

**LASSEN COUNTY
AIR POLLUTION CONTROL DISTRICT**

PROPOSED RULES REVISIONS:

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(Superceding)

RULE 2:2

**Absence of Permit
~~Time to Obtain Permit To Operate~~**

RULE 2:2 ABSENCE OF PERMIT

Operation of a source of air contaminants without a required permit to operate from the District is a violation punishable as a misdemeanor (Health and Safety Code §42400-42400.8) or as a civil offense (H&S §42402 et seq.).

~~A Permit to Operate shall be obtained by existing emission sources within ninety (90) days of notification by the Control Officer that a permit is required.~~

RULE 2:15

Equipment Breakdown

RULE 2:15 - EQUIPMENT BREAKDOWN

- a. **Breakdown Conditions.** For the purpose of this rule, a breakdown condition means an unforeseeable failure or malfunction of any air pollution control equipment or related operating equipment which causes a violation of any emission limitation or restriction prescribed by LCAPCD Rule, or by State or Federal law or regulation, or failure of any required these rules and regulations, or by State law, or similar failure of any required instack continuous emission monitoring equipment, where such failure of malfunction.
1. is not the result of neglect or disregard of any air pollution control law, rule or regulation;
 2. is not intentional or the result of negligence;
 3. is not the result of delayed, inadequate, or otherwise improper maintenance;
 4. does not constitute a nuisance, nor threaten public health;
 5. is not a recurrent breakdown of the same type equipment.
- b. **Breakdown Procedures.**
1. Notwithstanding the fact that a any breakdown condition meeting the qualifications of this rule may ~~shall~~ constitute a violation of other any applicable emission limitations or operational restrictions ~~prescribed by these rules and regulations; however~~ —The Control Officer may consider relevant to a determination of appropriate elect to take no enforcement action whether if the owner or operator has demonstrated demonstrates to the Officer's his satisfaction that said breakdown condition exists and the following requirements are met:
 - a. Within one hour of a breakdown commencing, it is reported to the Control Officer or his designee, and also in writing, with all relevant specificity, to the District Office before the close of the next regular business day. The breakdown is reported to the District Office as soon as reasonably possible, but no later that one (1) hour after its detection during a regular business day (8AM - 5PM), or one (1) hour after the start of the next regular business day, whichever is sooner.
 - b. The owner or operator immediately takes immediate all necessary steps, up to and including the cessation

of operations, to minimize the impact of the breakdown and promptly regain compliance.

- c. The breakdown does not interfere with the attainment or maintenance of any national or state ambient air quality standard.
2. The breakdown shall be timely logged, investigated and handled to its final disposition by the Control Officer in accordance with all applicable District procedures. The Control Officer or representative shall have immediate right of entry to the permitted facility to expedite timely enforcement investigation, and allow direct onsite emission monitoring.
3. Upon receipt of notification of a breakdown condition, the Control Officer shall promptly investigate and determine whether the occurrence constitutes an unavoidable breakdown condition. If it is not such a breakdown condition, he ~~may~~ shall take appropriate enforcement action including, but not limited to, seeking fines, an abatement order, or an injunction against further operation.
- c. **Reporting Requirements.** Within ten (10) days after the start of a breakdown occurrence, the permit holder shall submit to the Control Officer a written breakdown report including:
 1. Date, time and duration of violation and/or operational deviation and/or equipment failure of excessive emissions.
 2. A comprehensively disclosed separate quantification of each and every known excess emissions during breakdown, as well as the basis used to quantify the emissions. ~~Estimate of quantity of emissions.~~
 3. Statement of the cause of the occurrence.
 4. Documentation substantiating the date and time period during which each step was taken to correct the breakdown and minimize resulting emissions.
 5. Corrective measures undertaken and/or to be undertaken ~~to be taken~~ to prevent a reoccurrence. ~~Documentation of the breakdown condition may be required by the Control Officer.~~
 6. Information substantiating that the breakdown did not result from operator error, neglect or improper operation or maintenance procedures.
 7. Pictures of the failed equipment, and supplemental repair documentation, if available.

