

Section 250.5: **Residential waste burning** means the disposal of the combustible or flammable waste from a single- or two-family dwelling unit or residence by burning. Residential waste burning is not agricultural, or prescribed, burning.

2-10-77

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.

**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 251.7 Smoke Sensitive Areas: are populated areas and other areas where a district determines that smoke and air pollutants can adversely affect public health or welfare. Such areas can include, but are not limited to, cities, towns, villages, campgrounds, trails, populated recreational areas, hospitals, nursing homes, schools, roads, airports, public events, shopping centers, and mandatory Class I areas.

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

Section 252 Standard Conditions

(v/v) a volumetric unit of gas concentration which is numerically equal to the volume of gaseous contaminant present in 1,000,000 volumes of air or steam.

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.

5.23.79

Sec. 254.1

Steam Transmission Lines: The pipelines through which steam is transmitted from well(s) to a muffler or power plant.

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter I
General Provisions. (Submitted to the EPA on February 10, 1977)

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 908.18 kilograms (metric).

Section 259 Underfire Air

Air introduced into a teepee 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 and the visible spectrum.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 270 Wildland Vegetation Management Burning: is the use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass, or standing brush (California Code of Regulation -- Title 17).

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter II Prohibitions and Standards. (Submitted to the EPA on February 10, 1977)

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 and observer's view to a degree equal to or greater than smoke described in paragraph A of the 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 or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 1. for the purpose of the prevention of a fire hazard 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 and methods of fighting fire (Health & Safety Code 41704).
- C. How do agricultural operation necessary for the growing of crops or raising of animals(Health & Safety Code 41704).
- D. from fires set for improvement of watershed, range, or pasture (Health & Safety Code 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 41704).
- F. [REDACTED]**
- G. From fires set pursuant to an open burning permit issued by the Control Officer (Health & Safety Code 41704).

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. **[REDACTED]**
- 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 per hour of sulfur compounds calculated as sulfur dioxide may dilute to meet the provisions of Section 412A.

2-10-77

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.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 431 Non-agricultural Burning: Except as otherwise provided in these Rules and Regulations, no person shall ignite or cause to be ignited or suffer, allow or maintain any 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.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 431.5
Title: none
Amended 10/1/2002
Last Amended 3/5/2002

Final Rule

Section 431.5: Non-Agricultural Open Burning is prohibited in the Lake County Air Quality Management District: 1) on any day designated pursuant to Section 1010; 2) on no burn days; and 3) during fire season as defined in Section 226.5. Activities conducted pursuant to Sections 432, 432.5 and 436 shall be exempt from the requirements of this section.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 431.7
Title: none
Amended 10/1/2002
Last Amended 10/20/1987

Final Rule

Section 431.7: Non-Agricultural Burning Hours for the Lake County Air Quality Management District are as follows:

- A. Fire season, as defined in Section 226.5;
- B. Non-Fire Season, 9 AM to 3 PM.

No fire shall be ignited before or after these applicable hours unless such day is designated as an extended burn day by the Lake County Air Quality Management District and the issued permit allows such extended day light burning for lot clearing or hazard reduction burns.

Extended burn days shall be determined after consideration of the following factors: 1) prevailing visibility (observed, measured coefficient of haze and nephelometric back scattering); 2) anticipated frontal movement; 3) existence of inversions and adiabatic lapse rate (if information is available); 4) previous and next burn day's burn status; 5) precipitation; and 6) if air quality at the time of determination has degraded to 50% of any ambient air quality standard.

Existing lawful open fires continuing to burn without fuel addition after hours designated herein are authorized unless it creates a public nuisance or threatens the public health, safety or welfare pursuant to the California State Health and Safety Code or these Rules and Regulations.

3.23.88

Section 432 Nothing in this Article shall be construed as limiting the authority granted under other provisions of the 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 the 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, Health and Safety Code.
- F. Disease or pest prevention where there is an immediate need for and no reasonable alternative to burning.
- G. Disposable of agricultural pesticide containers in a manner required by law at the time and place of use when no reasonable alternative to burning exists.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 432.5
Title: none
Amended 10/1/2002
Last Amended 10/20/1987

Final Rule

Section 432.5: Exemptions for Preparation of Food and Recreational Purposes: Open outdoor fires which are otherwise lawful and do not contain disallowed combustibles, which are not cause of a public nuisance, and used exclusively for cooking food for human consumption or recreational fires in permitted campgrounds, or for essential purposes as part of public ceremonies are exempt from these rules and regulations.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 433
Title: none
Amended 10/1/2002
Last Amended 3/5/2002

Final Rule

Section 433: Nothing in this Article shall be construed as prohibiting residential_burning as allowed by a valid burning permit issued to an adult for the disposal of natural vegetation originating solely from a single or two-family dwelling on a parcel of record of 1.0 acre or more in size, or a parcel of any size located where green waste collection is not offered by a franchise hauler. All burns must be conducted on the premises where the vegetation grew and at least 100 feet from the nearest neighboring residence. Fires shall not be located in a public roadway right of way, or in roadway ditches. All burning must be conducted during designated allowed days and hours as established in Sections 431.5 and 431.7. Small amounts of dry untreated, non-glossy cardboard and paper may be burned for ignition purposes only.

Material to be burned must not contain any “disallowed combustibles” as defined below, be properly dried to the point it is not green in color and be free of dirt and visible moisture. Dimensional lumber that has been air-dried or kiln-dried, with no preservatives or finishes added, may be burned. All burning shall be conducted in a manner to promote quick and complete combustion, and that minimizes smoke production. The fire shall be supervised at all times by an adult issued a valid permit and the permit shall be immediately provided upon request of a responsible official during any residential burning. Wet or partially composted leaves continuing to smolder or burn without a visual flame shall be extinguished.

The use of an incinerator-type device including those commonly known as a “burn barrel” is prohibited.

Disallowed combustibles include but is not limited to: petroleum products and petroleum wastes; construction and demolition debris; coated wire; putrescible wastes; tires; tar; tarpaper; non-natural wood waste; processed or

treated wood and wood products; metals; motor vehicle bodies and parts; rubber; synthetics; plastics, including plastic film, twine and pipe; fiberglass; styrofoam; garbage; trash; refuse; rubbish; disposable diapers; ashes; glass; industrial wastes; manufactured products; equipment; instruments; utensils; appliances; furniture; cloth; rags; paper or paper products; cardboard; boxes; crates; excelsior; offal; swill; carcass of a dead animal; manure; human or animal parts or wastes, including blood; and fecal- and food-contaminated material.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 433.5
Title: none
Adopted 10/1/2002 (New Rule)

Final Rule

Section 433.5: An exemption to the lot size and distance restrictions contained in Section 433 may be granted by written exemption permit, signed by the Fire Chief, or authorized Fire Protection Agency, USFS or CDF employee for the rare occasion when fire hazards exist, or circumstances warrant, and there is no reasonable available alternative to burning. The particular circumstances warranting the exemption shall be stated on the exemption permit. The exemption permit issued pursuant to Section 1002 shall incorporate all reasonable restrictions to avoid smoke nuisance and require compliance with all other open burning regulations. Upon issuance, a copy of the exemption permit shall be immediately filed with the AQMD, by fax or other acceptable record transfer method, by the approving official.

