

Rule 200 Nuisance

*(Adopted February 23, 1971; Recodified August 6, 1985; Recodified August 22, 2002)*

- 1 **NUISANCE:** No person shall discharge from any non-vehicular source such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Rule 201 Visible Emissions

*(Adopted February 23, 1971; Recodified August 6, 1985; Recodified August 22, 2002)*

- 1 **VISIBLE EMISSIONS:** No person shall discharge into the atmosphere from any single non-vehicular source of emission whatsoever any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in any one hour which is:
  - 1.1 As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the U.S. Bureau of Mines; or,
  - 2.2 Of such opacity as to obscure an observers view to a degree equal to or greater than does smoke described in Section 1 of this Rule.

## Rule 202 Particulate Matter Concentration

*(Adopted January 4, 1972; Recodified August 6, 1985; Recodified August 22, 2002)*

- 1 **PARTICULATE MATTER CONCENTRATION:** A person shall not discharge into the atmosphere from any source particulate matter in excess of 0.3 grains per cubic foot of gas at standard conditions.

When the source involves a combustion process, the concentration must be calculated to 12 percent (12%) carbon dioxide (CO<sub>2</sub>). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO<sub>2</sub>) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation of 12 percent (12%) of carbon dioxide (CO<sub>2</sub>).

Rule 203 Exemptions to Rules 200, 201 and 202  
(Adopted February 23, 1971; Recodified August 6, 1985; Recodified August 22, 2002)

RULE 203 CONTENTS

1. PUBLIC OFFICER EXEMPTION
2. EMPLOYEE INSTRUCTION EXEMPTION
3. BACKFIRES TO SAVE LIFE AND PROPERTY EXEMPTION
4. AGRICULTURAL EXEMPTION
5. AGRICULTURAL AIRCRAFT EXEMPTION

## RULE 203

Nothing in these Regulations shall be construed to prohibit:

- 1 **PUBLIC OFFICER EXEMPTION:** Fires set by or permitted by any public officer if such fires are set or permission given in the performance of the official duty of such officer, and such fires, in the opinion of such officer, are necessary:
    - 1.1 For the purpose of the prevention of a fire hazard which cannot be abated by any other means; or,
    - 1.2 For the instruction of public employees in the methods of fire fighting; or,
    - 1.3 For the improvement of watershed range or pasture; or,
    - 1.4 For the growing of crops or raising of fowls or animals; or,
    - 1.5 For the purpose of disease or pest control and prevention.
  - 2 **EMPLOYEE INSTRUCTION EXEMPTION:** Fires set on property used for industrial purposes for the purposes of instruction of employees in methods of fire fighting.
  - 3 **BACKFIRES TO SAVE LIFE AND PROPERTY EXEMPTION:** Fires set pursuant to Section 4426 of the Public Resources Code as back fires necessary to save life or valuable property.
  - 4 **AGRICULTURAL EXEMPTION:** Agricultural operations and associated odors necessary for the growing of crops or raising of fowls or animals.
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- 5 **AGRICULTURAL AIRCRAFT EXEMPTION:** Use of any aircraft to distribute seed, fertilizer, insecticides or other agricultural aids over land devoted to the growing of crops or raising of fowl or animals.

Rule 204 Process Weight Limitation

(Adopted January 4, 1972; Recodified August 6, 1985; Recodified August 22, 2002)

- 1 PROCESS WEIGHT LIMITATION:** A person shall not discharge in any one hour from any source whatsoever dust or condensed fumes in total quantities in excess of amounts shown in the following table titled "Process Weight Limitation Table."

To use the following table, take the process weight per hour as defined in Rule 101 then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. Interpolation of the data in the table for process weights up to 60,000 pounds/hour shall be accomplished by use of the equation  $E = 4.10(P^{0.67})$  and interpolation and extrapolation of the data for process rates in excess of 60,000 pounds/hour shall be accomplished by use of the equation below.

$E = 55.0 (P^{0.11}) - 40$ . For purposes of these equations, E = the rate of emission in pounds/hour and P = the process weight rate in tons/hour.

**PROCESS WEIGHT LIMITATION TABLE**

Process Weight Rate		Maximum Discharge Rate	Process Weight Rate		Maximum Discharge Rate
lb/hr	ton/hr	lb/hr	lb/hr	ton/hr	lb/hr
100	0.05	0.551	14000	7.00	15.5
200	0.10	0.877	16000	8.00	16.5
400	0.20	1.400	18000	9.00	17.9
600	0.30	1.830	20000	10.00	19.2
800	0.40	2.220	30000	15.00	25.2
1000	0.50	2.580	40000	20.00	30.5
1500	0.75	3.380	50000	25.00	35.4
2000	1.00	4.100	60000	30.00	40.0
2500	1.25	4.760	70000	35.00	41.3
3000	1.50	5.380	80000	40.00	42.5
3500	1.75	5.970	90000	45.00	43.6
4000	2.00	6.520	100000	50.00	44.6
5000	2.50	7.580	120000	60.00	46.3
6000	3.00	8.560	140000	70.00	47.8
7000	3.50	9.490	160000	80.00	49.0
8000	4.00	10.400	200000	100.00	51.2
9000	4.50	11.200	1000000	500.00	69.0
10000	5.00	12.000	2000000	1000.00	77.6
12000	6.00	13.600	6000000	3000.00	92.7

Rule 209 Orchard Heaters

*(Adopted July 15, 1980; Recodified August 6, 1985; Recodified August 22, 2002)*

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

Rule 221 Phase I Vapor Recovery Requirements

(Adopted August 7, 1979; Recodified August 6, 1985; Amended December 13, 1988 and June 6, 1989; Recodified August 22, 2002)

RULE 221 CONTENTS

1. PHASE I STORAGE TANKS
2. EXEMPTIONS TO PHASE I STORAGE TANKS
3. TANK INSTALLATION
4. PROHIBITION OF USE OF DEFECTIVE GASOLINE STORAGE TANK OR PHASE I EQUIPMENT

## RULE 221

- 1 **PHASE I STORAGE TANKS:** No owner or operator shall transfer, permit the transfer, or provide equipment for the transfer of gasoline, unless a California Air Resources Board (CARB)-certified Phase I vapor recovery system is installed on the stationary storage tank and used during the transfer.
- 2 **EXEMPTIONS TO SECTION 1 ABOVE:**
  - 2.1 **Small Tanks:** A gasoline storage tank with a capacity of less than 1.0 cubic meter (260 gallons) located at a retail service station or a tank of 550 gallons or less at all other locations. All small tanks exempted by this Rule shall install a submerged fill pipe when originally installed or relocated.
  - 2.2 **Agricultural Tanks:** A gasoline storage tank used the majority of the time for the fueling of implements of husbandry as defined in Division 16, Chapter 1, of the California Vehicle Code.
  - 2.3 **Facilities with < 25,000 Gallon Monthly Throughput:** A gasoline storage facility installed prior to August 7, 1979 for which the total monthly throughput of the facility continues to not exceed twenty-five thousand (25,000) gallons.
  - 2.4 **Tanks With an Offset Fill Pipe:** An underground gasoline storage tank installed prior to August 7, 1979 which is equipped with an offset fill pipe.
- 3 **TANK INSTALLATION:** At the time of tank installation, an CARB-certified Phase I vapor recovery system shall be installed and used thereafter on all tanks at the facility unless exempted from the Phase I requirement pursuant to Section 2.1 or 2.2 of this Rule.
- 4 **PROHIBITION OF USE OF DEFECTIVE GASOLINE STORAGE TANK OR PHASE I EQUIPMENT:** Whenever the Air Pollution Control Officer (APCO) or his designee determines that a gasoline storage tank, Phase I vapor recovery system, or any component thereof contains a defect, the APCO or his designee shall mark such system or component "Out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted as required to permit proper operation, and the APCO or his designee has reinspected it or has authorized its use pending reinspection.

Rule 222 Phase II Vapor Recovery Requirements  
(Adopted August 7, 1979; Recodified August 6, 1985; Amended December 13, 1988, June 6, 1989,  
September 18, 1990; Recodified August 22, 2002)

RULE 222 CONTENTS

1. PHASE II VAPOR RECOVERY
2. EXEMPTIONS TO PHASE II VAPOR RECOVERY
3. COMPLIANCE SCHEDULE
4. OPERATION AND MAINTENANCE
5. PROHIBITION OF USE OF DEFECTIVE PHASE II EQUIPMENT
6. POSTING OF OPERATING INSTRUCTIONS

**RULE 222**

- 1 **PHASE II VAPOR RECOVERY:** As of January 13, 1989 no owner or operator of a retail service station shall transfer, permit the transfer, or provide equipment for the transfer of gasoline from a stationary storage tank at a retail service station into a motor vehicle fuel tank unless an California Air Resources Board (CARB)-certified Phase II vapor recovery system is installed and used during the transfer.
- 2 **EXEMPTIONS TO PHASE II VAPOR RECOVERY**
  - 2.1 **Phase I Exempted Tanks:** A transfer of gasoline from a stationary storage tank which is exempt from Phase I requirements pursuant to Rule 221 Section 2.
  - 2.2 **Existing Facilities With < 480,000 Gallon Annual Throughput Located Outside The Chico Urban Area:** A transfer of gasoline from an existing retail service station located outside the Chico Urban Area with an annual gasoline throughput of less than 480,000 gallons. If, during calendar year 1987 or any calendar year thereafter, the annual throughput meets or exceeds 480,000 gallons, this exemption shall expire on January 1 of the following calendar year.
  - 2.3 **Existing Facilities With < 120,000 Gallon Annual Throughput Located Within The Chico Urban Area:** A transfer of gasoline from an existing retail service station located within the Chico Urban Area with an annual gasoline throughput of less than 120,000 gallons. If, during calendar year 1987 or any calendar year thereafter, the annual throughput meets or exceeds 120,000 gallons, this exemption shall expire on January 1 of the following calendar year.
  - 2.4 **Fill Pipe Configuration Ineffective:** A transfer of gasoline into any vehicle fuel tank when the Air Pollution Control Officer (APCO) or his designee determines that the configuration of the vehicle fill pipe opening is such that the use of the vapor recovery equipment would be ineffective.
  - 2.5 **Fill Pipe Location Not Usable:** A transfer of gasoline into any vehicle fuel tank when the APCO or his designee determines that the location of the fill pipe opening is such that the vapor recovery nozzle cannot properly be used to fill the tank.
- 3 **COMPLIANCE SCHEDULE**
  - 3.1 **Existing Retail Service Stations:** If, during calendar year 1987 or any calendar year thereafter, the annual gasoline throughput from any existing retail service station located outside the Chico Urban Area meets or exceeds 480,000 gallons, or the annual throughput from any existing retail service

station located within the Chico Urban Area meets or exceeds 120,000 gallons, the owner or operator of the retail service station shall:

- 3.1.1 Immediately notify the APCO in writing in advance of the intended Phase II vapor recovery installation; and
  - 3.1.2 Secure all necessary permits and other approvals necessary for the installation of the Phase II vapor recovery system within fifteen (15) months of the exemption expiration date; and,
  - 3.1.3 Install the Phase II vapor recovery system within two (2) years of the exemption expiration date.
- 3.2 **New Retail Service Station:** The owner or operator of any new retail service station shall install and use a CARB-Certified Phase II vapor recovery system at the time gasoline is first delivered to the facility.
- 3.3 **Tank Installation:** At the time of tank installation at an existing retail service station, a CARB-certified Phase II vapor recovery system shall be installed and used thereafter on all of the station's facilities, unless exempted by Rule 221 Section 2 (Phase I).