8. Additional breakdown related documentation as required by the Control Officer.
9. The name and title of all personnel participating directly, or as a supervisor, in the operation, monitoring, or servicing of the subject equipment during any part of the breakdown period.
10. A signed declaration certifying under penalty of perjury that based on information and belief formed after reasonable inquiry, the statements and information in the report and in all attachments and accompanying materials are true, accurate, and complete. Additionally, for Title V Facilities: written certify under penalty of perjury that the signatory is the responsible official for the subject facility.

A supplemental report including all of the above information must be submitted within ten days of breakdown cessation if the breakdown is ongoing at the time of original report completion.

- d. **Variance.** No variance to operate during the existence of any breakdown condition shall be allowed unless doing so will pose no increased threat of harm to any proximate sensitive population, including, but limited to, children, the respiratorily impaired, or elderly.
- e. **Burden of Proof.** The burden shall be on the owner or operator of the source to provide sufficient information to demonstrate that an unpreventable, unforeseeable, duly mitigated breakdown has ~~did~~ occurred. Failure by the owner or operator to follow up an initial report of breakdown by providing such sufficient information in a timely manner shall be a separate violation of these rules.
- f. **Failure to Comply with Reporting Requirements.** Any failure to comply ~~, or comply~~ in a timely manner, with the reporting requirements established in ~~subparagraphs b (1) a and c (1) through c (4) of this rule~~ shall constitute a separate permit violation of this rule.
- g. **False Claiming of Breakdown Occurrence.** It shall constitute a separate violation of these ~~this~~ Rules for any person to file with the Control Officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown occurrence.

RULE 3:1
Hearing Board Fees

RULE 3:1 - HEARING BOARD FEES

Every applicant or petitioner for a variance or for the extension, revocation or modification of a variance, except any state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, upon filing, a non-refundable fee of \$40.00. An applicant or petitioner for hearing may be required to pay reasonable costs associated with conducting appeals from district decisions on the issuance of permits if such costs exceed the hearing application fee.

RULE 3:6
Evaluation Fees

LASSEN COUNTY AIR POLLUTION CONTROL DISTRICT

RULE 3:6 – EVALUATION FEES

~~Notwithstanding the payment of any other permit fee, every applicant for an Authority to Construct or other permit shall pay the District's full costs of processing and evaluating each application. Said costs shall accurately account for the District's actual labor, overhead, general, and administrative expense rates (labor+"burden" costs), as well as the actual cost of professional consultants retained by the Control Officer to provide application related technical, legal and regulatory research and analysis. Said costs shall include those incurred for the purpose of determining permit compliance with the California Environmental Quality Act, National Environmental Policy Act, and other applicable rules and statutes. Said costs, once incurred, shall be recoverable as fees and shall not be refundable. Every applicant for an Authority to Construct or Permit to Operate shall pay an engineering and technical evaluation fee. The fee shall be calculated by the District Board on the actual labor, overhead, and general and administrative expenses of the District, including any expenses incurred by the District in preparing or reviewing so air quality analysis under the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.), incurred in connection with the evaluation. The fee shall be paid whether or not an application is approved.~~

In lieu of requiring payment of the evaluation fee after issuance of a permit, the Air Pollution Control Officer may require an applicant to make a deposit, as a condition precedent to determining that an application is complete, equaling equivalent to the estimated cost of permit processing and evaluation. Any such deposit shall be maintained in a separate account maintained by the District. The applicant shall promptly submit additional funds to the District upon notification by the Control Officer that the cost of evaluation has exceeded the original deposit and payment of such amount may be made a condition of issuance of the Authority to Construct or Permit to Operate. If the deposit exceeds the actual cost of evaluation, the District shall refund the surplus funds to the applicant upon taking final action on the application

~~If after mutual agreement by the APCO and the Applicant, it is determined that, due to a large demand on District staff time or due to the complex technical nature of the application, additional studies or evaluations are needed in order to process the Authority to Construct or Permit to Operate application, outside engineering review assistance~~

~~shall be obtained by the District and shall be paid for by the applicant, as specified in paragraph (ii).~~