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**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 434: Nothing in this Article shall be construed to prohibit burning of vegetation from 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 that day, pursuant to Section 41855 of the Health and Safety Code, (b) the material has been prepared by stacking, drying or other methods to promote combustion as specified by the Air Pollution Control Officer; and (c) hours limiting and dates of allowed burning are consistent with agricultural burning limitations of these rules and regulations.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 436
Title: Wood Waste Disposal By Open Burning
Adopted 10/1/2002
Last Amended 10/20/1987

Final Rule

Section 436: Wood Waste Disposal By Open Burning Disposal of non-industrial and non-commercial wood wastes at designated sites by open burning may be authorized by a burning or authority to construct permit issued by the Air Pollution Control Officer and authorization by affected Fire Protection District or Agencies subject to the following conditions:

1. The site of such burning has been approved by the state Air Resources Board, and a new source permit has been granted by the AQMD pursuant to applicable rules.
2. The site is above 1500 feet elevation mean sea level.
3. The site is secured from public access by locked gates, fences or other means during periods of non-operation and manned by a responsible party during all open hours of operation. Only vegetative waste, stumps of trees smaller than twelve (12) inches in width and free of visible dirt, and non industrial and untreated wood wastes are accepted at the site. All other wastes are to be immediately removed from the site if illegally placed at the site.
4. Wood wastes are dried for a minimum period as specified in Section 436.5D and free of dirt, soil and visible surface moisture prior to igniting to promote good combustion.
5. Wood wastes are ignited and burned by the affected Fire Prevention Agency personnel or other specific permit authorized public employees at a time and on a day when air dispersion is believed to be super adiabatic and fire safety assured. The District may delay any planned ignition to assure good air dispersion. Under no circumstances shall such burning occur on a designated no burn day. Such time and date shall be approved by the affected Fire Prevention Agency having jurisdiction in addition to the District, and the District shall be provided opportunity to inspect the site prior to ignition.
6. If a public nuisance as defined by Health and Safety Code Section 41700 occurs, the permit shall be voided and the operation discontinued.

7. If other than untreated wood or vegetative wastes are burned at the site the permit shall be voided and the operation discontinued.
8. Permits shall be voided upon a finding that alternative methods of disposal have been developed which are technologically and economically feasible by the State Air Resources Board or the District Board.

Lake County Air Quality Management District
Chapter II, Article IV Other Emissions or Contaminants
Section 436.5
Title: Wood Waste Burning
Adopted 10/1/2002
Last Amended 10/20/1987

Final Rule

Section 436.5: 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 where burning disposal alternatives are not feasible:

- A. All burning shall be ignited by approved ignition devices such as fuses, orchard torches, propane torches, pressurized flame thrower-type torches, jellied petroleum devices, matches, fuse lighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.
- B. All material to be burned shall be material that was grown on the property where the waste is to 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: sixty (60) days.
 - 2. Vines and brush: thirty(30) days.
 - 3. Prunings and smaller branches: fifteen (15) days.
 - 4. Designated agencies may modify the above drying times as conditions warrant.
- E. The District and/or Fire Agency shall be contacted prior to burning when specified to do so on the issued permit. The District or issuing agency may when necessary to preserve air quality or fire safety, elect to delay the burn.

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 residential 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 residential areas.

H. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60) days. Tree stumps shall not be burned.

I. Brush must be crushed, uprooted or desiccated with herbicides at least six (6) months prior to burning if economically and technically feasible.

J. A valid Burning Permit issued by an authorized agency is required and such burning is permitted only on Agricultural "Permissive-Burn" days and hours.

K. No special "no-burn day" economic exemption permits shall be granted.

L. No authorization under this section shall be granted if the Air Resources Board determines that an alternate method is technically and economically feasible.

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter II Prohibitions and Standards. (Submitted to the EPA on February 10, 1977)

Section 437 Animal Matter

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 effluence from such an article, machine, equipment or other contrivance are:

- A. incinerated at temperatures of not less than one thousand two hundred (1200) 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 439.5: All new or modified gasoline retail service stations shall require an authority to construct and permit to operate. All existing gasoline retail service stations having an installed gasoline storage capacity of greater than 2,900 gallons shall also require the aforementioned permits. The following shall apply to gasoline retail service stations.

A. RETAIL GASOLINE TRANSFER AND STORAGE (Phase I) - Except as otherwise provided, no person shall transfer or permit the transfer of gasoline from any delivery vessel into any stationary container with a capacity of more than 260 gallons used for the fueling of motor vehicles where a collection of state sales tax is required unless the following conditions are met: (1) the storage tank is equipped with a permanent submerged fill pipe; (2) the storage tank and delivery vessel are equipped with an "ARB Certified" Phase I vapor recovery system and all vapor return lines are connected between the delivery vessels and stationary storage containers during fuel transfer; and (3) the installed equipment is operated and maintained in accordance with the manufacturers specifications and as defined by the applicable ARB Certification and Test Procedure.

B. RETAIL DISPENSING REQUIREMENTS (Phase II) - Except as otherwise provided, no person shall transfer or permit the transfer of gasoline from a stationary storage container into any motor vehicle fuel tank with a capacity in excess of five (5) gallons unless: (1) The dispensing unit used in the transfer is equipped with an "ARB Certified" Phase II vapor recovery system; and (2) the system is operated and maintained in accordance with the manufacturers specifications and pursuant to definitions in California Code of Regulation Section 94006, Subchapter 8, Chapter 1, Part III, of Title 17.

C. POSTING REQUIREMENTS - The operator of any gasoline retail service station shall conspicuously post: (1) on each dispensing pump a sign stating "Air Toxic Risk - Avoid Breathing Fumes - For Your Own Protection DO NOT TOP TANK" or similar noticing decal supplied by the District; and (2) at Phase II equipped facilities, operating instructions for the dispensing of fuel and an ARB toll free telephone number, or an alternative phone number provided by the District, for complaints from the public.

D. HOLD OPEN LATCHES - The operator of any gasoline retail service station subject to this section shall install and maintain to manufacturers specifications a "hold open latch" device on each dispensing nozzle unless a

determination has been made by the local Fire Marshall that such a device constitutes a safety hazard.

E. EXEMPTIONS - The following exemptions from this section shall apply.

1) Section 439.5, part A shall not apply to the transfer of gasoline from any delivery vessel into any existing stationary storage container at an existing retail service station with an annual throughput of 240,000 gallons or less, unless such is required to comply with Section 430. During any year thereafter, if annual throughput exceeds 240,000 gallons this exemption shall cease to apply.

2) Section 439.5, part B shall not apply to the transfer of gasoline to motor vehicles from existing retail service stations with an annual throughput of 440,000 gallons or less. During any year thereafter, if annual throughput exceeds 440,000 gallons this exemption shall cease to apply.

3) Section 439.5, part B shall not apply to any existing modified, or new remotely located retail gasoline service station, open to the public which has past and anticipated future annual throughput of 100,000 gallons or less;. A remotely located service station is one which is located eight (8) miles travel or more from the nearest publicly available permitted or existing retail service station at the time of initial permitting. During any calendar year thereafter if annual throughput exceeds 100,000 gallons this exemption shall cease to apply. The plumbing for Phase II shall be required to be installed to the extent practicable by issued permit to construct or modify.

4) Section 439.5 shall not apply to the transfer or dispensing of gasoline used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the Vehicle Code.

5) Section 439.5, part A shall not apply to the transfer of gasoline in an amount of 500 gallons or less performed by a delivery truck presently in use for secondary redistribution of gasoline at an existing District permitted bulk plant. This exemption shall cease to apply January 1, 1996.

6) Section 439.5, part D shall not apply to gasoline retail service stations equipped with a Phase II vapor recovery system.

7) Section 439.5, part B and D shall not apply to gasoline sales from equipment used solely for the purpose of fueling aircraft or marine vessels while in the water.

8) Upon written request and providing proof of the necessity of sales of gasoline to enable response to an emergency declared by the Lake County Board of Supervisors, or for routine operations of emergency response vehicles at remotely located sites and stations as defined in 3) above, such sales shall be deducted prior to determining qualification for exemptions contained in 1), 2) and 3) above.