#### 4 OPERATION AND MAINTENANCE

- 4.1 A person shall not transfer, permit the transfer, or provide equipment for the transfer of gasoline from a stationary storage tank subject to the provisions of Section 1 of this Rule (Phase II) into any motor vehicle fuel tank unless:
- 4.1.1 The vapor recovery system is operating in accordance with the manufacturer's specifications and is maintained to be leak-free, vapor tight, and in good working order; and
  - 4.1.2 The equipment subject to this Rule is operated and maintained with none of the following defects, pursuant to the definitions in the California Administrative Code Section 94006, Subchapter 8, Chapter 1, Part III, of Title 17:
    - 4.1.2.1 Absence or disconnection of any component required to be used in the system as certified by CARB;
    - 4.1.2.2 A vapor hose which is crimped or flattened such that the vapor passage is blocked;
    - 4.1.2.3 A nozzle boot which is torn in one or more of the following manners:
      - 4.1.2.3.1 Triangular-shaped or similar tear one-half (1/2) inch or more to a side, or hole one-half (1/2) inch or more in diameter; or,
      - 4.1.2.3.2 Slit one (1) inch or more in length.
    - 4.1.2.4 A faceplate or flexible cone is damaged in the following manner:
      - 4.1.2.4.1 For balance nozzles and for nozzles for aspirator and educator assist type

- systems, damage shall be such that the capability to achieve a seal with a fill pipe interface is affected for 1/4 of the circumference of the faceplate (accumulated);
- 4.1.2.4.2 For nozzles for vacuum assist type systems, more than 1/4 of the flexible cone is missing;
- 4.1.2.5 A nozzle shutoff mechanism which malfunctions in any manner;
- 4.1.2.6 Any vapor return lines, including such components as swivels, anti-recirculation valves and underground piping, which malfunction or are blocked;
- 4.1.2.7 Any vapor processing unit which is inoperative or severely malfunctioning;
- 4.1.2.8 Any vacuum producing device which is inoperative or severely malfunctioning;
- 4.1.2.9 Any pressure/vacuum relief valves, vapor check valves, or dry breaks which are inoperative;
- 4.1.2.10 Any equipment defect which is identified in a CARB system certification as substantially impairing the effectiveness of the system in reducing air contaminants.
- 5 PROHIBITION OF USE OF DEFECTIVE PHASE II EQUIPMENT:** Whenever the APCO or his designee determines that a Phase II vapor recovery system, or any component thereof, contains a defect specified by the Air Resources Board pursuant to Section 4.1.1 of this Rule, the APCO or his designee shall mark such system or component "Out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted as required to permit proper operation, and the APCO or his designee has reinspected it or has authorized its use pending reinspection
- 6 POSTING OF OPERATING INSTRUCTIONS:** The operator of each retail facility utilizing a Phase II system shall conspicuously post in the gasoline dispensing area the operating instructions for the system and the Butte County Air Pollution Control District's or CARB's telephone number for complaints. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles utilized at the station, and shall include a warning that topping off may result in spillage or recirculation of gasoline.

Rule 223 Delivery Vessels Equipped With Vapor Recovery  
(Adopted August 7, 1979; Recodified August 6, 1985; Amended December 13, 1988;  
Recodified August 22, 2002)

RULE 223 CONTENTS

1. LOADING REQUIREMENTS
2. UNLOADING REQUIREMENTS
3. VAPOR-TIGHT REQUIREMENTS

**RULE 223**

- 1 **LOADING REQUIREMENTS:** No owner or operator of any vapor recovery equipped gasoline delivery vessel shall load, permit the loading, or provide equipment for the loading of gasoline into such a vessel unless a California Air Resources Board (CARB)-certified vapor recovery system or its equivalent, approved by the Air Pollution Control Officer (APCO), is used during the transfer.
- 2 **UNLOADING REQUIREMENTS:** The owner or operator of any vapor recovery equipped gasoline delivery vessel shall, when unloading gasoline to any Phase I equipped storage tank, use a CARB-certified Phase I vapor recovery system or its equivalent as approved by the APCO.
- 3 **VAPOR-TIGHT REQUIREMENTS:** No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor-tight. A person shall not allow loading or unloading of gasoline, or other use or operation of any vapor recovery equipped transporting vessel unless the vessel has proof of a valid certification of vapor integrity as defined by the applicable CARB Certification and Test Procedures, pursuant to Health and Safety Code Section 41962(g) and the California Code of Regulations Title 17, Section 94004.

Rule 224 Delivery Vessels Not Equipped With Vapor Recovery  
(Adopted August 7, 1979; Recodified August 6, 1985; Amended December 13, 1988;  
Recodified August 22, 2002)

RULE 224 CONTENTS

1. LOADING REQUIREMENTS
2. UNLOADING REQUIREMENTS
3. VAPOR-TIGHT REQUIREMENTS

## RULE 224

- 1 **LOADING REQUIREMENTS:** No owner or operator of any delivery vessel which is not equipped with vapor recovery shall load, permit the loading, or provide equipment for the loading of such a vessel unless the gasoline is loaded through a submerged fill pipe or its equivalent as approved by the Air Pollution Control Officer.
- 2 **UNLOADING REQUIREMENTS:** The owner or operator of any delivery vessel which is not equipped with vapor recovery shall only unload gasoline to storage tanks which are not equipped with a Phase I vapor recovery system.
- 3 **VAPOR-TIGHT REQUIREMENTS:** Except when loading any delivery vessel which is not equipped with vapor recovery, no person shall store gasoline in or otherwise use or operate any delivery vessel unless such vessel is designed and maintained to be vapor-tight.

Rule 225 Vapor Collection and Disposal System at Loading Facilities  
(Adopted August 7, 1979; Recodified August 6, 1985; Amended December 13, 1988;  
Recodified August 22, 2002)

RULE 225 CONTENTS

1. VAPOR RECOVERY REQUIRED
2. VAPOR RECOVERY CRITERIA
3. EQUIPMENT MAINTENANCE

## RULE 225

- 1 **VAPOR RECOVERY REQUIRED:** A person shall not load any organic liquids having a vapor pressure of 10.34 kPa (1.5 PSI) or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility having an annual throughput of five million (5,000,000) gallons or more unless the loading facility is equipped with a vapor collection and disposal system as specified below, or its equivalent as approved by the Air Pollution Control Officer (APCO).
  - 2 **VAPOR RECOVERY CRITERIA:** Loading shall be accomplished in such a manner that all displaced vapors and air will be vented only to the vapor collection system. The vapor disposal portion of the collection and disposal system shall consist of one of the following:
    - 2.1 An adsorber system, condensation system, incineration system, or combination system which processes all vapors and which limits the emission of vapors and gases to no more than 0.5 pounds of non-methane hydrocarbons per 1,000 gallons of organic liquids transferred.
    - 2.2 A vapor handling system which directs all vapors to a fuel gas system.
    - 2.3 Other equipment of an efficiency equal to or greater than that specified in Sections 2.1 or 2.2 above if approved by the APCO.
  - 3 **EQUIPMENT MAINTENANCE:** All equipment associated with loading operations shall be maintained to be leak-free and vapor-tight.
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Rule 226 Storage of Gasoline Products at Bulk Facilities  
(Adopted January 4, 1972; Amended August 7, 1979; Recodified August 6, 1985;  
Amended December 13, 1988; Recodified August 22, 2002)

- 1 **STORAGE REQUIREMENTS:** A person shall not place, store or hold gasoline in any stationary storage tank, reservoir, or other container of more than forty thousand (40,000) gallon capacity unless such tank, reservoir, or other container is a pressure tank maintaining working pressures sufficient at all times to prevent gasoline vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, and in good working order:
    - 1.1 **A Floating Roof Of An Approved Type:** The control equipment provided for in this Section shall not be used if the gasoline has a vapor pressure of eleven (11.0) pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be vapor-tight except when gauging or sampling is taking place.
    - 1.2 **A Vapor Recovery System:** A vapor recovery system, of efficiency equivalent to a floating roof meeting the requirements of Section 1.1 above, consisting of a vapor gathering system capable of collecting the gasoline vapors and gases discharged and a vapor disposal system capable of processing such gasoline vapors and gases so as to prevent their emissions to the atmosphere and with all tank gauging and sampling devices vapor-tight except when gauging or sampling is taking place.
    - 1.3 **Other Equipment:** Other equipment of equal efficiency, provided such equipment is approved by the Air Pollution Control Officer.
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## Rule 228 Dry Cleaning

*(Adopted August 7, 1979; Recodified August 6, 1985; Recodified August 22, 2002)*

- 1 **DRY CLEANING:** A person shall not operate any dry cleaning equipment which uses petroleum based solvent unless:
  - 1.1 There is no liquid leaking from any portion of the equipment.
  - 1.2 All washer lint traps, button traps, access doors and other parts of the equipment where solvent may be exposed to the atmosphere are kept closed at all times except when required for proper operation or maintenance.
  - 1.3 The still residue is stored in sealed containers, and disposed at a Class I disposal site or is disposed of by other procedures approved by the Air Pollution Control Officer.
- 2 Any dry cleaning facility constructed or modified after July 1, 1979 shall use only synthetic solvents or be constructed using best available control technology.

Rule 229 Solvent Storage

*(Adopted August 7, 1979; Recodified August 6, 1985; Amended September 18, 1990;  
Recodified August 22, 2002)*

- 1 **SOLVENT STORAGE:** All paints and solvents shall be stored in sealed containers when not in use. Any containers of solvent stored in Butte County which exceed fifty-five (55) gallon capacity shall contain instructions to store in a closed condition.

## RULE 230 Architectural Coatings

(Adopted July 26, 1979; Recodified and Amended August 6, 1985; Amended April 18, 1996;  
Recodified and Amended April 25, 2002; Recodified August 22, 2002)

Rule 230 Contents

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**Rule 230****1 GENERAL**

- 1.1 Purpose:** To limit the quantity of Volatile Organic Compounds (VOCs) in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the District.
- 1.2 Applicability:** Except as provided in Section 1.4 below, this Rule is applicable to any person who supplies, sells, offers for sale, or manufacturers any architectural coating for use within the District, as well as any person who applies or solicits the application of any architectural coating within the District.
- 1.3 Severability:** If a court of competent jurisdiction issues an order that any provision of this Rule is invalid, it is the intent of the Board of Directors of the District that other provisions of this Rule remain in full force and effect, to the extent allowed by law.
- 1.4 Exemptions:** This Rule does not apply to:
- 1.4.1** Any architectural coating that is sold or manufactured for use outside of the District or for shipment to other manufacturers for reformulation or repackaging;
  - 1.4.2** Any aerosol coating product; or
  - 1.4.3** Any architectural coating that is sold in a container with a volume of one liter (1.057 quart) or less.