~~When outside engineering review assistance is to be obtained by the District, the APCO shall submit a Request for Proposal to at least three (3) qualified consulting firms for evaluation by both the APCO and the Applicant. Final selection for outside engineering review and evaluation shall be mutually agreed upon by the APCO and the applicant. A trust account shall be established by the applicant in the amount of the firm's proposal. Expenditures in excess of funds in the trust account shall not be made, except by mutual consent of the APCO and the Applicant and only when necessary to complete the permit review process. Any of the provisions in (iii) and (iv) may be waived by mutual consent of the APCO and the Applicant.~~

~~In the event the APCO and the Applicant cannot reach mutual agreement on any matter where agreement is called for in paragraph (iii) and (iv), the District Control Board shall determine what action is to be taken.~~

The Air Pollution Control Officer may also assess fees upon an existing permit holder for the cost of professional consulting services the APCO determines are essential to the achievement of permit holder compliance with all applicable technical, legal and regulatory requirements.

~~The Air Pollution Control Officer may also assess a fee for engineering or technical evaluation services provided to any holder of a District permit, not to exceed the District's actual costs, as specified under subdivision (i) above.~~

~~The APCO and the Applicant shall mutually develop a budget detailing expenditures involved with the permit review process. The APCO shall provide the applicant or permit holder with a full accounting of the costs actually incurred and charged to the applicant or permit holder by the District in connection with the District's evaluation services.~~

LCAPCD employee staff time shall be charged to an applicant or permit holder based upon actual wage rates at the time services are rendered, calculated to including benefits and overhead as illustrated by the following example utilizing wage rates subject to change:

ATG STAFF PERMIT APPLICATION EVALUATION COSTS

CALCULATION METHOD: (MAXIMUM)

TECHNICAL REVIEW (Env. Technician) \$16.85/HR*

ADMINISTRATIVE SUPPORT (APCO) \$29.25/HR*

CLERICAL SUPPORT \$12.22/HR*

SUBTOTAL \$58.32/HR*

COUNTY OVERHEAD (A-87)** \$4.67/HR*

TOTAL DISTRICT COST \$62.99/HR*

* shall includes current salaries plus benefits at 33 1/3%

**A-87 costs @ 8%

RULE 4:0
Ringleman Chart

RULE 4:0 - RINGELMANN CHART

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

As dark or darker in shade as that designated as No. 2 1 (one) on the Ringelmann Chart, as published by the United State Bureau of Mines, or

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 Rule.

SUPPLEMENTAL RULE

Severability

SEVERABILITY

If any provision, clause, sentence, paragraph, section or part of these Rules or application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Regulation and the application of such provisions to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Air Pollution Control Board that the regulations would have been adopted in any case had such invalid provision not been included.

SUPPLEMENTAL RULE

Conflict Between District, State and Federal Requirements

CONFLICT BETWEEN DISTRICT, STATE AND FEDERAL REQUIREMENTS

In the event of any conflict amongst these Rules, or between these Rules and Federal and State Regulations and Statutes, the more stringent Rules, Regulations, and Statutes shall apply and prevail.

SUPPLEMENTAL RULE

Late Payment Penalty—Emissions Assessment

FEES

Late Payment Penalty—Emissions Assessment

The air toxics emissions assessment shall be past due sixty days after source Operator receipt of notice of the District assessment. Each fee not paid within 60 days after receipt of the billing shall be subject to a penalty of one hundred percent (100%) as provided in Health and Safety Code, Section 44380(c), and the District shall promptly notify the facility operator. If fees remain unpaid longer than 120 days after the date of this second notification, the district may initiate permit revocation proceedings. If any permit is revoked, it shall be reinstated only upon full payment of the overdue fee plus any late penalty, interest, and a reinstatement fee to cover administrative costs of reinstating the permit. (Health and Safety Code, Section 44380(c)).

SUPPLEMENTAL RULE

Application and Reporting Attestation

APPLICATION AND REPORTING ATTESTATION

In addition to documents expressly required by District Rule to include certification under penalty of perjury, the Control Officer may require additional types of mandated documentation to include signed declaration by specified persons certifying under penalty of perjury that based upon information and belief formed after reasonable inquiry, the statements and information in the provided documentation are true, accurate, and complete.