F. COMPLIANCE SCHEDULE

1) The owner of any gasoline retail service station initiating construction after January 15, 1989 and subject to this rule shall comply at the time gasoline is first received or dispensed.

2) The owner of any gasoline retail service station previously exempt shall at the time of a tank replacement, or modifications requiring replacement of more than 50% of the liquid piping be in compliance at the time gasoline is first dispensed after completion of the replacement or modification, or on January 15, 1991, whichever is later.

3) The owner of any other existing gasoline retail service station which has not been required to come into compliance shall achieve compliance in accordance with the following schedule: a) Within three months after adoption of this rule submit an application and fees for a permit to construct and operate, and b) by January 15, 1991 achieve final compliance with all requirements of the issued permit.

4) Any facility previously exempt, shall at the time of exceeding the limitations allowed by an exemption achieve compliance within twelve months of the end of the calendar year for which the limitation was first exceeded.

G. DEFINITIONS - The following definitions shall apply to section 439.5.

Annual Throughput; means the volume of gasoline dispensed at a retail service station as determined from records of actual operation (excluding boat fueling while in the water and the fueling of aircraft) for each calendar year beginning on January 1, 1988 and each year thereafter.

ARB Certified Vapor Recovery System; means a Phase I or II vapor recovery system certified by the ARB pursuant to the California Health & Safety Code.

ARB; means California Air Resources Board.

Gasoline; means any organic liquid (including petroleum distillate and methanol) having a Reid vapor pressure of 4 psi or greater and used as a motor vehicle fuel or any fuel which is commonly or commercially known or sold as gasoline.

Hold Open Latch; means a device commonly in use and as supplied by the manufacturer which allows for the hands-off refueling of a vehicle.

Leak Free; means a liquid leak of no more than three drops per minute excluding losses which occur upon disconnection of transfer fittings provided such disconnect losses do not exceed 10 milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

Phase I Vapor Recovery System; means a gasoline vapor recovery system which recovers vapors during the transfer of gasoline from delivery vessels into stationary storage containers.

Phase II Vapor Recovery System; means a gasoline vapor recovery system which recovers vapors during the fueling of motor vehicles from stationary storage containers.

Retail Service Station; means any new or existing motor vehicle fueling station subject to payment of California sales tax on gasoline sales.

Vapor Tight ; means a leak of less than 100 percent of the lower explosive limit on a combustible gas detector measured at a distance of 2.5 cm (1 in.) from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.

EXHIBIT A

SECTION 470: AIR TOXICS CONTROL MEASURE FOR EMISSIONS OF TOXIC PARTICULATE MATTER FROM IN-USE AGRICULTURAL COMPRESSION IGNITION ENGINES

- (A) **PURPOSE:** The purpose of this Rule is to provide an alternative equivalent local administrative program for the permitting and management of toxic air emissions from stationary compression ignition (CI) engines used in agricultural operations within the District, that is more effective and efficient than the ARB statewide Air Toxic Control Measure.
- (B) **APPLICABILITY:** Except as provided in District Rule Section 470 (D), this Rule applies to any person who either sells a stationary CI engine, offers a stationary CI engine for sale or lease, purchases a stationary CI engine, or owns or operates a stationary CI engine with a maximum rated horsepower of greater than 50 brake horsepower used in an agricultural operation.
- (C) **DEFINITIONS:** Except as defined below, the terms used in this Rule are the same as defined in District Rule Sections 200 through 299:
- (1) **AGRICULTURAL OPERATION:** The growing and harvesting of crops or the raising of fowl or animals for the primary purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction by an educational institution. Agricultural operations do not include activities involving the processing or distribution of crops, fowl, or animals products.
 - (2) **AGRICULTURAL WIND MACHINE:** An engine-powered fan used exclusively in agricultural operations to provide protection to crops during cold weather by mixing warmer atmospheric air with the colder air surrounding a crop.
 - (3) **DATE OF INITIAL INSTALLATION:** The date on which an engine is placed into service at a location within the District in order to be operated for the first time since delivery from the manufacturer, distributor, or other source.
 - (4) **ENGINE:** An agricultural compression ignition engine.
 - (5) **LOW USE ENGINE:** An engine that is operated no more than 200 hours per calendar year as determined by an operational non-resettable hour meter, provided the engine:
 - A) Is not used to generate electrical power that is fed into the electrical utility power grid;
 - B) Is not used to reduce electrical power purchased by the stationary source; and
 - C) Does not cause a significant health risk due to location in close proximity to residents, schools, commercial or public areas.
 - (6) **MAXIMUM RATED HORSEPOWER:** The maximum brake horsepower rating of an engine as specified by the engine manufacturer and listed on the nameplate of the engine, or advertised in sales or service literature, regardless of any de-rating.

EXHIBIT A

- (7) **MOBILE AGRICULTURAL EQUIPMENT:** Equipment utilized in an agricultural operation which is towed or mounted on a vehicle and is moved during the operation of the equipment. Mobile Agricultural Equipment includes, but is not limited to sprayers, balers, and harvest equipment.
- (8) **OWNER OR OPERATOR:** Any person subject to the requirements of this Rule, including but not limited to: A) An individual (including an operator of leased equipment), trust, firm, joint stock company, business concern, partnership, limited liability company, association, or corporation including but not limited to, a government corporation; and B) Any city, county, district, commission, the state or any department, agency, or political subdivision thereof, any interstate body, and the federal government or any department or agency thereof to the extent permitted by law.
- (9) **REGISTRATION:** For the purposes of this Rule, Registration is equivalent to a Permit and refers to a document authorizing operation of agricultural CI engines issued by the District acknowledging expected compliance with all applicable requirements of law.
- (10) **REMOTELY LOCATED ENGINE:** A stationary diesel-fueled CI engine: A) Used in agriculture that is located in a Federal Ambient Air Quality area that is designated as unclassifiable or attainment for all Particulate Matter and Ozone National Ambient Air Quality Standards; B) Is located more than one-half mile from any residential area, school, or hospital; and C) Is operated less than 1,000 hours per year.
- (11) **RESIDENTIAL AREA:** Three or more permanent residences (i.e., homes) located anywhere outside the facility's property.
- (D) EXEMPTIONS:** The provisions of this Rule shall not apply to the following:
- (1) Engines with a maximum rating of 50 brake horsepower or less.
 - (2) Engines powering an agricultural wind machine.
 - (3) Engines used exclusively to power Mobile Agricultural Equipment.
 - (4) Engines operating with a valid statewide Portable Equipment Registration Program (PERP) certificate, provided the engine meets the same emissions control standard as would be required of the stationary source and is operated for no more than one growing season.
- (E) CONTROL TECHNOLOGY EXEMPTIONS REQUIRING A PERMIT:**
- (1) Emergency engine use substantiated by a public official that is necessary to respond to a fire, flood, or police action.
 - (2) A low use engine.
 - (3) Remotely located engine.
 - (4) Engines used exclusively as emergency backup for electrical line power service at an agricultural operation, operated for testing and maintenance no more than 20 hours

EXHIBIT A

per year and no more than 200 hours per year emergency use (additional hours for emergency use may be authorized by the APCO upon written request.)