**2 DEFINITIONS**

- 2.1 Adhesive:** Any chemical substance that is applied for the purpose of bonding two surfaces together other than by mechanical means.
- 2.2 Aerosol Coating Product:** A pressurized coating product containing pigments or resins that dispense product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.
- 2.3 Antenna Coating:** A coating labeled and formulated exclusively for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.
- 2.4 Antifouling Coating:** A coating labeled and formulated for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms. To qualify as an antifouling coating, the coating must be registered with both the United States Environmental Protection Agency (EPA) under the Federal Insecticide,

Fungicide, and Rodenticide Act (7 U.S.C. Section 136, *et seq.*) and with the California Department of Pesticide Regulation.

- 2.5 Appurtenances:** Any accessory to a stationary structure coated at the site of installation, whether installed or detached, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating equipment, air conditioning equipment, and other fixed mechanical equipment or stationary tools; lampposts; partitions; pipes and piping systems; rain-gutters and down-spouts; stairways, fixed ladders, catwalks, and fire escapes; and window screens.
- 2.6 Architectural Coating:** A coating to be applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs. Coatings applied in shop applications or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purpose of this Rule.
- 2.7 Bitumens:** Black or brown materials including, but not limited to, asphalt, tar, pitch, and asphaltite that are soluble in carbon disulfide, consist mainly of hydrocarbons, and are obtained from natural deposits or as residues from the distillation of crude petroleum or coal.
- 2.8 Bituminous Roof Coating:** A coating which incorporates bitumens that is labeled and formulated exclusively for roofing.
- 2.9 Bituminous Roof Primer:** A primer which incorporates bitumens that is labeled and formulated exclusively for roofing.
- 2.10 Bond Breakers:** A coating labeled and formulated for application between layers of concrete to prevent a freshly poured top layer of concrete from bonding to the layer over which it is poured.
- 2.11 Clear Brushing Lacquers:** Clear wood finishes, excluding clear lacquer sanding sealers, formulated with nitrocellulose or synthetic resins to dry by solvent evaporation without chemical reaction and to provide a solid, protective film, which are intended exclusively for application by brush, and which are labeled as specified in Section 4.1.5 of this Rule.
- 2.12 Clear Wood Coatings:** Clear and semi-transparent coatings, including lacquers and varnishes, applied to wood substrates to provide a transparent or translucent solid film.
- 2.13 Coating:** A material applied onto or impregnated into a substrate for protective, decorative, or functional purposes. Such materials include, but are not limited to,

- paints, varnishes, sealers, and stains.
- 2.14 Colorant:** A concentrated pigment dispersion in water, solvent, and/or binder that is added to an architectural coating after packaging in sale units to produce the desired color.
- 2.15 Concrete Curing Compound:** A coating labeled and formulated for application to freshly poured concrete to retard the evaporation of water.
- 2.16 Dry Fog Coating:** A coating labeled and formulated only for spray application such that overspray droplets dry before subsequent contact with incidental surfaces in the vicinity of the surface coating activity.
- 2.17 Exempt Compound:** For the purposes of this Rule, "exempt compound" has the same meaning as in Rule 102 Definitions. Exempt compounds content of a coating shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996).
- 2.18 Faux Finishing Coating:** A coating labeled and formulated as a stain or glaze to create artistic effects including, but not limited to, dirt, old age, smoke damage, and simulated marble and wood grain.
- 2.19 Fire-Resistive Coating:** An opaque coating labeled and formulated to protect the structural integrity by increasing the fire endurance of interior or exterior steel and other structural materials, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing assemblies of structural materials into compliance with federal, state, and local building code requirements. The fire-resistive coating and the testing agency must be approved by building code officials. The fire-resistive coating shall be tested in accordance with the American Society for Testing of Materials (ASTM) Designation E 119-98, incorporated by reference in Section 5.2.4.2 of this Rule.
- 2.20 Fire-Retardant Coating:** A coating labeled and formulated to retard ignition and flame spread, that has been fire tested and rated by a testing agency approved by building code officials for use in bringing building and construction materials into compliance with federal, State, and local building code requirements. The fire-retardant coating and the testing agency must be approved by building code officials. The fire-retardant coating shall be tested in accordance with ASTM Designation E 84-99, incorporated by reference in Section 5.2.4.1 of this Rule.
- 2.21 Flat Coating:** A coating that is not defined under any other definition in this Rule and that registers gloss less than 15 on an 85-degree meter or less than 5 on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in Section 5.2.4.3 of this Rule.

- 2.22 Floor Coating:** An opaque coating that is labeled and formulated for application to flooring, including, but not limited to, decks, porches, steps, and other horizontal surfaces which may be subject to foot traffic.
- 2.23 Flow Coating:** A coating labeled and formulated exclusively for use by electric power companies or their subcontractors to maintain the protective coating systems present on utility transformer units.
- 2.24 Form-Release Compound:** A coating labeled and formulated for application to a concrete form to prevent the freshly poured concrete from bonding to the form. The form may consist of wood, metal, or some other material other than concrete.
- 2.25 Graphic Arts Coating Or Sign Paint:** A coating labeled and formulated for hand-application by artists using brush or roller techniques to indoor and outdoor signs (excluding structural components) and murals including lettering enamels, poster colors, copy blockers, and bulletin enamels.
- 2.26 High-Temperature Coating:** A high performance coating labeled and formulated for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).
- 2.27 Industrial Maintenance Coating:** A high performance architectural coating, including primers, sealers, undercoaters, intermediate coats, and topcoats, formulated for application to substrates exposed to one or more of the following extreme environmental conditions listed in Sections 2.27.1 through 2.27.5 below, and labeled as specified in Section 4.1.4 of this Rule:
- 2.27.1** Immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
  - 2.27.2** Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, or chemical mixtures or solutions;
  - 2.27.3** Repeated exposure to temperatures above 121°C (250°F);
  - 2.27.4** Repeated (frequent) heavy abrasion, including mechanical wear and repeated (frequent) scrubbing with industrial solvents, cleansers, or scouring agents; or
  - 2.27.5** Exterior exposure of metal structures and structural components.
- 2.28 Lacquer:** A clear or opaque wood coating, including clear lacquer sanding sealers, formulated with cellulosic or synthetic resins to dry by evaporation without chemical reaction and to provide a solid, protective film.
- 2.29 Low-Solids Coating:** A coating containing 0.12 kilogram or less of solids per liter (1 pound or less of solids per gallon) of coating material.

- 2.30 Magnesite Cement Coating:** A coating labeled and formulated for application to magnesite cement decking to protect the magnesite cement substrate from erosion by water.
- 2.31 Mastic Texture Coating:** A coating labeled and formulated to cover holes and minor cracks and to conceal surface irregularities, and is applied in a single coat of at least 10 mils (0.010 inch) dry film thickness.
- 2.32 Metallic Pigmented Coating:** A coating containing at least 48 grams of elemental metallic pigment per liter of coating as applied (0.4 pounds per gallon), when tested in accordance with South Coast Air Quality Management District Method 318-95, incorporated by reference in Section 5.2.4.4 of this Rule.
- 2.33 Multi-Color Coating:** A coating that is packaged in a single container and that exhibits more than one color when applied in a single coat.
- 2.34 Nonflat Coating:** A coating that is not defined under any other definition in this rule and that registers a gloss of 15 or greater on an 85-degree meter and 5 or greater on a 60-degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in Section 5.2.4.3 of this Rule.
- 2.35 Nonflat-High Gloss Coating:** A nonflat coating that registers a gloss of 70 or above on a 60 degree meter according to ASTM Designation D 523-89 (1999), incorporated by reference in Section 5.2.4.3 of this Rule.
- 2.36 Non-Industrial Use:** Non-industrial use means any use of architectural coatings except in the construction or maintenance of any of the following:
- 2.36.1** facilities used in the manufacturing of goods and commodities;
  - 2.36.2** transportation infrastructure, including highways, bridges, airports and railroads;
  - 2.36.3** facilities used in mining activities, including petroleum extraction; and,
  - 2.36.4** utilities infrastructure, including power generation and distribution, and water treatment and distribution systems.
- 2.37 Post-Consumer Coating:** A finished coating that would have been disposed of in a landfill, having completed its usefulness to a consumer, and does not include manufacturing wastes.
- 2.38 Pre-Treatment Wash Primer:** A primer that contains a minimum of 0.5 percent by acid, by weight, when tested in accordance with ASTM Designation D 1613-96, incorporated by reference in Section 5.2.4.5 of this Rule, that is labeled and formulated for application directly to bare metal surfaces to provide corrosion resistance and to promote adhesion of subsequent topcoats.
- 2.39 Primer:** A coating labeled and formulated for application to a substrate to

- provide a firm bond between the substrate and subsequent coats.
- 2.40 Quick-Dry Enamel:** A nonflat coating that is labeled as specified in Section 4.1.8 of this Rule and that is formulated to have the following characteristics:
- 2.40.1** Is capable of being applied directly from the container under normal conditions with ambient temperatures between 16 and 27°C (60 and 80°F);
  - 2.40.2** When tested in accordance with ASTM Designation D-1640-95, incorporated by reference in Section 5.2.4.6 of this Rule, sets to touch in 2 hours or less, is tack free in 4 hours or less, and dries hard in 8 hours or less by the mechanical test method; and
  - 2.40.3** Has a dried film gloss of 70 or above on a 60 degree meter.
- 2.41 Quick Dry Primer, Sealer And Undercoater:** A primer, sealer or undercoater that is dry to the touch in 30 minutes and can be recoated in 2 hours when tested in accordance with ASTM Designation 1640-95, incorporated by reference in Section 5.2.4.6 of this Rule.
- 2.42 Recycled Coating:** An architectural coating formulated such that not less than 50 percent of the total weight consists of secondary and post-consumer coating, with not less than 10 percent of the total weight consisting of post-consumer coating.
- 2.43 Residential:** Areas where people reside or lodge, including, but not limited to, single and multiple family dwellings, condominiums, mobile homes, apartment complexes, motels, and hotels.
- 2.44 Roof Coating:** A non-bituminous coating labeled and formulated exclusively for application to roofs for the primary purpose of preventing penetration of the substrate by water or reflecting heat and ultraviolet radiation. Metallic pigmented roof coatings which qualify as Metallic Pigmented Coating shall not be considered to be in this category, but shall be considered to be in the Metallic Pigmented Coating category.
- 2.45 Rust Preventative Coating:** A coating formulated for non-industrial use to prevent the corrosion of metal surfaces and labeled as specified in Section 4.1.6 of this Rule.
- 2.46 Sanding Sealer:** A clear or semi-transparent wood coating labeled and formulated for application to bare wood to seal the wood and to provide a coat that can be abraded to create a smooth surface for subsequent applications of coatings. A sanding sealer that also meets the definition of a lacquer is not included in this category, but is included in the lacquer category.
- 2.47 Sealer:** A coating labeled and formulated for application to a substrate for one or

more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

- 2.48 Secondary Coating (Rework):** A fragment of a finished coating or a finished coating from a manufacturing process that has converted resources into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process.
- 2.49 Shellac:** A clear or opaque coating formulated solely with the resinous secretions of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.
- 2.50 Shop Application:** Application of a coating to a product or a component of a product in or on the premises of a factory or a shop as part of a manufacturing, production, or repairing process (e.g., original equipment manufacturing coatings).
- 2.51 Solicit:** To require for use or to specify, by written or oral contract.
- 2.52 Specialty Primer, Sealer And Undercoater:** A coating labeled as specified in Section 4.1.7 of this Rule and that is formulated for application to a substrate to seal fire, smoke or water damage; to condition excessively chalky surfaces, or to block stains. An excessively chalky surface is one that is defined as having a chalk rating of four or less as determined by ASTM Designation D 4214-98, incorporated by reference in Section 5.2.4.7 of this Rule.
- 2.53 Stain:** A clear, semitransparent, or opaque coating labeled and formulated to change the color of a surface but not conceal the grain pattern or texture.
- 2.54 Swimming Pool Coating:** A coating labeled and formulated to coat the interior of swimming pools and to resist swimming pool chemicals.
- 2.55 Swimming Pool Repair And Maintenance Coating:** A rubber based coating labeled and formulated to be used over existing rubber based coatings for the repair and maintenance of swimming pools.
- 2.56 Temperature-Indicator Safety Coating:** A coating labeled and formulated as a color-changing indicator coating for the purpose of monitoring the temperature and safety of the substrate, underlying piping, or underlying equipment, and for application to substrates exposed continuously or intermittently to temperatures above 204°C (400°F).
- 2.57 Tint Base:** An architectural coating to which colorant is added after packaging in sale units to produce a desired color.