SUPPLEMENTAL RULE

Impact Analysis—Title-V Application Requirements

IMPACT ANALYSIS—TITLE V APPLICATION REQUIREMENT

An Air Quality Impact Analysis (AQIA) shall be a required element of each complete Title V permit application. Said AQIA shall include the following information:

1) A description of any monitoring stations that may be installed by applicant.

2) Sufficient data, subject to approval by the Control Officer consistent with the optimal Air Quality and Meteorological Monitoring Protocol for Lassen County, California, to perform an air quality impact analysis from all emission release points including fugitive emissions. The data shall include:

a) At least one full calendar year (twelve consecutive months) of meteorological data consistent with Appendix W of 40 CFR 51 Guideline on Air Quality Models.

b) Topographical data including receptor points by GPS and Universal Transverse Mercator coordinates and map of receptor points and source.

c) At least one full calendar year (twelve consecutive months) of recent air quality background data from within the last 2 years prior to application completeness.

d) Concentration Impact—Computer modeling data:

(1) Mass emission rate and stack concentration of air pollutants.

(2) Stack diameter.

(3) Stack location in GPS and Universal Transverse Mercator coordinates.

(4) Stack height above ground level.

(5) Exhaust temperature.

(6) Exhaust velocity.

(7) Exhaust flow rate (volumetric).

(8) Buildings and other topographic features whose wakes may affect the plume of the stack, including GPS and Universal Transverse Mercator coordinates of building and features.

(9) Dimensions (length, width, height) of the buildings and features identified above.

(10) Maximum modeled concentration of air pollutants for all durations of concern and all applicable receptors of concern.

(11) Model used to perform air quality impact analysis.

(12) Model input and output files on computer disk and hardcopy.

(13) Name, address, telephone number, and qualifications of company and/or person who performed air quality impact analysis.

(14) Terrain description and effects.

(15) Normal operating schedule of facility (e.g., hours of the day, days of the week, months of the year).

3) Health Risk Assessment.

a) Unit risk factors used in determining lifetime cancer risk.

b) Population characterization (e.g., numbers, location, sensitive receptors).

c) Exposure assessment (e.g., working hours, family relocation).

d) Risk estimates for all parameters of concern, including multi-pathway analysis.

- e) Analysis of potential health effects of non-carcinogenic air pollutants.
- f) Map showing the receptor areas of concern drawn to scale with the sensitive receptors clearly marked. All applicants are encouraged to consult with the District staff as to an appropriate distance for health risk assessment.
- g) Name and qualifications of company and/or person who performed health risk assessment.
- h) Documentation of all results, calculations and information used in answering items A through E above (also cite references).

4) Identify the permit and compliance status of all applicant owned facilities emitting air pollutants within the State of California and of other applicant owned facilities subject to Title V regulations.

5) Cargo Carriers

List the types, sizes, power trains, range of service entry dates, and emissions standards applicable to all cargo carriers essential to operation of the source. List the typical timing and frequency of Cargo Carriers visits. Identify the material content, condition, and containment of cargo. Specify any and all typical routes, variability and concentrations of peak Cargo Carrier particulate emissions along the routes, and proximity of sensitive receptors to such route emissions.

6) Mitigation Measures

A. Air pollution control equipment proposed.

B. Process changes or operations utilized to reduce emissions.

C. Other.

7) Best Available Control Technology (BACT)

A. Itemized capital cost, including installation and/or modification cost for the proposed primary equipment and any associated air pollution control equipment.

B. Itemized annual operating cost, including fuel cost for the proposed primary equipment and any associated air pollution control equipment.

C. Estimated equipment life and its salvage value.

D. Operating conditions at which the maximum hourly and daily emissions are capable of being generated.

E. Maximum hourly and daily emissions during the above conditions and the basis for estimating the emission rates.

F. A list of any and all available control technology which could result in lesser emissions along with a complete analysis of all reasons for its infeasibility.