(F) REQUIREMENTS:

- (1) **PERMIT (REGISTRATION):** The owner or operator of each engine to which this Rule is applicable shall obtain and maintain a Permit from the District, issued in accordance with this Rule and the compliance schedule contained in CA H&SC Section 93115.8 as adopted or modified by the ARB. Such Permit(s) shall be enforced, and have rights and obligations the same as all District Permit(s).
- (2) **STANDARDS FOR GRANTING PERMITS:** The APCO shall deny an application for a Permit if the applicant does not show that the engine is designed, controlled, equipped, and operated with air pollution control equipment in compliance with District Rules and Regulations, State and Federal statutes and regulations that may be enforceable by the APCO.
- (3) **ENGINE IDENTIFICATION:** An identification device or sign as specified or approved by the District shall be required for each engine permitted by the District. The device/sign shall be permanently affixed to the permitted engine at all times so that it may be easily viewed from a distance.
- (4) **HOUR METER:** A non-resettable hour meter with a minimum display capability of 9,999 hours shall be installed and maintained operational on each engine no later than January 1, 2011, or date as required by Permit for electrical service backup engines.
- (5) **CONSIDERATION OF ELECTRIC SERVICE:** All new applications for Permits and existing in-use engines, that are not low use, and are located within 200 feet of electrical service shall evaluate the use of electric service as an alternative to CI engine use. If service is available within 200 feet, and the engine is not low use, electrical service shall be considered BACT, unless sufficient justification is supplied by the applicant to allow CI engine installation.
- (6) **HIGH USE REMOTELY LOCATED ENGINES:** Remotely located Tier 0 and Tier I engines operated more than 1,000 hours per year shall be replaced with a Tier III or better engine by 2015.
- (7) **ENGINE MAINTENANCE:** Any Tier 0, Tier 1, or Tier II engines that require significant maintenance, shall be replaced by a Tier III engine or better should the estimated repair costs exceed 50% of the replacement cost of the engine. The owner/operator shall report costs upon request or upon exceeding the 50% threshold.
- (8) **PORTABLE EQUIPMENT REGISTRATION PROGRAM ENGINES:** Leased or PERP engines shall be subject to the requirements as though they were a stationary agricultural engine. PERP or leased engines may be allowed for up to 1 growing season upon written request and approval of the APCO, while new permanent engine/installation is under construction, existing engine is undergoing repair or repower, or engine is undergoing upgrade to electrical line power.

EXHIBIT A

- (9) **VISIBLE EMISSIONS:** No air contaminant, other than uncombined water vapor, shall be discharged into the atmosphere for a period or periods aggregating more than 3 minutes in any 1 hour which is as dark or darker than Ringelmann 1 or equivalent 20% opacity.
- (10) **VIOLATIONS:** Failure to comply with any provision of this Rule or any condition of a Permit issued under this Rule shall constitute a violation of this Rule.
- (G) ADMINISTRATIVE REQUIREMENTS:**
- (1) **REGISTRATION/PERMIT REQUIREMENT:** Requests for a Permit shall be initiated by an owner or operator by filing a complete Permit application, compliant with CA H&SC Section 93115.8(c), for each engine along with the Permit application fee required by District Rule Chapter IV, Article VI and receive a Permit prior to the date of initial installation.
- (2) **PERMITTING ISSUANCE SCHEDULE:** Upon approval of this Rule, the APCO shall issue or deny a Permit application no later than 180 days after receipt of a complete application. The applicant shall be notified in writing of the reasons for denying any application.
- (3) **CONDITIONAL APPROVAL:** The APCO shall include written conditions on all Permits to ensure compliance with all applicable District, State, or Federal requirements.
- (4) **PERMIT REOPENING:** The APCO may reopen and revise a Permit under the following circumstances: A) To correct a material mistake or an inaccurate statement in the application; B) To incorporate any new, revised, or additional applicable requirement(s); or C) To clarify Permit conditions and ensure conditions are enforceable.
- (5) **TRANSFER OF OWNERSHIP:** Permits shall not be transferable except in accordance with Section 630 of District Regulations.
- (6) **NOTIFICATION REQUIREMENT:** The owner or operator of any registered engine shall notify the District in writing no later than 14 days after any change in location, installation or commencement of an emissions control strategy, replacement of the engine with a new engine, or replacement with an electric motor.
- (7) **PERMIT APPLICATION FEE:** A Category II fee in accordance with District Rule Chapter IV, Article VI shall be submitted with each Permit application. Permit fees cannot be refunded or applied to any other Permit or application.
- (8) **ANNUAL PERMIT RENEWAL FEE:** Permit renewals shall be charged annually for each Permit in accordance with District Rule Chapter IV, Article VI. Permit fees cannot be refunded or applied to any other Permit or application.
- (9) **ANNUAL REPORTING:** Engine hours of operation shall be reported to the District annually and upon written request of the APCO.

EXHIBIT A

(H) **SEVERABILITY:** If any section, subsection, sentence, clause, phrase or portion of this Rule is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, that portion shall be deemed as a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this Rule.

The following text is an EPA transcription of the SIP material that was submitted by the state. If you would like to inspect a scan of the source material for this transcription, please contact the EPA Region 9 contact listed at <https://www.epa.gov/air-quality-implementation-plans/find-regional-contact-air-quality-sipsfipstips>.

Post-November 22, 1976 Recodification of District Rules and Regulations, Chapter III Maintenance, Malfunction, Evasion and Inspection. (Submitted to the EPA on February 10, 1977)

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 and emission of air contaminant which would otherwise violate an air pollution control regulation.

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 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). In 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 provisions 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 the 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 a mission 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 with holds the record from inspection, the person requesting it may seek judicial relief under Section 6253 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 the 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 doing so by a court of competent jurisdiction.
- D. Should the person designated 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

Article III

3.1484

Section 602 New Source Review

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.

- 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, or
 - c. More than 27 pounds per day of lead.
 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, or
 - c. More than 27 pounds per day of lead.

8.6.82

Section 630 Permit Transfers

An Authority to Construct or Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another. If a new owner can prove compliance with the most recent permit conditions as well as all District rules and regulations applicable to the previous owner, the Air Pollution Control Officer shall issue a new Authority to Construct or Permit to Operate to the new owner.

3-10-98

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. Barbecue equipment which is not used for commercial purposes.
- D. Orchard or citrus grove heaters described in Section 438 of these Rules and Regulations.
- E. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted. /

2-10-86

CHAPTER IV

Article V Source Emission Testing

Section 650 D. The owner or operator of any equipment or operational project which requires a permit or is otherwise under the jurisdiction of the Lake County Air Pollution Control District and which requires specialized equipment to be utilized by, or available to, District personnel or designated representatives during inspections, testing or monitoring shall make such specialized equipment available to the District, upon request, at no charge to the District or shall reimburse the District for such required use. If such equipment is provided the District, the maintenance of said equipment shall be the permit holders or owner's responsibility. Alternatively, if the permit holder provides funds to the District for purchase of such equipment, the permit holder will be relieved of any training and maintenance responsibility. For the purpose of this Article equipment shall exclude hard hats, steeltoed shoes, eyeglasses, gloves and hearing protection. Precautions and safety equipment covered herein are those routinely used by operators or required to be used by other regulatory agencies (Cal-OSHA, etc.).

2-10-84

CHAPTER IV

Article V Source Emission Testing and Monitoring

Section 651 Any ambient air quality monitoring, meteorological monitoring or air dispersion testing accomplished in the Lake County Air Basin, or in adjoining Air Basins, which is intended to be utilized by the District in the permit assessment of a project, proposed within the Lake County Air Basin or in the development of District rules, shall be mutually agreed upon by the Lake County Air Pollution Control District and by sponsors of such activities prior to the installation of any equipment intended for such data acquisition. Any data or information so generated, collected or obtained shall be quality audited, as mutually agreed upon, and provided to, the Lake County Air Pollution Control District. (Monitoring accomplished by other Air Pollution Control Districts, the State Air Resources Board or EPA may be excluded from the provisions of this section as allowed by law or with the approval of the LCAPCO.) The APCO may grant approval and agree to accept data for such monitoring and testing program(s) prior to commencement, or may reserve the right to reject data collected without prior approval.