- 2.58 Traffic Marking Coating:** A coating labeled and formulated for marking and stripping streets, highways, or other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots, sidewalks, and airport runways.
- 2.59 Undercoater:** A coating labeled and formulated to provide a smooth surface for subsequent coats.
- 2.60 Varnish:** A clear or semi-transparent wood coating, excluding lacquers and shellacs, formulated to dry by chemical reaction on exposure to air. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.
- 2.61 Volatile Organic Compound (VOC):** Any compound containing at least one atom of carbon, excluding any exempt compound as identified in Rule 101 Definitions.
- 2.62 VOC Content:** The weight of VOC per volume of coating, calculated according to the procedures specified in Section 4.2 of this Rule.
- 2.63 Waterproofing Sealer:** A coating labeled and formulated for application to a porous substrate for the primary purpose of preventing the penetration of water.
- 2.64 Waterproofing Concrete/Masonry Sealer:** A clear or pigmented film-forming coating that is labeled and formulated for sealing concrete and masonry to provide resistance against water, alkalis, acids, ultraviolet light, and staining.
- 2.65 Wood Preservative:** A coating labeled and formulated to protect exposed wood from decay or insect attack, that is registered with both the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code (U.S.C.) Section 136, *et seq.*) and with the California Department of Pesticide Regulation.)

### 3 STANDARDS

- 3.1 VOC CONTENT LIMITS:** Except as provided in Sections 3.2, 3.3, 3.8, and 3.9 below, no person shall: (i) manufacture, blend, or repackage for sale within the District; (ii) supply, sell, or offer for sale within the District; or (iii) solicit for application or apply within the District, any architectural coating with a VOC content in excess of the corresponding limit specified in the following table. Limits are expressed in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds, or colorant added to the tint bases. "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

Coating Category	Effective 8/1/2002	Effective 1/1/2003	Effective 1/1/2004
<b>Flat Coatings</b>	250	100	
<b>Nonflat coatings</b>	380	150	
<b>Nonflat – High Gloss</b>	380	250	
<b>Specialty Coatings:</b>			
Antenna Coatings	530		
Antifouling Coatings	450	400	
Bituminous Roof Coatings	500	300	
Bituminous Roof Primers	500	350	
Bond Breakers	Exempt	350	
Clear Wood Coatings:			
Clear Brushing	800	680	
Lacquer			
Lacquers (including lacquer sanding sealers)	800	550	
Sanding Sealers (other than lacquer sanding sealers)	550	350	
Varnishes	650	350	
Concrete Curing Compounds	800	350	
Dry Fog Coatings	Exempt	400	
Faux Finishing Coatings	700	350	
Fire Resistive Coatings	450	350	
Fire Retardant Coatings:			
Clear	Exempt	650	
Opaque	Exempt	350	
Floor Coatings	400	250	
Flow Coatings	650	420	
Form-Release Compounds	450	250	
Graphic Arts Coatings (Sign Paints)	Exempt	500	
High Temperature Coatings	650	420	
Industrial Maintenance Coatings	800	450	250
Low Solids Coatings <sup>1</sup>	120		
Magnesite Cement Coatings	600	450	
Mastic Texture Coatings	Exempt	300	
Metallic Pigmented Coatings	Exempt	500	
Multi-Color Coatings	Exempt	250	

Coating Category (cont.)	Effective 8/1/2002	Effective 1/1/2003	Effective 1/1/2004
Pre-Treatment Wash Primers	780	420	
Primers, Sealers, and Undercoaters	550	200	
Quick-Dry Enamels	650	250	
Quick-Dry Primers, Sealers, Undercoaters	Exempt	200	
Recycled Coatings	250		
Roof Coatings	500	250	
Rust Preventative Coatings	400		
Shellacs:			
Clear	Exempt	730	
Opaque	Exempt	550	
Specialty Primers, Sealers and Undercoaters	550	350	
Stains	650	250	
Swimming Pool Coatings	Exempt	340	
Swimming Pool Repair and Maintenance Coatings	Exempt	340	
Temperature-Indicator Safety Coatings	800	550	
Traffic Marking Coatings	250	150	
Waterproofing Sealers	800	250	
Waterproofing Concrete/ Masonry Sealers	800	400	
Wood Preservatives	650	350	
<sup>1</sup> The specified limits remain in effect unless revised limits are listed in subsequent columns in the table. <sup>2</sup> Units are grams of VOC per liter or coating, including water and exempt compounds. Conversion factor: one pound VOC per gallon (U.S.) = 119.95 grams VOC per liter			

**3.2 Most Restrictive VOC Limits:** If anywhere on the container of any architectural coating or any label or sticker affixed to the container, or in any sales, advertising, or technical literature supplied by a manufacturer or anyone acting on their behalf, any representation is made that indicates that the coating meets the definition of or is recommended for use for more than one of the coating categories listed in the table in Section 3.1 above, then the most restrictive VOC content limit shall apply. This provision does not apply to the coating categories specified below:

- Lacquer coatings (including lacquer sanding sealers)
- Metallic pigmented coatings
- Shellacs
- Fire-retardant coatings

Pretreatment wash primers  
Industrial maintenance coatings  
Low-solids coatings  
Wood preservatives  
High temperature coatings  
Temperature-indicator safety coatings  
Antenna coatings  
Antifouling coatings  
Flow coatings  
Bituminous roof primers  
Specialty primers, sealers, and undercoaters

### **3.3 Sell-Through Of Coatings:**

**3.3.1** A coating manufactured prior to the January 1, 2003 or January 1, 2004 effective date specified for that coating in the table in Section 3.1 may be sold, supplied, or offered for sale for up to three years after the specified effective date. In addition, a coating manufactured before the effective date specified for that coating in the table in Section 3.1 may be applied at any time, both before and after the specified effective date, so long as the coating complied with the standards in effect at the time the coating was manufactured. Section 3.3 does not apply to any coating that complies with the future effective January 1, 2003 or January 1, 2004 limits or that does not display the date or date-code required by Section 4.1.1 of this Rule.

**3.3.2** A coating included in an approved Averaging Program specified in Section 6.2 of this Rule that does not comply with the specified limit in the table in Section 3.1 of this Rule may be sold, supplied, or offered for sale for up to three years after the end of the compliance period specified in the approved Averaging Program. In addition, such a coating may be applied at any time, both during and after the compliance period. This Section does not apply to any coating that does not display on the container either the statement: "This product is subject to architectural coatings averaging provisions in California" or a substitute symbol specified by the Executive Officer of the California Air Resources Board (CARB). This Section shall remain in effect until January 1, 2008.

**3.4 Painting Practices:** All architectural coating containers used to apply the contents therein to a surface directly from the container by pouring, siphoning, brushing, rolling, padding, ragging or other means, shall be closed when not in use. These architectural coating containers include, but are not limited to, drums, buckets, cans, pails, trays or other application containers. Containers of any VOC-containing materials used for thinning and cleanup shall also be closed when not in use.

- 3.5 Thinning:** No person who applies or solicits the application of any architectural coating shall apply a coating that is thinned to exceed the applicable VOC limit specified in the table in Section 3.1 of this Rule.
- 3.6 Rust Preventative Coatings:** Effective January 1, 2004, a person shall only apply or solicit the application of any rust preventative coating for nonindustrial use, unless such a rust preventative coating complies with the industrial maintenance VOC limit specified in the table in Section 3.1 of this Rule.
- 3.7 Coatings Not Listed In Section 3.1 of this Rule:** For any coating that does not meet any of the definitions for the specialty coatings categories listed in the table in Section 3.1, the VOC content limit shall be determined by classifying the coating as a flat coating or a nonflat coating, based on its gloss, as defined in Section 2.21, 2.34 and 2.35 of this Rule and the corresponding flat or nonflat VOC limit shall apply.
- 3.8 Lacquers:** Notwithstanding the provisions of Sections 3.1 and 3.5 above, a person or facility may add up to 10 percent by volume of VOC to a lacquer to avoid blushing of the finish during days with relative humidity greater than 70 percent and temperature below 65 degrees Fahrenheit, at the time of application, provided that the coating contains acetone and no more than 550 grams of VOC per liter of coating, less water and exempt compounds, prior to the addition of VOC.
- 3.9 Averaging Compliance Option:** On or after January 1, 2003, in lieu of compliance with the specified limits in the table in Section 3.1 of this Rule for floor coatings; industrial maintenance coatings; primers, sealers, and undercoaters; quick-dry primers, sealers, and undercoaters; quick-dry enamels; roof coatings; bituminous roof coatings; rust preventative coatings; stains; waterproofing sealers, as well as flats and nonflats (excluding recycled coatings), manufacturers may average designated coatings such that their actual cumulative emissions from the averaged coatings are less than or equal to the cumulative emissions that would have been allowed under those limits over a compliance period not to exceed one year. Such manufacturers must also comply with the averaging provisions contained in Section 6 of this Rule, as well as maintain and make available for inspection records for at least three years after the end of the compliance period. This Section 3.9 above and Section 6 shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

#### 4 ADMINISTRATIVE REQUIREMENTS

- 4.1 Container Labeling Requirements:** Each manufacturer of any architectural coating subject to this Rule shall display the information listed in Sections 4.1.1 through 4.1.9 below on the coating container (or label) in which the coating is sold or distributed.