G. All facts, documentation, data, calculations and assumptions material to the representations above.

8) Ambient Air Monitoring Data

A. Meteorological data, including wind speed and direction.

B. Topographical data.

C. Measured ambient concentrations of air pollutants.

D. Names and qualifications of companies and/or persons who collected and analyzed ambient air samples.

E. Collection and analysis methods.

F. Calibration data, including certification of accuracy or National Bureau of Standards (NBS) traceability.

G. Quality assurance/quality control data (e.g., analyzer audit, zero/span drift).

H. Chain of custody document.

9) Source Test Data

For the purpose of estimating emissions from the proposed equipment, the following source test data from any similar or related equipment may be required for both the inlet and exhaust streams:

A. Date on which the source test was performed.

B. Names and qualifications of companies and/or persons who conducted the source test and analyzed the samples.

C. Source test and analysis methods.

D. California Air Resources Board (CARB) source test certification information.

E. Operating parameters (e.g., pressure, feed rate).

F. Stack temperature.

G. Stack inlet and outlet temperatures.

H. Concentration of any and all air pollutants in the exhaust stack.

I. Mass emission rate of any air pollutants.

J. Moisture content.

K. Oxygen content.

L. Carbon dioxide content.

M. Velocity.

N. Volumetric flow rate.

O. Sampling points.

P. Calibration data, including certification of accuracy or National Bureau of Standards (NBS) traceability.

Q. Quality Assurance/quality control data (e.g., analyzer audit, zero/span drift).

R. Chain of custody document.

10) California Environmental Quality Act Document

List the lead agency from which is pending a California Environmental Quality Act (CEQA) document determination, or provide a certified copy of the lead agency CEQA document (e.g., negative declaration, environmental impact report) for the project.

SUPPLEMENTAL RULE

Title-V Permit—Conditions Precedent

TITLE V PERMIT--CONDITIONS PRECEDENT

To the fullest extent consistent with the most stringent applicable State and Federal requirements, the following shall be conditions precedent to the issuance and continuing validity of any and all Title V Permits:

- a) A Title V permit does not convey property rights of any sort, or any exclusive privilege;
- b) LCAPCD may revise, suspend, or revoke the Title V Permit for cause, including, but not limited to, failure to comply with regulatory requirements, or permit terms and conditions;
- c) The filing of any application for permit revision, facility modification or maintenance, or notification of anticipated non-compliance, shall not stay any permit condition, nor mitigate any permit violation;
- d) Upon reasonable suspicion of a permit violation in progress, the LCAPCB Control Officer or other representative shall have, without prior notice, immediate right of entry and full inspection of the Title V permitted facility;
- e) The applicant for, or holder of, a Title V permit shall timely pay all required Permit Fees and furnish all required information and records;
- f) It shall not be a defense for a Title V permit holder subject to an enforcement action that it would have been necessary to reduce or halt the permitted activity in order to maintain compliance with the conditions of this permit;
- g) A Principle or other expressly authorized representative of any business entity seeking a Title V permit shall stipulate, by witnessed signature, to compliance with all terms of this rule as a condition precedent to the issuance and continuing validity of any and all Title V permits.

RULE DEFINITION—ADDITIONS

LCAPCD RULE DEFINITION ADDITIONS:

The following additions shall be made to District Rule "Definitions":

"Burden Cost" means benefits, overhead, general, and administrative expensed associated with the delivery of any unit of wage or salary compensated staff labor.

"Cargo Carrier" means any train or trucking equipment essential to the primary supply and operation of a specific source. The emissions from all such equipment serving a specified stationary source, while operating in the air basin, including directly emitted and fugitive emissions, shall be considered as emission from the stationary source.

"CPI" means the California Consumer Price Index calculated pursuant to California Revenue and Taxation Code section 2212.

"LCAPCD" means the Lassen County Air Pollution Control District.

"LCAPCB" means the Lassen County Air Pollution Control Board.

"Most Stringent" means that which provides the greatest margin of protection to public health and the least possibility of public nuisance.

"Title V" means Title V of the 1990 Clean Air Act (CCA) and/or 40 Code of Federal Regulations (CFR) part 70.)