3.1.82

ARTICLE V

RULE 655 Performance Plan

Compliance with the specified emission(s) limitation(s) resulting from these rules and regulations may be established through a protocol or performance plan acceptable to the District. The primary purpose of the performance plan is to facilitate a method of determining compliance, while recognizing that there are variations in process factors (i.e., steam quality) beyond the operator's control which affect emissions, and that continuous source emissions monitoring is not practicable.

The performance plan shall describe the manner in which the abatement system(s) will be operated to meet the specified emission(s) limitation(s) and shall include the following if available:

- 1: The frequency and method of sampling process parameters and constituents (i.e., steam quality, flow rates, etc.);
2. The frequency and method of determining the amount of abatement achieved by the abatement system(s);
3. The frequency and method of calibration;
4. The frequency and method of emission source testing;
5. Data logging requirements, good scientific practices, detailing actions, changes in calibration, changes in process control, inspections, mishaps, etc.;
6. The locations of all logs and source test records; and
7. A process for notifying and reporting to the District documents which establish compliance with the performance plan.

Each performance plan can be modified by mutual agreement between the District and the operator. Changes to the performance plan shall not take effect until copies of the revised plan(s) are filed at the District office and acknowledged in writing by the District.

Compliance with the approved plan of performance shall constitute compliance with the applicable emissions limitation. Failure to comply with the performance plan shall constitute the basis for enforcement of failure to comply with the applicable emissions limitation.

Any permit holder shall have the right of appeal to the Hearing Board any plan submitted which is either subsequently disapproved or unreasonably modified by the Air Pollution Control Officer.

○ ○

**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 1000 Agricultural and Prescribed Burning: The following Rules and Regulations are adopted in accordance with Section 41863 of the Health and Safety Code and the Air Resources Board's Smoke Management Guidelines for Agriculture and Prescribed Burning, (California Code of Regulation – Title 17).

○ ○

**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 1001: Except as otherwise provided in these Rules and Regulations, no person shall ignite or cause to be ignited or suffer, allow or maintain any 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. A burning permit shall be required for agricultural burning and 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."

3/10/06

~~3) consume standing brush or trees; 4) are located in close proximity to the public for the amount of material to be burned or have a fire hazard potential; or 5) Are at a location, or by a responsible party having a history of violation or public complaint.~~

~~Examples: Standing brush or forest management burns requiring a Smoke Management Plan, land clearing requiring the burning of entire trees, orchard or vineyard removal over one acre, burns referred by a designated agency to the AQMD for a smoke management plan, ranches/farms/large landholdings under a single ownership incorporating multiple parcels by request, or burning trees in close proximity to the public require a SMP.~~

~~Initial Fee: \$20.00
Annual Renewal Fee: \$20.00~~

~~*Table 6.4 fees shall be adjusted annually, starting July 1, 2006, to reflect the change in the California Consumer Price Index, but shall only be adjusted when a cumulative \$1.00 increment increase has occurred.~~

Section 1002: Agencies Authorized to Issue Burning Permits: The agencies listed in Table 8 are hereby designated by the District as having authority to issue non-agricultural and agricultural burn permits pursuant to District Rules and Regulations. Designated Agencies issuing burn permits in their respective jurisdictions or spheres of influence are authorized to collect and retain the fee listed in Section 660, Table 6.4 for Category A and B burning permits. Cooperating and delegated agency burning for fire prevention, vegetation management and fuel load reduction and as authorized in section 432 of these rules shall not be subject to permit or smoke management plan fees. Procedural guidelines as agreed to by the APCO and ratified by the Lake County Fire Chiefs Association shall be utilized for delegated permit agency issuance.

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Section 1003 Special No-Burn Day Permit: The District may issue a special permit to authorize agricultural burning on days designated by the Air Resources Board or the Air Pollution Control Officer as no-burn days if denial of such permit would threaten imminent and substantial economic loss. Economic exemptions shall be issued pursuant to the California Health and Safety code (Sec 41862) and these rules and regulations. The District may place conditions on any permit to promote prompt burning and ensure good dispersion to minimize smoke impact. In reaching a decision to issue a special permit, the District shall also consider expected meteorology, extent of effort expended to accomplish the burn without an exemption, and likely effects on other persons or the public.

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Section 1010: The Air Pollution Control Officer shall designate as a "no-burn day", any day designated a "burn day" by the State Air Resources Board if necessary to protect the ambient air quality from substantial degradation, the public health, and violations of ambient air quality standards. Notice of burn day status shall be provided to the public in the normal manner noting the presence of any emergency condition as appropriate. On any day for which conditions of abnormal high temperatures, low relative humidity or high wind velocities are anticipated, or existing wildfires create an extreme potential for uncontrolled fires which may cause violations of any ambient air quality standard, the APCO, after receipt of a recommendation from the Lake County Fire Chiefs Association Burning Assessment Committee that such extreme fire hazard conditions exist conducive to uncontrolled fire occurrence, should declare such day a no burn day. The Lake County Fire Chiefs Association, Burning Assessment Committee should be designated and the District informed prior to September 1 of each year by the Association. Said Committee shall consist of two Fire Chiefs and one CDF representative. Determination made by the Lake County Fire Chiefs Association Burning Assessment Committee shall be made on a daily basis, and whenever possible the District shall be informed by 3:00 PM of the preceding day. Subsequent to any verbal recommendation or as part of a recommendation by the Committee a brief written report shall be forwarded to the District Board of Directors and APCO setting forth the reason for such recommendation. Economic exemptions shall be issued pursuant to the California Health and Safety code (41862) and Section 1107 of these rules and regulations.

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Section 1105 Burning Hours: Burning hours for agricultural purposes in the Lake County Air Management District are as follows:

- A. Fire season, as defined in Section 226.5, 8 AM through 12 noon unless other hours are authorized by the responsible Fire Agency and District; and
- B. Non-Fire Season, 9 AM through 3 PM, except for grass, leaf or field crops which shall be 11 AM through 3PM unless other hours are specified in the issued permit.

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Section 1107 Agricultural Burning During FireSeason: Agricultural burning may be conditionally permitted during the period of the year defined in Section 226.5 as fire season subject to the following:

1. Reasonable economic need is established by the applicant.
2. By on site inspection, or other means, the responsible fire agency determines that for fire safety the proposed burn is acceptable.
3. The Fire Agency staff directly informs the District of its approval and any condition(s) for the proposed burn, and the responsible person obtains an economic exemption permit from the District.
4. Applicant agrees to notify the fire agency on the day of the burn immediately prior to the burn and to conduct the burn to the extent possible between the hours of 8 AM through 12 noon or at an agreed upon specific time identified in the issued permit.

Exceptions set forth in Section 432 are applicable

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Section 1130 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 ignition devices such as fuses, orchard torches, propane torches, pressurized flamethrower-type torches, jellied petroleum devices, matches, fuseslighters, 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: sixty (60) days.
 2. Prunings and smaller branches: fifteen (15) days.
 3. Field crops, brush and weeds cut in a green condition: seven (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 9.
- 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.

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Section 1140 Range Improvement Burning: The following regulations shall apply to all range improvement burning for livestock, wildlife or range conversion of uncultivated lands, provided public complaints and smoke impact have not historically occurred, nor are they expected to occur, otherwise such burning shall be performed pursuant to Section 1160 Prescribed Burning.

- A. After obtaining an agricultural burn permit, range improvement burning may be conducted on no-burn days only after receiving an exemption pursuant to this Chapter. If more than fifty (50) percent of the land has been brush treated, the burn is remote from populated areas, past burning has not caused smoke impacts or public complaint, and the proposed burn is not expected to cause smoke impacts, the District may give consideration to such factors in any decision to grant an exemption for multiple days or require a smoke management plan. The Air Resources Board may prohibit all range improvement burning if, in the opinion of the Air Resources Board, 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 flamethrower-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 9.
- 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 that the burn is desirable and proper. Such statements must be filed with the designated agency and the Air Quality Management District.
- J. All material to be burned shall be free of debris or material that is not grown on the property.