- 4.1.1 Date Code:** The date the coating was manufactured, or a date code representing the date, shall be indicated on the label, lid, or bottom of the container. If the manufacturer uses a date code for any coating, the manufacturer shall file an explanation of each code with the CARB Executive Officer.
- 4.1.2 Thinning Recommendations:** A statement of the manufacturer's recommendation regarding thinning of the coating shall be indicated on the label or lid of the container. This requirement does not apply to the thinning of architectural coatings with water. If thinning of the coating prior to use is not necessary, the recommendation must specify that the coating is to be applied without thinning.
- 4.1.3 VOC Content:** Each container of any coating subject to this Rule shall display either the maximum or the actual VOC content of the coating, as supplied, including the maximum thinning as recommended by the manufacturer. VOC content shall be displayed as grams of VOC per liter of coating. VOC content displayed shall be calculated using product formulation data, or shall be determined using the test method in Section 5.2 of this Rule. The equations in Section 4.2 of this Rule shall be used to calculate VOC content.
- 4.1.4 Industrial Maintenance Coatings:** In addition to the information specified in Sections 4.1.1, 4.1.2 and 4.1.3 above, each manufacturer of any industrial maintenance coating subject to this Rule shall display on the label or lid of the container in which the coating is sold or distributed one or more of the descriptions listed in Sections 4.1.4.1. through 4.1.4.3 below:
- 4.1.4.1** "For industrial use only."  
**4.1.4.2** "For professional use only."  
**4.1.4.3** "Not for residential use" or "Not intended for residential use."
- 4.1.5 Clear Brushing Lacquers:** Effective January 1, 2003, the labels of all clear brushing lacquers shall prominently display the statements "For brush application only," and "This product must not be thinned or sprayed."
- 4.1.6 Rust Preventative Coatings:** Effective January 1, 2003, the labels of all rust preventative coatings shall prominently display the statement "For Metal Substrates Only."
- 4.1.7 Specialty Primers, Sealers, And Undercoaters:** Effective January 1, 2003, the labels of all specialty primers, sealers, and undercoaters shall prominently display one or more of the descriptions listed in Sections 4.1.7.1. through 4.1.7.5 below:
- 4.1.7.1** For blocking stains.  
**4.1.7.2** For fire-damaged substrates.  
**4.1.7.3** For smoke-damaged substrates.  
**4.1.7.4** For water-damaged substrates.  
**4.1.7.5** For excessively chalky substrates.

**4.1.8 Quick-Dry Enamels:** Effective January 1, 2003, the labels of all quick dry enamels shall prominently display the words "Quick Dry" and the dry hard time.

**4.1.9 NonFlat-High Gloss Coatings:** Effective January 1, 2003, the labels of all nonflat-high gloss coatings shall prominently display the words "High Gloss."

**4.2 Calculation Of VOC Content:** For the purpose of determining compliance with the VOC content limits in the table in Section 3.1 of this Rule, the VOC content of a coating shall be determined by using the procedures described in Sections 4.2.1 or 4.2.2 below, as appropriate. The VOC content of a tint base shall be determined without colorant that is added after the tint base is manufactured,

**4.2.1** With the exception of low solids coatings, determine the VOC content in grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content} = (W_s - W_w - W_{cc}) / (V_m - V_w - V_{cc})$$

Where: VOC content = grams of VOC per liter of coating  
 $W_s$  = weight of all volatiles, in grams  
 $W_w$  = weight of water, in grams  
 $W_{cc}$  = weight of exempt compounds, in grams  
 $V_m$  = volume of coating, in liters  
 $V_w$  = volume of water, in liters  
 $V_{cc}$  = volume of exempt compounds, in liters

**4.2.2** For low solids coatings, determine the VOC content in units of grams of VOC per liter of coating thinned to the manufacturer's maximum recommendation, including the volume of any water and exempt compounds. Determine the VOC content using the following equation:

$$\text{VOC Content}_{ls} = (W_s - W_w - W_{cc}) / (V_m)$$

Where: VOC content<sub>ls</sub> = the VOC content of a low solids coating in grams of VOC per liter of coating  
 $W_s$  = weight of all volatiles, in grams  
 $W_w$  = weight of water, in grams  
 $W_{cc}$  = weight of exempt compounds, in grams  
 $V_m$  = volume of coating, in liters

## 5 MONITORING AND RECORDS

### 5.1 Reporting Requirements

**5.1.1 Clear Brushing Lacquers:** Each manufacturer of clear brushing lacquers shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall specify the number of gallons of clear brushing lacquers sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

**5.1.2 Rust Preventative Coatings:** Each manufacturer of rust preventative coatings shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall specify the number of gallons of rust preventative coatings sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

**5.1.3 Specialty Primers, Sealers, And Undercoaters:** Each manufacturer of specialty primers, sealers, and undercoaters shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall specify the number of gallons of specialty primers, sealers, and undercoaters sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate State sales.

**5.1.4 Toxic Exempt Compounds:** For each architectural coating that contains perchloroethylene or methylene chloride, the manufacturer shall, on or before April 1 of each calendar year beginning in the year 2004, report to the CARB Executive Officer the following information for products sold in California during the preceding year:

**5.1.4.1** the product brand name and a copy of the product label with legible usage instructions;

**5.1.4.2** the product category listed in the table in Section 3.1 of this Rule to which the coating belongs;

**5.1.4.3** the total sales in California during the calendar year to the nearest gallon;

**5.1.4.4** the volume percent, to the nearest 0.10 percent, of perchloroethylene and methylene chloride in the coating.

**5.1.5 Recycled Coating:** Manufacturers of recycled coatings must submit a letter to the CARB Executive Officer certifying their status as a Recycled Paint Manufacturer. The manufacturer shall, on or before April 1 of each calendar year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall include, for all recycled coatings, the total number of gallons distributed in California during the preceding year, and shall describe the method used by the manufacturer to calculate California's distribution.

**5.1.6 Bituminous Coatings:** Each manufacturer of bituminous roof coatings or bituminous roof primers shall, on or before April 1 of each calendar

year beginning in the year 2004, submit an annual report to the CARB Executive Officer. The report shall specify the number of gallons of bituminous roof coatings or bituminous roof primers sold in California during the preceding calendar year, and shall describe the method used by the manufacturer to calculate California's sales.

## **5.2 Testing Procedure**

**5.2.1 VOC Content:** To determine the physical properties of a coating in order to perform the calculation in Section 4.2 of this Rule, the reference method for VOC content is EPA Method 24, incorporated by reference in Section 5.2.4.11 of this Rule, except as provided in Sections 5.2.2 and 5.2.3 below. An alternative method to determine the VOC content of coatings is South Coast Air Quality Management District Method 304-91 (Revised February 1996), incorporated by reference in Section 5.2.4 of this Rule. The exempt compounds content shall be determined by South Coast Air Quality Management District Method 303-91 (Revised August 1996), incorporated by reference in Section 5.2.4.10 of this Rule. To determine the VOC content of a coating, the manufacturer may use EPA Method 24, or an alternative method as provided in Section 5.2.2 below, formulation data, or any other reasonable means for predicting that the coating has been formulated as intended (e.g. quality assurance checks, recordkeeping). However, if there are any inconsistencies between the results of an EPA Method 24 test and any other means for determining VOC content, the EPA Method 24 test results will govern, except when an alternative method is approved as specified in Section 5.2.2 below. The District Air Pollution Control Officer may require the manufacturer to conduct an EPA Method 24 analysis.

**5.2.2 Alternative Test Method:** Other test methods demonstrated to provide results that are acceptable for purposes of determining compliance with Section 5.2.1 above, after review and approved in writing by the staffs of the District, CARB and EPA, may also be used.

**5.2.3 Methacrylate Traffic Marking Coatings:** Analysis of methacrylate multicomponent coatings used as traffic marking coatings shall be conducted according to a modification of EPA Method 24 (40 CFR 59, subpart D, Appendix A), incorporated by reference in Section 5.2.4.14 of this Rule. This method has not been approved for methacrylate multicomponent coatings used for purposes other than as traffic marking coatings or for other classes of multicomponent coatings.

**5.2.4 Test Methods:** The following test methods are incorporated by reference herein, and shall be used to test coatings subject to provisions of this Rule:

**5.2.4.1 Flame Spread Index:** The flame spread index of a fire-retardant coating shall be determined by ASTM Designation E 84-99, "Standard Test Method for Surface

Burning Characteristics of Building Materials,” (see Section 2.20 of this Rule, Fire-Retardant Coating).

**5.2.4.2**

**Fire Resistance Rating:** The fire resistance rating of a fire-resistive coating shall be determined by ASTM Designation E 119-98, “Standard Test Methods for Fire Tests of Building Construction Materials,” (see Section 2.19 of this Rule, Fire-Resistive Coating).

**5.2.4.3**

**Gloss Determination:** The gloss of a coating shall be determined by ASTM Designation D 523-89 (1999), “Standard Test Method for Specular Gloss,” (see Section 2.21, 2.34, 2.35 and 2.40 of this Rule, Flat Coating, Nonflat Coating, Nonflat-High Gloss Coating, and Quick-Dry Enamels).

**5.2.4.4**

**Metal Content of Coatings:** The metallic content of a coating shall be determined by South Coast Air Quality Management District Method 318-95, “Determination of Weight Percent Elemental Metal in Coatings by X-Ray Diffraction,” South Coast Air Quality Management District “Laboratory Methods of Analysis for Enforcement Samples,” (see Section 2.32 of this Rule, Metallic Pigmented Coating).

**5.2.4.5**

**Acid Content of Coatings:** The acid content of a coating shall be determined by ASTM Designation D 1613-96, “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products,” (see Section 2.38 of this Rule, Pre-Treatment Wash Primers).

**5.2.4.6**

**Drying Times:** The set-to-touch, dry-hard, dry-to-touch, and dry-to-recoat times of a coating shall be determined by ASTM Designation D 1640-95, “Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature,” (see Section 2.40 and 2.41 of this Rule, Quick-Dry Enamel and Quick-Dry Primer, Sealer, and Undercoater). The tack-free time of a quick-dry enamel coating shall be determined by the Mechanical Test Method of ASTM Designation D 1640-95.

**5.2.4.7**

**Surface Chalkiness:** The chalkiness of a surface shall be determined using ASTM Designation D 4214-98, “Standard Test Methods for Evaluating the Degree of Chalking of Exterior Paint Films,” (see Section 2.52 of this Rule, Specialty Primer, Sealer, and Undercoater).