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Section 1140 (continued)

**TABLE 9
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)

* Acreage based on average fuel density of thirty (30) tons per acre. Acreage must be adjusted downwardly in the event the average fuel density exceeds thirty (30) tons per acre. Acreage may be adjusted upwardly if fuel density is less than thirty (30) tons per acre. Adjustment of acreage will be at the discretion of the fire control agency or Control District based on Table 10 "Guides for Estimating Dry Weights of Several California Fuel Types", the air quality and the 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 maximum amount permissible on any given burn-day.

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Section 1145 Forest Management Burning: The following regulations shall apply to forest management burning, provided public complaints and smoke impact have not historically occurred, nor expected to occur, otherwise such burning shall be performed pursuant to Section 1160 "Prescribed Burning":

- A. After obtaining an agricultural burn permit, forest management burning may be conducted on burn days, or on no-burn days after receiving an economic exemption pursuant to this Chapter.
- 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, 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 9.
- 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, thermal inversion 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. All material to be burned shall be free of debris or material that is not grown on the property.

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Section 1150 Burning of Standing Tule: The following shall apply to the use of open fires for the burning of standing tule for agricultural or habitat improvement purposes:

- A. An Agricultural Burning Permit is required. Burning shall be permitted by special permit issued by the District if desirable meteorology for the duration of the planned burn is anticipated, consistent with C and D below, and economic considerations warrant.
- B. The District shall be contacted for concurrence on the date of the planned burn prior to burning, and the District may, when necessary to preserve air quality, elect to delay the burn. In making such a decision to delay, the District shall consider the quantity and condition of tules to be burned, location of burn site, proximity to receptors and prevailing meteorological and ambient air quality conditions. The fire protection agency shall also be notified by the permit holder prior to the burn on the day of the burn.
- C. Maximum care must be taken to keep smoke and ash from drifting into residential areas and the immediate surrounding populace. Wind direction, topography, thermal inversion and population density shall be considered by the responsible adult in charge of the fire in an effort to minimize smoke or ash reaching nearby residential areas in any decision to burn.
- D. As part of obtaining a permit the applicant shall provide the District a simple map showing the location of the burn and the nearby residential areas, and a statement that the tules to be burned have not been burned during the prior season.
- E. The burn shall be ignited as rapidly as practicable within applicable fire control restrictions using an approved ignition device such as an orchard torch, propane torch, pressurized flame thrower-type torch, jellied petroleum device, matches, fuse lighter, commercial fuse, drip torch, diesel sprayer or other such approved device.
- F. All material to be burned shall be free of material that is not grown on the property where the tules are to be burned. Tires, tar paper and other rubbish shall not be burned.

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Section 1160 Prescribed Burning, Habitat Improvement Burning, Wildland Vegetation Burning and Forest Management Burning shall be subject to the following:

- A. Any such burning as defined in section 270 shall require an agricultural burning permit unless performed by a fire prevention agency authorized to issue agricultural burning permits and that agency files a plan with the District.
- B. Procedures for economic exemption from a designated no burn day shall be as described in Section 1003, but the APCO may additionally consider existing and predicted meteorological conditions effecting the specific planned burning activity and the likelihood of air quality degradation in granting such an economic exemption.
- C. All wildland vegetation management burning shall be ignited by a District approved ignition device such as helicopter torches, orchard torches, propane torches, pressurized flamethrower type torches, jellied petroleum devices, commercial grenade devices, matches, commercial fuses, approved fuel blivets, drip torches, diesel sprayers, or other approved devices. Ignition shall be accomplished in a manner to minimize the amount of smoke generation and as rapidly as possible, unless good vegetation management or fire protection practices dictate otherwise.
- D. The total amount of all types of agricultural material, inclusive of wildland vegetation management, that may be permitted to be burned on any one day in each designated watershed of the District shall not exceed that set forth in Table 9. The amount of total acreage may be further limited by the District if prevailing meteorology and air quality, or the type of planned burn, threatens serious air quality degradation or violation of Ambient Air Quality Standards.
- E. Burning shall be accomplished in a manner to avoid violation of state or federal Ambient Air Quality Standards or the creation of a public nuisance. Maximum care must be taken to keep smoke from drifting into populated areas such as community centers or incorporated areas and their immediate surrounds populace. Wind direction, topography, thermal lapse rate, thermal inversions and population density shall be considered to minimize smoke reaching nearby populated areas, and addressed within a smoke management plans.
- F. Materials to be burned shall be in a condition to promote combustion or as specified in the approved smoke management plan (plan).
- G. Land on which vegetation is to be burned shall be free of tires, rubbish, tarpaper, construction debris, plastic wastes, or other types of material likely to cause excessive or toxic smoke.
- H. Wastes to be burned shall be reasonably free of dirt, soil and visible surface moisture.
- I. Planned burns greater in size than 20 acres, or which are likely to have a smoke impact in the District's opinion, or pose a potential danger for escape in the Fire

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Section 1160 (Continued)

Agency's opinion, or actually have a history of public complaints, shall submit and implement a smoke management plan (one plan may cover several phases of burning in a given area). Burners must obtain district authorization to burn on each day of the burn. To the extent feasible, plans are to be submitted annually six months in advance of the proposed burn detailing the following:

- (1) Location, types, and amounts of material to be burned.
- (2) Expected duration of the fires from ignition to burn down.
- (3) Identification of a responsible person to include address, telephone number, cellular telephone numbers, or other means of prompt contact.
- (4) A map of the wildland to be treated showing the location of land to be treated and identification and recognition of smoke sensitive areas.
- (5) Identification of meteorological conditions necessary for the planned burning.
- (6) The smoke management criteria the land manager or the designee will use for making burn ignition decisions.
- (7) Projections, including a map, of where the smoke from burns is expected to disperse for both day and night.
- (8) The land manager or designee conducting a prescribed burn, shall obtain the concurrence of the District and ensure that conditions and requirements contained in the smoke management plan are met and expected to continue to be met for the duration of the planned burn at the time of ignition.
- (9) If the planned prescribed burn is greater than 100 acres, or in the District's opinion has a likelihood of causing smoke impacts, items 1-8 above plus the following shall be included in the plan: (a) identification of specific contingency actions (such as fire suppression or containment) that will be taken if smoke impacts occur or meteorological conditions deviate from those specified in the smoke management plan; (b) daily contact with the District prior to ignition and during each day of burning shall be made by the land manager or designee; (c) a statement that alternatives to burning have been considered and determined not to be feasible; (d) public notification procedures to be utilized; and (e) identification of appropriate monitoring to include visual monitoring, ambient particulate matter monitoring, or other monitoring, as approved, or required by the District.
- (10) If the planned prescribed burn is greater than 250 acres or a multi-day fire (it is not expected to burn down overnight) items 1-9 above plus: (a) the District will provide notice to the ARB and consult with the ARB on procedures for ARB review and approval; (b) the ARB shall have the right to disapprove any burn approved by the District prior to ignition; and (c) the land manager or designee shall perform and file in conjunction with the District a post-burn smoke management evaluation within 7 days of the fire.

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Section 1160 (Continued)

J. For burns on which a smoke management plan has been reviewed and approved by the ARB, and after request by a designated agency, seven days in advance of any planned burn, the State of California Air Resources Board on a case by case basis, may issue wildland vegetation management no-burn or permissive burn notices 48 hours in advance of such planned burning. Notwithstanding such advanced notice the ARB shall cancel permissive burn notices issued more than 24 hours in advance if the cancellation is necessary to maintain suitable air quality (i.e. no AAQS violations).

K. For all wildfires, if a land manager chooses to treat a wildfire as a prescribed burn, the land manager or responsible official shall: 1) first submit to the responsible Fire Agency and District a statement that the wildfire is considered safe and manageable as a prescribed burn and that it is desirable to manage the wildfire as a prescribed burn, as allowed by California Code of Regulation -- Title 17; 2) immediately request from the state Air Resources Board permission to continue to treat the initial wildfire as a managed prescribed burn; and 3) ensure full compliance with California Code of Regulation -- Title 17 throughout the burn including submittal of a smoke management plan as required by Title 17 section 80160(I).

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Section 1170 Wood Waste Burning: The following shall apply to the use of open fires for the disposal of wood waste from property being developed for agricultural use, or tree crop removal burning, purposes:

- A. All burning shall be ignited by approved ignition 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 the clearance or grown on the property where the waste is to be burned. 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. Material shall be dried as follows:
 - 1. Trees and branches over six (6) inches in diameter: sixty (60) days.
 - 2. Vines and brush: thirty (30) days.
 - 3. Prunings and smaller branches: fifteen (15) days.
 - 4. 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 9.
- 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, topography, thermal inversion 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 sixty (60) days.
- I. Brush must be crushed, uprooted or desiccated with herbicides at least six (6) months prior to burning if economically and technically feasible.
- J. An Agricultural Burning Permit (Land Clearing Permit) is required, and is valid only on burn days.

Chapter XII

Requirements for Issuing Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990

CHAPTER XII, Article I; PURPOSE AND GENERAL REQUIREMENTS

Section 12.200 DEFINITIONS

The definitions in this section apply throughout Chapter XII and are derived from related provisions of the U.S. EPA's Title V regulations in Part 70 of the *Code of Federal Regulations*, "State Operating Permit Programs." The terms defined in this section are italicized throughout Chapter XII.

[Reference: 40 CFR 70.2 Affected States]

(a4) Air Pollution Control Officer (APCO)

"Air Pollution Control Officer" refers to the air pollution control officer of the Lake County Air Quality Management District, appointed pursuant to *Health and Safety Code Section 40750*.

(c2) Clean Air Act (Clean Air Act)

"Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. section 7401 et seq.).

(d1) Designated Non-Major Stationary Source

A source which, by imposition of *federally enforceable permit conditions*, has its *potential to emit* limited to below the threshold levels for a *major source* as defined by Chapter XII, and is not otherwise required to apply for a *major source* review permit under Chapter XII.

(d2) Designated Non-Major Stationary Source Operating Permit

A new or modified *District* permit issued pursuant to Chapter XII and Chapter IV which incorporates identified permit conditions imposing source-wide, *federally enforceable*, emission limits according to the procedures contained in Chapter XII, Article VIII to specifically avoid the requirements of Chapter XII *major source* permit review. A *Designated Non-Major Stationary Source Operating Permit* is a *District* permit, subject to all the applicable provisions of existing *District* Rules and Regulations including but not limited to permitting, compliance, public notice, reporting and payment of fees. The permit specifically incorporates and identifies those conditions that result in the designation as a *Designated Non-Major Stationary Source*.

(d3) Direct Emissions

"Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

(e3) Emissions Unit

An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any *regulated air pollutant* or *hazardous air pollutant*.

[Reference: 40 CFR 70.2 Emissions Unit]

(f1) Federally-Enforceable Condition

A "federally-enforceable condition" is any condition set forth in the permit to operate which addresses an *applicable federal requirement* or a *voluntary emissions cap*.

(f2) Fugitive Emissions

"Fugitive emissions" are emissions which could not reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.

[Reference: 40 CFR 70.2 Fugitive Emissions]

(m1) Major Source

A "major source" is a *stationary source* which has the *potential to emit* a *regulated air pollutant* or a *hazardous air pollutant* in quantities equal to or exceeding the lesser of any of the following thresholds:

- (1) 100 tons per year (tpy) of any *regulated air pollutant*;
- (2) 50 tpy of volatile organic compounds or oxides of nitrogen for a federal nonattainment area classified as serious, 25 tpy for an area classified as severe, or, 10 tpy for an area classified as extreme;
- (3) 70 tpy of PM10 (particulate matter of 10 microns or less) for a federal PM10 nonattainment area classified as serious;
- (4) 10 tpy of one *hazardous air pollutant* or 25 tpy of two or more *hazardous air pollutants*; or
- (5) Any lesser quantity threshold promulgated by the U.S. EPA.

[Reference: 40 CFR 70.2 Major Source]

(o1) Operation

"Operation" means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action including combustion resulting in a change in the chemical composition or physical properties of a material, which results in or may result in the emission of a regulated air pollutant.

(p1) Permit Modification

A "permit modification" is any addition, deletion, or revision to a permit to operate condition.

[Reference: 40 CFR 70.2 Permit Modification and Permit Revisions]

(p2) Potential to Emit

For the purposes of Chapter XII, "potential to emit" as it applies to an *emissions unit* and a *stationary source* is defined below.

(1) Emissions Unit

The "potential to emit" for an *emissions unit* is the maximum capacity of the unit to emit a *regulated air pollutant* or *hazardous air pollutant* considering the unit's physical and operational design. Physical and operational limitations on the emissions shall be treated as part of its design, if the limitations are set forth in permit conditions which address applicable federal requirements. Physical and operational limitations to emit shall include, but are not limited to, the following: limits placed on emissions; and restrictions on hours of operation and type or amount of material combusted, stored, or processed.

(2) Stationary Source

The "potential to emit" for a *stationary source* is the sum of the *potential to emit* from all *emissions units* at the *stationary source*. If two or more *hazardous air pollutants* are emitted at a *stationary source*, the *potential to emit* for each of those *hazardous air pollutants* shall be combined to determine applicability. *Fugitive emissions* shall be considered in determining the *potential to emit* for: 1) sources as specified in 40 CFR Part 70.2 Major Source, and 2) sources of *hazardous air pollutant* emissions. Notwithstanding the above, any *hazardous air pollutant* emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a *major source of hazardous air pollutants*, whether or not such units are located in contiguous areas or are under common control.

[Reference: 40 CFR 70.2 Potential to Emit and Major Source(2)]

(s3) Stationary Source

For the purposes of Chapter XII, a "stationary source" is any building, structure, facility, or installation (or any such grouping) that:

- (1) Emits, may emit, or results in the emissions of any *regulated air pollutant* or *hazardous air pollutant*;
- (2) Is located on one or more contiguous or adjacent properties;
- (3) Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and
- (4) Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

[Reference: 40 CFR 70.2 Stationary Source]

CHAPTER XII, Article VIII; Designated Non-Major Stationary Source

Section 12.800 Designated Non-Major Stationary Source Requirements:

Any major source which proposes to accept and comply with source-wide federally enforceable permit conditions such that the source becomes a *Designated Non-Major Stationary Source*, and is not otherwise subject to major source review or Chapter XII, may apply for a *Designated Non-Major Stationary Source*

Operating Permit consistent with the procedures of Chapter IV and further required in this Chapter XII, Article VIII.

Section 12.810 Application for a Designated Non-Major Stationary Source Operating Permit:

A source which proposes to accept *federally enforceable permit* conditions to limit its *potential to emit* to below any applicable thresholds for a *major source*, and is not otherwise required to obtain or continue a *major source* operating permit under Chapter XII of these Rules and Regulations, may apply for a *Designated Non-Major Stationary Source Operating Permit* in accordance with the procedural requirements of Chapter IV, Articles I-II for an authority to construct and permit to operate, and the noticing and procedural requirements of Chapter IV, Section 605 and as further required in Chapter XII, Article VIII.