**5.2.4.8**

**Exempt Compounds – Siloxanes:** Exempt compounds that are cyclic, branched, or linear completely methylated siloxanes, shall be analyzed as exempt compounds for

- compliance with Section 5.2 of this Rule by Bay Area Air Quality Management District Method 43, "Determination of Volatile Methylsiloxanes in Solvent-Based Coatings, Inks, and Related Materials," Bay Area Air Quality Management District Manual of Procedures, Volume III, adopted 11/6/96, (see Section 2.61 of this Rule, Volatile Organic Compounds and Section 5.2.1 of this Rule).
- 5.2.4.9 Exempt Compounds – Parachlorobenzotrifluoride (PCBTF):** The exempt compound parachlorobenzotrifluoride, shall be analyzed as an exempt compound for compliance with Section 5.2 of this Rule by Bay Area Air Quality Management District Method 41, "Determination of Volatile Organic Compounds in Solvent-Based Coatings and Related Materials Containing Parachlorobenzotrifluoride, Bay Area Air Quality Management District Manual of Procedures, Volume III, adopted 12/20/95, (see Section 2.61 of this Rule, Volatile Organic Compound and Section 5.2.1 of this Rule).
- 5.2.4.10 Exempt Compounds:** For the purposes of this Rule, "exempt compound has the same meaning as in Rule 102 Definitions. The content of compounds exempt under EPA Method 24 shall be analyzed by South Coast Air Quality Management District Method 303-91 (Revised August 1996), "Determination of Exempt Compounds," South Coast Air Quality Management District "Laboratory Methods of Analysis for Enforcement Samples", (see Section 2.61 of this Rule, Volatile Organic Compound and Section 5.2.1 of this Rule.
- 5.2.4.11 VOC Content of Coatings:** The VOC content of a coating shall be determined by EPA Method 24 as it exists in appendix A of 40 Code of Federal Regulations (CFR) part 60, "Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings," (see Section 5.2.1 of this Rule.)
- 5.2.4.12 Alternative VOC Content of Coatings:** The VOC content of coatings may be analyzed either by EPA Method 24 or South Coast Air Quality Management District Method 304-91 (Revised 1996), "Determination of Volatile Organic Compounds (VOC) in Various Materials," South Coast Air Quality Management District "Laboratory Methods of Analysis for Enforcement Samples," (see Section 5.2.1 of this Rule)
- 5.2.4.13 Methacrylate Traffic Marking Coatings:** The VOC content of methacrylate multicomponent coatings used as

traffic marking coatings shall be analyzed by the procedures in 40 CFR part 59, subpart D, appendix A, "Determination of Volatile Matter Content of Methacrylate Multicomponent Coatings Used as Traffic Marking Coatings," (September 11, 1998), (see Section 5.2.1 of this Rule).

**6 AVERAGING PROVISION**

**6.1 Averaging Emissions:** The manufacturer shall demonstrate that actual emissions from the coatings being averaged are less than or equal to the allowable emissions, for the specified compliance period using the following equation:

$$\sum_{i=1}^n G_i M_i \leq \sum_{i=1}^n G_i V_i L_i$$

Where:

$$\sum_{i=1}^n G_i M_i = \text{Actual Emissions}$$

$$\sum_{i=1}^n G_i V_i L_i = \text{Allowable Emissions}$$

$G_i$  = Total Gallons of Product (i) subject to Averaging;

$M_i$  = Material VOC Content of Product (I), in pounds per gallon;

$$M_i = \frac{W_s - W_w - W_{ec}}{V_m}$$

$V_i$  = Percent by Volume Solids and VOC in Product (i);

$$V_i = \frac{V_m - V_w - V_{ec}}{V_m}$$

Where:  $W_s$ ,  $W_w$ ,  $W_{ec}$ ,  $V_m$ ,  $V_w$ , and  $V_{ec}$  are defined in Section 4.2 of this Rule, except that in this Section weights are in pounds and volumes are in gallons.

For Non-Zero VOC Coatings:

$$V_i = \frac{\text{Material VOC (also known as VOC Actual)}}{\text{Coating VOC (also known as VOC Regulatory)}}$$

Where:  $\text{Coating VOC} = \frac{W_s - W_w - W_{ec}}{V_m - V_w - V_{ec}}$

For Zero VOC Coatings:

$V_i$  = Percent Solids by Volume

$L_i$  = Regulatory VOC Content Limit for Product (I), in pounds per gallon (as listed in the table in Section 3.1 of this Rule.)

The averaging is limited to coatings that are designated by the manufacturer. Any coating not designated in the averaging Program shall comply with the VOC limit in the table in Section 3.1. The manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in California, if statewide coatings data are used. If district-specific coatings data are used, the manufacturer shall not include any quantity of coatings that it knows or should have known will not be used in the District.

6.1.1 In addition to the requirements specified in Section 6.1 above, manufacturers shall not include in an Averaging Program any coating with a VOC content in excess of the following maximum VOC content, for the applicable categories.

Averaging Categories and VOC Ceiling (Maximum VOC Allowed)		
Category	Rule VOC Limit (In effect or effective 1/1/2003 or 1/1/2004)	Averaging VOC Ceiling (Maximum)
Flat Coating	100	250
Nonflat Coating	150	250
Floor Coatings	250	400
Industrial Maintenance Coatings	250	420
Primers, Sealers, and Undercoaters	200	350
Quick-Dry Primers, Sealers, and Undercoaters	200	450
Quick-Dry Enamels	250	400
Roof Coatings	250	250
Bituminous Roof Coatings	300	300
Rust Preventative Coatings	400	400
Stains	250	350
Waterproofing Sealers	250	400

6.2 **Averaging Program (Program):** At least six months prior to the start of the compliance period, manufacturers shall submit an Averaging Program to the CARB Executive Officer. As used in this Section 6, "Executive Officer" means the Executive Officer of the California Air Resources Board. Averaging may not

be implemented until the Program is approved in writing by the Executive Officer.

Within 45 days of submittal of a complete Program, the Executive Officer shall either approve or disapprove the Program. The Program applicant and the Executive Officer may agree to an extension of time for the Executive Officer to take action on the Program.

- 6.3 General Requirements:** The Program shall include all necessary information for the Executive Officer to make a determination as to whether the manufacturer may comply with the averaging requirements over the specified compliance period in an enforceable manner. Such information shall include, but is not limited to, the following:
- 6.3.1** An identification of the contact persons, telephone numbers, and name of the manufacturer who is submitting the Program.
  - 6.3.2** An identification of each coating that has been selected by the manufacturer for inclusion in this program that exceeds the applicable VOC limit in the table in Section 3.1 of this Rule, its VOC content specified in units of both VOC actual and VOC regulatory, and the designation of the coating category.
  - 6.3.3** A detailed demonstration showing that the projected actual emissions will not exceed the allowable emissions for a single compliance period that the Program will be in effect. In addition, the demonstration shall include VOC content information for each coating that is below the compliance limit in the table in Section 3.1 of this Rule. The demonstration shall use the equation specified in Section 6.1 of this Rule for projecting the actual emissions and allowable emissions during each compliance period. The demonstration shall also include all VOC content levels and projected volume sold within the State for each coating listed in the Program during each compliance period. The requested data can be summarized in a matrix form.
  - 6.3.4** A specification of the compliance period(s) and applicable reporting dates. The length of the compliance period shall not be more than one year or less than six months.
  - 6.3.5** An identification and description of all records to be made available to the Executive Officer upon request, if different than those identified under Section 6.3.6 below.
  - 6.3.6** An identification and description of specific records to be used in calculating emissions for the Program and subsequent reporting, and a detailed explanation as to how those records will be used by the manufacturer to verify compliance with the averaging requirements.
  - 6.3.7** A statement, signed by a responsible party for the manufacturer, that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request.

## 6.4 REPORTING REQUIREMENTS

**6.4.1 Mid-Term Report:** For every single compliance period, the manufacturer shall submit a mid-term report listing all coatings subject to averaging during the first half of the compliance period, detailed analysis of the actual and allowable emissions at the end of the mid-term, and an explanation as to how the manufacturer intends to achieve compliance by the end of the compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct. The mid-term report shall be submitted within 45 days after the midway date of the compliance period. A manufacturer may request, in writing, an extension of up to 15 days for submittal of the mid-term report.

**6.4.2 End of Compliance Period/Termination of Program Report:** Within 60 days after the end of the compliance period or upon termination of the Program, whichever is sooner, the manufacturer shall submit to the Executive Officer a report listing all coatings subject to averaging during the compliance period, providing a detailed demonstration of the balance between the actual and allowable emissions for the compliance period, any identification and description of specific records used by the manufacturer to verify compliance with the averaging requirement, and any other information requested by the Executive Officer to determine whether the manufacturer complied with the averaging requirements over the specified compliance period. The report shall be signed by the responsible party for the manufacturer, attesting that all information submitted is true and correct, and that records will be made available to the Executive Officer upon request. A manufacturer may request, in writing, an extension of up to 30 days for submittal of the final report.

**6.5 Renewal Of A Program:** A Program automatically expires at the end of the compliance period. The manufacturer may request a renewal of the Program by submitting a renewal request that shall include an updated Program, meeting all applicable Program requirements. The renewal request will be considered conditionally approved until the Executive Officer makes a final decision to deny or approve the renewal request based on a determination of whether the manufacturer is likely to comply with the averaging requirements. The Executive Officer shall base such determination on all available information, including but not limited to, the mid-term and the final reports of the preceding compliance period. The Executive Officer shall make a decision to deny or approve a renewal request no later than 45 days from the date of the final report submittal, unless the manufacturer and the Executive Officer agree to an extension of time for the Executive Officer to take action on the renewal request.

**6.6 Modification Of A Program:** A manufacturer may request a modification of the

Program at any time prior to the end of the compliance period. The Executive Officer shall take action to approve or disapprove the modification request no longer than 45 days from the date of its submittal. No modification of the compliance period shall be allowed. A Program need not be modified to specify additional coatings to be averaged that are below the applicable VOC limits.

#### **6.7 Termination Of A Program**

**6.7.1** A manufacturer may terminate its Program at any time by filing a written notification to the Executive Officer. The filing date shall be considered the effective date of the termination, and all other provisions of this Rule including the VOC limits shall immediately thereafter apply. The manufacturer shall also submit a final report 60 days after the termination date. Any exceedance of the actual emissions over the allowable emissions over the period that the Program was in effect shall constitute a separate violation for each day of the entire compliance period.

**6.7.2** The Executive Officer may terminate a Program if any of the following circumstances occur:

**6.7.2.1** The manufacturer violates the requirements of the approved Program, and at the end of the compliance period, the actual emissions exceed the allowable emissions.

**6.7.2.2** The manufacturer demonstrates a recurring pattern of violations and has consistently failed to take the necessary steps to correct those violations.

**6.8 Change In VOC Limits:** If the VOC limits of a coating listed in the Program are amended such that its effective date is less than one year from the date of adoption, the affected manufacturer may base its averaging on the prior limits of that coating until the end of the compliance period immediately following the date of adoption.

**6.9 Labeling:** Each container of any coating that is included in averaging program, and that exceeds the applicable VOC limit in the table in Section 3.1 of this Rule shall display the following statement: "This product is subject to architectural coatings averaging provisions in California." A symbol specified by the Executive Officer may be used as a substitute.

**6.10 Violations:** The exceedance of the allowable emissions for any compliance period shall constitute a separate violation for each day of the compliance period. However, any violation of the requirements of the Averaging Provision of this Rule, which the violator can demonstrate, to the Executive Officer, did not cause or allow the emission of an air contaminant and was not the result of negligent or knowing activity may be considered a minor violation.

**6.11 Sunset Of Averaging Provision:** The averaging provision set forth in this

) Section 6 shall cease to be effective on January 1, 2005, after which averaging will no longer be allowed.