An application for a *Designated Non-Major Stationary Source Operating Permit* shall contain the following in addition to any requirement and criteria of Chapter IV: (1) Identification and description of all existing emission units at the source, including sources that are exempt from permits; (2) A calculation of annual and daily maximum emissions of air pollutants from all *emission units* at the source for all operating scenarios to be permitted at the source, including all *fugitive emissions*; (3) Proposed *federally enforceable permit* conditions to limit source wide emissions to below the thresholds for a *major source*; and (4) Proposed *federally enforceable permit* conditions imposing record keeping and reporting requirements sufficient to determine compliance.

The APCO shall determine if the application is complete within 30 days, unless a longer time is agreed upon by the applicant. The application shall be considered incomplete unless sufficient information is contained in the application to accurately assess and fulfill the requirements of this Section 12.810 and Section 12.830.

Section 12.820 Timely Application for a Designated Non-Major Stationary Source Operating Permit:

An application for a *Designated Non-Major Stationary Source Operating Permit*, or *permit modification*, shall be submitted in a timely manner as described below:

- (a) An existing *major source* which elects to apply for a *Designated Non-Major Stationary Source Operating Permit* in order to avoid a requirement to obtain a *major source* permit as specified in Chapter XII, shall apply for and receive a *Designated Non-Major Stationary Source Operating Permit* prior to the date by which it would have to apply for a *major source* permit pursuant to Chapter XII.
- (b) For a modification to a *Designated Non-Major Stationary Source Operating Permit* which will not increase the *potential to emit* above those of a *major source*, an application shall be received by the *District* in accordance with the requirements of Chapter IV.
- (c) For a physical or operation change to a *Designated Non-Major Stationary Source* which would increase the source's *potential to emit* to that of a *major source*, the source must undergo proper pre-construction review and apply for and receive a *major source* review permit prior to commencing the change to include the applicable requirements of Chapter IV and Chapter XII.
- (d) Notwithstanding Section 12.820, (a), for an existing *major source* with actual emissions greater than those described in Section 12.200, (m1), and which seeks to become a *Designated Non-Major Stationary Source*, an application for a *Designated Non-Major Stationary Source Operating Permit* shall be received by the *District* no later than nine months from the date Chapter XII is adopted by the *District Board*.

Section 12.830 Procedure and Content for Issuance or Denial of a Designated Non-Major Stationary Source Operating Permit:

The APCO shall take action on the application for a *Designated Non-Major Stationary Source Operating Permit* consistent with Chapter IV and as follows:

- (a) **Public notice:** The APCO shall publish a notice, after the application is determined to be complete, in a major newspaper in the area where the facility is located, providing at least 30 days for public comment, state that permit conditions for the facility will be modified to provide a facility wide emission limit in accordance with Chapter XII, Article VIII, to designate the source a *Designated Non-Major Stationary Source* exempting the source from major source review requirements and shall include information as to how the public may obtain copies of the permit conditions associated with the

- limit, any information regarding the modification submitted by the owner or operator of the facility, the APCO's analysis of this information, and of the effect, if any, of the modification on air quality.
- (b) The APCO shall provide to EPA a copy of each proposed and final *Designated Non-Major Stationary Source Operating Permit*, and EPA shall be provided a 30 day review period.
- (c) The *Designated Non-Major Stationary Source Operating Permit* shall include: (1) *Federally enforceable permit* conditions limiting the source's *potential to emit* to below the thresholds for a *major source*; which are permanent, quantifiable and practically enforceable permit conditions, and to include production or processing limits; (2) *Federally enforceable permit* conditions requiring monitoring, record keeping, and reporting sufficient to determine compliance with the limitations as set forth in the permit which avoid the designation as a *major source*; and (3) A statement in the permit that the source is a *Designated Non-Major Stationary Source* specifically because of limitations contained in the permit.
- (d) Final Action: The APCO shall take final action on a *Designated Non-Major Stationary Source Operating Permit* application after considering all comments received in a timely manner, but within 180 days following the acceptance of the application as complete. The APCO shall deny the application for a *Designated Non-Major Stationary Source Operating Permit* if the APCO determines the source is not capable of complying with any requirement contained in Chapter XII, Article VIII.

Section 12.840 Non-compliance, *Designated Non-Major Stationary Source*:
 Any source subject to the requirements of the portions of Chapter XII that is not in compliance with any permit condition set forth in a *Designated Non-Major Stationary Source Operating Permit*, is in violation of the *Clean Air Act* and *District Rules and Regulations* and may be subject to enforcement action, permit termination, permit revocation and reissuance, and/or denial of a permit renewal. Any source which files false information with the *District* to obtain such designation is in violation of the *Clean Air Act* and *District Regulations* and is subject to enforcement action.

Section 12.850 Loss of Status as a *Designated Non-Major Stationary Source*:
 A source shall not be considered a *Designated Non-Major Stationary Source* under any of the following occurrences:

- (a) A *Stationary Source* has actual emissions exceeding any applicable threshold for a *major source* as specified in this Chapter XII;
- (b) The *Stationary Source* installs or changes equipment, or institutes a change of operation, resulting in a *potential to emit* exceeding any threshold for a *major source* as specified in this Chapter XII without first obtaining a *permit modification* pursuant to Section 12.820 limiting such emissions below any threshold for a *major source*; and
- (c) Fails to establish compliance as required in Section 12.830, (c), (2).

If for any reason the *Stationary Source* plans a physical or operation change which would increase its *potential to emit* such that it would exceed any applicable threshold for a *major source*, the *Stationary Source* shall immediately become subject to *major source* review and shall apply for a *major source* review and permit in accordance with the requirements of these rules and regulations to include Chapter XII, and all applicable state and federal laws.

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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

<u>Dry weights on slash in cut-overs (fuel type 16)</u>		<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

2/10/77

Lake County Air Pollution Control District, adopted on November 22, 1976

TABLE IV

Particulate Matter Emissions Standard for
Process Units and Process Equipment

<u>Process</u> <u>Lbs/hr</u>	<u>Emission</u> <u>Lbs/hr</u>	<u>Process</u> <u>Lbs/hr</u>	<u>Emission</u> <u>Lbs/hr</u>	<u>Process</u> <u>Lbs/hr</u>	<u>Emission</u> <u>Lbs/hr</u>
50	0.24	2300	4.44	7500	8.89
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 8: AGENCIES DESIGNATED TO ISSUE BURNING
PERMITS**

- 1.*California Department of Forestry; Middletown
- 2.*California Department of Forestry; Kelseyville/Cobb
3. *California Department of Forestry; Clearlake Oaks
4. Clearlake Oaks Fire Protection District
5. Kelseyville Fire Protection District
6. Lakeport Fire Protection District
7. Lake County Fire Protection District; (Clearlake, Lower Lake)
8. South Lake County Fire Protection District
9. Upper Lake Fire Protection District
10. Nice Community Service District (Fire Protection Agency)
11. Lucerne Recreations and Park District (Fire Protection Agency)
12. Northshore Fire Protection Authority
13. United States Forest Service (Upper Lake)

*Supervision and control of these offices are at the Sonoma-Lake-Napa Unit Headquarters, St. Helena.

**LAKE COUNTY AIR QUALITY MANAGEMENT DISTRICT
RULES AND REGULATIONS
Amended June 19, 2001**

Section 1140 (continued)

**TABLE 9
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)

* Acreage based on average fuel density of thirty (30) tons per acre. Acreage must be adjusted downwardly in the event the average fuel density exceeds thirty (30) tons per acre. Acreage may be adjusted upwardly if fuel density is less than thirty (30) tons per acre. Adjustment of acreage will be at the discretion of the fire control agency or Control District based on Table 10 "Guides for Estimating Dry Weights of Several California Fuel Types", the air quality and the 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 maximum amount permissible on any given burn-day.