Rule 231 Cutback and Emulsified Asphalt  
(Adopted January 12, 1993; Recodified August 22, 2002)

RULE 231 CONTENTS

- 1. PURPOSE
- 2. DEFINITIONS
- 3. REQUIREMENTS
- 4. EXEMPTION
- 5. RECORDKEEPING

1.1	Asphalt means a brownish-black concentrated mixture of hydrocarbons (including natural asphalt) of which the main constituents are bitumens which occur naturally or are obtained by distillation from coal or petroleum.	2.1
1.2	Cutback asphalt means paving-grade asphalt liquid which has been thickened by the addition of a volatile solvent.	2.2
1.3	Emulsified asphalt means any asphalt thickened with water containing an emulsifier. The two (2) kinds of emulsions most prevalent are the water and oil emulsion types.	2.3
2.1	Cutback Asphalt: A person shall not sell, offer for sale, use or apply for paving, construction or maintenance of parking lot, driveway, street, or highway any: 2.1.1 rapid or medium cure cutback asphalt; 2.1.2 slow cure cutback asphalt containing more than 0.2 percent by volume of VOC which evaporates at 38°C (100°F) or lower as determined by ASTM Method D-493-76.	2.4
2.2	Emulsified Asphalt: A person shall not sell, offer for sale, use or apply for paving, construction or maintenance of parking lot, driveway, street, or highway any emulsified asphalt material containing more than 1.0 percent by volume of VOC which evaporates at 38°C (100°F) or lower as determined by ASTM Method D-344-91.	2.5
4	EXEMPTION: The provisions of this Rule shall not apply to the use of cutback and emulsified asphalt as bid in Butte County for sidewalks and new curbs or gutts.	2.6
5	RECORDKEEPING: Any person who sells, offers for sale, uses or applies for	2.7

**RULE 231**

- 1 **PURPOSE:** The purpose of this Rule is to limit emissions of volatile organic compounds (VOCs) from the use of cutback and emulsified asphalt in paving, construction, or maintenance of parking lots, driveways, streets, and highways.
- 2 **DEFINITIONS:** For the purposes of this Rule, the following definitions shall apply:
  - 2.1 **Asphalt** means a brownish-black cementitious material (solid, semi-solid, or liquid mixture) of which the main constituents are bitumens which occur naturally or are obtained by distillation from coal or petroleum.
  - 2.2 **Cutback asphalt** means paving-grade asphalt liquified with petroleum distillate and as further defined by American Society for Testing and Materials (ASTM) specifications as follows:

Rapid Cure Type	ASTM Method D-2028
Medium Cure Type	ASTM Method D-2027
Slow Cure Type	ASTM Method D-2026
  - 2.3 **Emulsified asphalt** means any asphalt liquified with water containing an emulsifier. The two (2) kinds of emulsions most pertinent are the anionic and cationic types.
- 3 **REQUIREMENTS**
  - 3.1 **Cutback Asphalt:** A person shall not sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets, or highways any:
    - 3.1.1 rapid or medium cure cutback asphalt;
    - 3.1.2 slow cure cutback asphalt containing more than 0.5 percent by volume of VOCs which evaporate at 260°C (500°F) or lower as determined by ASTM Method D-402-76.
  - 3.2 **Emulsified Asphalt:** A person shall not sell, offer for sale, use or apply for paving, construction or maintenance of parking lots, driveways, streets, or highways any emulsified asphalt material containing more than 3.0 percent by volume of VOCs which evaporate at 260°C (500°F) or lower as determined by ASTM Method D-244-91.
- 4 **EXEMPTION:** The provisions of this Rule shall not apply to the use of cutback and emulsified asphalt sold in Butte County for shipment and use outside of Butte County.
- 5 **RECORDKEEPING:** Any person who sells, offers for sale, uses or applies for

paving, construction or maintenance of parking lots, driveways, streets or highways any asphalt material subject to this Rule shall maintain a current list of all asphalt materials in use and Material Safety Data Sheets (MSDSs) or manufacturer specifications for each asphalt material containing sufficient information to readily determine compliance with Section 3 of this Rule, as applicable. These records shall be kept on site for at least three (3) years and be made available to the Butte County Air Quality Management District upon request.

Rule 261 Reduced Sulfur Emission Standards  
(Adopted January 4, 1972; Recodified August 6, 1985; Recodified August 22, 2002)

RULE 261 CONTENTS

1. GROUND LEVEL CONCENTRATIONS
2. KRAFT PULP MILL RECOVERY BOILERS
3. OTHER SOURCES

## RULE 261

- 1 **GROUND LEVEL CONCENTRATIONS:** It shall be unlawful for any person to cause or permit the emission of air contaminants from any premises which will result in ground-level concentrations of Total Reduced Sulfur (TRS), expressed as hydrogen sulfide, in excess of 0.03 PPM for a period of sixty (60) minutes.
- 2 **KRAFT PULP MILL RECOVERY BOILERS:** The emission of TRS from Kraft pulp mill recovery boilers shall not exceed 17.5 parts per million by volume, calculated as hydrogen sulfide.
- 3 **OTHER SOURCES:** The emission of TRS from any other single source, excluding Kraft pulp mill recovery boilers, shall not exceed 0.5 pounds per ton of pulp produced, calculated as elemental sulfur.

Rule 262 Sulfur Oxides Emission Standard

*(Adopted January 4, 1972; Recodified August 6, 1985; Recodified August 22, 2002)*

- 1 **SULFUR OXIDES EMISSION STANDARD:** No person shall discharge into the atmosphere from any single source of emission whatsoever any sulfur oxides in excess of 0.2 percent by volume (2000 PPM) collectively calculated as sulfur dioxide (SO<sub>2</sub>).

**Rule 263 Circumvention**

*(Adopted January 4, 1972; Recodified August 6, 1985; Recodified August 22, 2002)*

- 1 **CIRCUMVENTION:** No person shall build, erect, install or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of the Health and Safety Code of the State of California or of these Rules and Regulations. This Rule shall not apply to cases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California or Rule 200 of this Regulation.

## Rule 264 Separation of Emissions

*(Adopted January 4, 1972; Recodified August 6, 1985; Recodified August 22, 2002)*

- 1 **SEPARATION OF EMISSIONS:** If air contaminants from a single source operation are emitted through two (2) or more emission points, the total emitted quantity of any air contaminant limited by these Rules and Regulations shall not exceed the quantity which would be the allowable emission through a single emission point, and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the combined exhaust gas volume from all emission points, unless the person responsible for the source operation establishes, to the satisfaction of the Air Pollution Control Officer, the correct total emitted quantity.

## Rule 265 Combination of Emissions

*(Adopted January 4, 1972; Recodified August 6, 1985; Recodified August 22, 2002)*

**1 COMBINATION OF EMISSIONS**

- 1.1 If air contaminants from two (2) or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Air Pollution Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, then all of the applicable prohibitions contained in these Rules and Regulations shall apply to each such source operation separately.
- 1.2 If air contaminants from two (2) or more source operations are combined prior to emission, and the combined emissions cannot be separated according to the provisions of part A of this section, then all of the applicable prohibitions contained in these Rules and Regulations shall be applied to the combined emission as if it originated in a single source operation.

Rule 300 General Prohibitions and Exemptions on Open Burning  
(Adopted February 23, 1971; Amended December 12, 1972 and July 15, 1980; Recodified and  
Amended August 6, 1985; Amended September 18, 1990 and April 7, 1992;  
Recodified and Amended August 20, 1998; Recodified August 22, 2002; Amended January 22, 2004)

### RULE 300 CONTENTS

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**RULE 300**

- 1 **GENERAL PROHIBITIONS:** Except as provided in these Rules and Regulations, no person shall use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, tar, trees, wood waste or other combustible or flammable solid or liquid waste or for metal salvage or burning of automobile bodies. For purposes of this Section, a person shall be deemed to have permitted the setting or use of such fires if he permits the setting or use of such fires for the disposal of such wastes under his control, on land under his control or by employees or other persons under his control.
- 2 **EXEMPTIONS TO GENERAL PROHIBITIONS:** Nothing in these Regulations shall be construed to prohibit:
  - 2.1 **Single and Two-Family Dwelling Exemption:** Burning for the disposal of natural vegetation on the property where it was grown of a single or two-family dwelling on its premises. Burning of garbage; paper, unless exempted by Section 93113, Title 17 of the California Code of Regulations; demolition debris, including the burning of painted, stained or otherwise treated lumber; petroleum waste; tires; tar; plastics; cloth or other similar smoke producing materials on said premises is prohibited.
  - 2.2 **Agricultural Burning Exemption:** Burning for the disposal of agricultural waste authorized pursuant to Section 3.1 "Required Permits" of this Rule.
  - 2.3 **Right of Way, Levee, Reservoir, and Ditch Clearing Exemption:** Burning by a public entity or utility for right-of-way clearing or other property access, or for levee, reservoir, ditch or drainage maintenance. No material may be burned pursuant to this Section unless the burning is done on a permissive burn day and the material to be burned has been arranged so that it will ignite as rapidly as practicable within applicable fire control restrictions and burn with a minimum of smoke. Such material shall be cut, uprooted or treated, and allowed to dry, in the same manner as specified in Rule 302 Section 3 "Drying Periods", and Section 5 "Burning of Vines or Bushes Treated with Herbicides", of these Rules and Regulations; provided, however, that material growing in or on ditches, ditch banks and drainage areas may be burned in place without being cut, uprooted, or treated.
  - 2.4 **Land Clearing Exemption:** Burning of wood waste from trees, vines, or bushes on property being developed for commercial or residential purposes, may be disposed of by open outdoor fires on the property where it was grown, pursuant to the provisions of Section 41802-41805 of the California Health and Safety Code and in compliance with the conditions of the Butte County Air Quality Management District (DISTRICT) Regulation III, and, if authorized by the local fire protection agency having jurisdiction over the

respective burn site.

**2.5 Public Officer Exemption:** Burning operations conducted 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 an officer is necessary:

**2.5.1** For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

**2.5.2** For the instruction of public employees in the methods of fire fighting, or

**2.5.3** For the growing of crops or raising of fowls or animals, or

**2.5.4** For the purpose of disease or pest control and prevention.

**2.6 Employee Instruction:** Burning operations on property used for industrial purposes for the purposes of instruction of employees in methods of fire fighting.

**2.7 Back Fires to Protect Life and Property:** Burning operations conducted pursuant to Section 4426 of the Public Resources Code as back fires necessary to save life or valuable property.

**2.8 Wildland Vegetation Management Burning:** Burning operations conducted for the purpose of wildland vegetation management burning pursuant to Rule 309, and as defined in Rule 101 of these Rules and Regulations.

**2.9 Multi-Unit Dwellings and Commercial Entities:** At multi-unit dwellings and commercial entities, burning for the purpose of fire hazard reduction when done for the purpose of compliance with local fire hazard reduction ordinances.

**2.10 Residential Cooking and Recreational Fires:** Open outdoor fires used for cooking food for human beings or for recreational purposes.

### **3 REQUIRED BURN PERMITS**

**3.1 Required Permits:** No person shall ignite any open fire, conduct, perform or participate in any open burning activity, or allow the open burning activity on any property under the persons possession without first obtaining a valid burn permit, issued by the Air Pollution Control Officer (APCO) pursuant to State law and DISTRICT Regulations III and V.

Notwithstanding this requirement, the APCO authorizes open burning pursuant to the permit issued by the responsible fire agency under the following:

**3.1.1** Non-agricultural, Residential and Dooryard Waste Burning - Upon issuance of a fire agency burn permit for burning allowed pursuant to

Sections 2.1 and 2.9 of this Rule.

- 3.1.2** Other Non-agricultural Burning consisting of burning allowed pursuant to Sections 2.4 (non-commercial only), 2.5 and 2.6 of this Rule.
- 3.2 Required Conduct:** No person shall ignite any open fire, conduct, perform or participate in any open burning activity, or, allow the open burning activity on any property under the person's possession, in violation of any State law, statute, DISTRICT Rule or Regulation, or a burn permit issued by the APCO pursuant to these Rules and Regulations. Any open burning which is not in full and complete compliance with the provisions of these Rules and Regulations, is in violation of these Rules and Regulations.
- 3.3 Parent or Guardian Liability:** The parent or legal guardian of any minor violating these Rules and Regulations shall be strictly liable for the minor's conduct and violation.
- 3.4 Strict Liability:** Any person in possession of property or who exercises possessor rights on the property on which any open burning is performed in violation of these Rules and Regulations is strictly liable for any violation of these open burning Rules and Regulations. A contractor or agent acting on behalf of the person in possession of the property is also strictly liable for any violation.
- 3.5 Required Burn Permit Information:** Each applicant for a burn permit shall provide such information as is required by the designated fire protection agency for fire protection purposes and such additional information as may be required by the APCO.
- 4 PERMISSIVE AND NO-BURN DAYS:** A permissive burn day shall be any day, or portion thereof, meeting the requirements of Rule 101 of these Rules and Regulations. A No-Burn Day shall be any day, or portion thereof, meeting the requirements of Rule 101. For the purposes of determining burn day status, the APCO shall utilize smoke management zones, considering local meteorological and air quality-related factors.
- 4.1 Permit Invalidation on No-Burn Days:** A burning permit shall not be valid on a No-Burn Day and a person shall not knowingly set or permit burning on a No-Burn Day. For the purpose of Regulation III of these Rules and Regulations, a person shall be deemed to have permitted burning if he permits the setting or use of such fires for the disposal of allowable burnable waste under his control, on land under his control, or by employees or other persons under his control.
- 4.2 Fire Prevention No-Burn Day Designations:** A burning permit shall not be

valid for any day on which burning is prohibited, for the purposes of fire control or prevention, by the designated fire control agency having jurisdiction over the site of the burn.

**4.3 Restriction Of Burning During Poor Air Quality Conditions:** The APCO may restrict burning on burn days if such burning could cause or contribute to extreme adverse air quality conditions. No burning shall be conducted if meteorological conditions would cause an undue amount of emissions to be transported into populated or sensitive receptor areas. No burning shall be conducted when such burns, in conjunction with present or predicted meteorology, could cause or contribute to a violation of an Ambient Air Quality Standard. In no event shall a public nuisance be permitted to exist by the APCO or by the permittee.

**4.4 Permit to Burn on a No-Burn Day:** Notwithstanding any other provision of this Regulation, the APCO may, by special permit, authorize burning on days designated by the California Air Resources Board (CARB) as No-Burn Days when denial of such permit would threaten imminent and substantial economic loss or would cause a public health hazard. The granting of such a special permit does not exempt the applicant from any other DISTRICT or fire control regulation. The applicant shall submit to the APCO in writing on the form provided, his reasons why denial of the permit would cause imminent and substantial economic loss or a public health hazard. The daily acreage burned under this Rule shall conform with the Sacramento Valley Air Basin Guidelines and may be issued only when downwind metropolitan areas are forecasted to achieve ambient air quality standards.

**4.5 Range Improvement Burning on a No-Burn Day:** The APCO may annually designate a period, or a portion of such period, from January 1 through May 31, during which time range improvement burning may be conducted by permit, as specified in Section 3.1 of this Rule, on a No-Burn Day, provided more than fifty (50) percent of the land has been brush treated. If the burn is performed primarily for the improvement of land for wildlife or game habitat, the Department of Fish and Game may specify the amount of brush treatment required.

CARB may prohibit range improvement burning under this Rule if, in the opinion of CARB, such prohibition is required for the maintenance of suitable air quality.

## **5 EXEMPTIONS TO PERMIT REQUIREMENTS**

### **5.1 Elevation**

**5.1.1** A burning permit is not required for the open burning in agricultural operations in the growing of crops or raising of fowl or animals, or the

open burning for disease and pest prevention, at altitudes above 3,000 feet mean sea level (MSL).

**5.1.2** Notwithstanding Section 3.1 of this Rule, a burning permit is not required for the open burning at altitudes above 6,000 feet MSL for the purposes of wildland burning, forest management, silvaculture, range management, timber operations, or prescribed burning.

**5.2 LPG (Liquid Petroleum Gas) and Natural Gas-Fired Burners for Agricultural Burning:** A burning permit is not required for agricultural burning performed with LPG or natural gas-fired burners designed and used to kill seedling grass and weeds in orchards and field crops, and the growth is such that combustion will not continue without the burner.

**5.3 Pesticide Sacks:** A burning permit is not required for burning agricultural pesticide sacks, provided the burning is conducted at the site of application and downwind from any person or susceptible crops.

**5.4 Residential Cooking and Recreational Fires:** DISTRICT burning permits are not required for burning conducted for open outdoor fires used for cooking food for human beings or for recreational purposes. However, local fire protection control agencies may require such permits.

## 6 FEES

**6.1 General Fees:** Burn permit fees shall be assessed by the DISTRICT pursuant to Regulation V of these Rules and Regulations for burning permits.

**6.2 Burn Permits Issued Pursuant to Sections 2.1, 2.4, 2.5 or 2.9 of this Rule:** Notwithstanding any other provision in Section 6.1 above, a permit fee shall not be assessed for burning conducted pursuant to a responsible fire agency permit.

**6.3 Economic Hardship:** Permit fees may be waived by the APCO upon a showing of economic hardship or during circumstances deemed by the APCO as an emergency. Economic hardship considerations shall apply to any person whose annual income is below the poverty level, as defined by the Bureau of Census, U.S. Department of Commerce, or as defined in Section 39026.5 of the California Health & Safety Code.

**6.4 Public Officer Training of Public Employees:** Burn permits issued pursuant to Section 2.5.2 of this Rule shall be exempt from payment of fees, provided that training burns are not used to circumvent required permits for non-public entities or persons.

## Rule 400 Permit Requirements

*(Adopted January 4, 1972, September 18, 1990; Amended & Recodified August 6, 1985; Amended September 18, 1990 and November 9, 1993; Recodified and Amended April 26, 2001; Recodified August 22, 2002)*

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**RULE 400****1 GENERAL REQUIREMENTS**

**1.1** No person shall cause or permit the construction or modification of any new source of air contaminants without first obtaining an Authority to Construct from the Air Pollution Control Officer (APCO) as to the location and design of such new source to comply with applicable Rules and Regulations and ambient air quality standards of the Butte County Air Quality Management District (DISTRICT).

**1.2** The APCO shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the APCO that the new source can be expected to comply with all applicable State laws and DISTRICT Rules and Regulations.

**2 AUTHORITY TO CONSTRUCT:** Any person building, erecting, altering or replacing 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 or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the APCO. An Authority to Construct shall remain in effect until a permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

**3 PERMIT TO OPERATE:** Before any article, machine, equipment or other contrivance described in Section 2 above may be operated or used, or leased or rented for operation or use, a written permit shall be obtained from the APCO. No Permit to Operate shall be granted either by the APCO or the DISTRICT Hearing Board for any article, machine, equipment or contrivance described in Rule Section 2 above, constructed or installed without authorization as required by Section 2 above, until the information required pursuant to these Rules and Regulations is presented to the APCO and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth elsewhere in these Rules and Regulations. The equipment shall not be operated contrary to the conditions specified in the Permit to Operate.

Any facility, article, machine or other contrivance in existence prior to June 15, 1982 which does not possess permits to operate and which emits any controlled pollutant shall obtain the necessary permits and pay the required fees as prescribed in Regulation V of these Rules and Regulations.

A stationary source subject to Rule 1101 of these Rules and Regulations shall obtain a Federal Operating Permit from the DISTRICT under Title V of the Federal Clean Air Act as amended in 1990. The DISTRICT will issue a Federal Operating Permit separately from, and in addition to, the permits required pursuant to Regulation IV of these Rules and Regulations. The requirements of Rule 1101 shall

augment and take precedence over conflicting administrative requirements of other provisions of the DISTRICT's Rules and Regulations.

- 4 **EXEMPTION TO PERMIT TO OPERATE:** The exemptions contained in this Rule shall not apply to any new stationary source or modification as defined in Section 4 of Rule 430 of this Regulation, New Source Review (NSR), which would emit any pollutants in excess of the quantities stated in Section 5 of Rule 430. The exemptions set forth also do not supersede the provisions of Rule 1101, Title V-Federal Operating Permits of these Rules and Regulations. An Authority to Construct and Permit to Operate shall not be required for:

- 4.1 Vehicles as defined by the Vehicle Code of the State of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.
- 4.2 Vehicles used to transport passengers or freight.
- 4.3 Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than two (2) families, including incinerators used exclusively in connection with such a structure.
- 4.4 Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
- 4.5 Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.
- 4.6 Equipment used exclusively for steam cleaning.
- 4.7 Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
- 4.8 Steam generators, water boilers or water heaters fired exclusively by natural gas, liquefied petroleum gas or a combination thereof, having a maximum fuel input heating value of less than one million (1,000,000) British Thermal Units (BTU) per hour or thirty (30) horsepower.
- 4.9 Space heaters.
- 4.10 Equipment used in eating establishments for the purpose of preparing food for human consumption.

- 4.11 Self-propelled mobile construction equipment other than pavement burners.
- 4.12 Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals that are exempt from DISTRICT permit requirements pursuant to the applicable provisions of the California Health and Safety Code.
- 4.13 Other sources of minor significance specified by the APCO.
- 5 **PERMIT CONDITIONS:** To assure compliance with all applicable Regulations, the APCO may impose written conditions on any Authority to Construct or Permit to Operate. Commencing work or operation under such a permit shall be deemed acceptance of all the conditions so specified.
- 6 **EMISSIONS CALCULATIONS:** The APCO shall retain at all times the sole authority relating to emissions calculations. Calculations shall be based on the most current information available to the DISTRICT at the time of submittal of the initial application or annual renewal.
- 7 **ANNIVERSARY DATE:** Permits issued prior to the adoption of this Rule shall expire on the next anniversary date of issuance. The APCO may, at his discretion, combine permit anniversary dates for facilities with more than one (1) Permit to Operate.
- 8 **POSTING OF PERMITS:** A person or entity to whom a Permit to Operate and/or Authority to Construct has been granted shall post such permit in a conspicuous location clearly visible and accessible to the operator of the article, machine, equipment or other contrivance under permit.
- 9 **REVOCAION OF PERMIT:** The APCO may request that the DISTRICT Hearing Board hold a hearing to revoke an existing Authority to Construct and/or Permit to Operate or Burn Permit if the applicant or permittee violates the conditions of such permit as specified by the APCO.

The APCO may grant the previously revoked permit at such time as the applicant or permittee shows that the condition(s) previously violated are currently being attained or can demonstrate to the APCO that the condition(s) can be attained and that the violation which was the basis of the revocation will not recur. Such showing shall not bar the APCO from pursuing any legal remedy with respect to any violation which resulted from the failure to meet any permit condition as specified by the APCO.