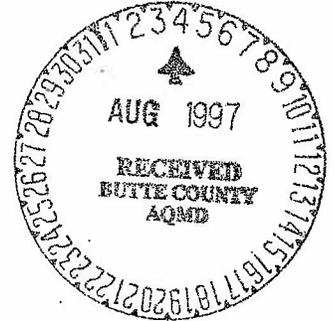




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105



Lawrence Odle
 Butte County APCD
 9287 Midway, Suite 1-A
 Durham, CA 95938

Re: Notice of Final Rulemaking - Correction of Implementation Plans

Dear Mr. Odle:

On June 26, 1997, the Environmental Protection Agency (EPA), Region 9, published a Federal Register notice of final rulemaking (NFR), which includes the above referenced rules for the Butte County Air Pollution Control District.

Enclosed is a copy of the NFR for these rules. As discussed in the NFR, the intended effect of promulgating these corrections to the SIPs is to delete the above referenced rules and make the SIPs consistent with the requirements of the CAA as amended in 1990, regarding EPA action on SIP submittals and SIPs for national primary and secondary ambient air quality standards.

If you have any questions or would like to discuss this matter further, please call me at (415) 744-1185 or Julie Rose at (415) 744-1184.

Sincerely,

Julie Rose
 for Andrew Steckel
 Chief, Rulemaking Office

Enclosures

cc: Harry Metzger, CARB

8/8/97

District Rules 601 to 618, 620, 621, 801 & 802
 deleted from SIP Per the attached Federal Register Notice
 # 34648.

PM

replacement Rules 600 to 617 and 800 to 816.

* * * * *

(168) * * *

(i) * * *

(A) * * *

(3) Previously approved on February 3, 1987 and now deleted without replacement Rules 601 to 618, 620 to 621, and 801 to 802.

(E) * * *

(3) Previously approved on February 3, 1987 and now deleted without replacement Rules 5.2 to 5.3, 5.6 to 5.9, 5.11 to 5.12, 5.13, 5.15 to 5.18, and 5.20 to 5.23.

* * * * *

(171) * * *

(i) * * *

(D) * * *

(5) Previously approved on April 12, 1989 and now deleted without replacement Rule 4.1.

* * * * *

(177) * * *

(i) * * *

(D) * * *

(2) Previously approved on April 16, 1991 and now deleted without replacement Rules 106, 501, 504 to 506, and 519.

* * * * *

Subpart M—Hawaii

4. Section 52.620 is amended by adding paragraphs (b)(1) and (c)(16)(i)(B) and revising paragraphs (c)(10) and (c)(14) to read as follows:

§ 52.620 Identification of plan.

* * * * *

(b) * * *

(1) Previously approved on May 31, 1972 and now deleted without replacement Chapter 43, Section 7.

(c) * * *

(10) Previously approved on April 23, 1979 and now deleted without replacement: A variance to the Hawaii Public Health Regulations, Chapter 43, Section 7 (b)(5) submitted on September 12, 1978, by the Governor.

* * * * *

(14) Previously approved on September 30, 1982 and now deleted without replacement: A variance of the Hawaii Public Health Regulations, Chapter 43, Section 8 (b)(1) submitted on April 6, 1982, by the Governor.

* * * * *

(16) * * *

(i) * * *

(B) Previously approved on August 18, 1983 and now deleted without replacement Section 11-60-36.

* * * * *

Subpart DD—Nevada

5. Section 52.1470 is amended by adding paragraphs (b)(1), (c)(14)(ii)(A), (c)(16)(viii)(A), and (c)(24)(iv)(A) to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(b) * * *

(1) Previously approved on May 31, 1972 and now deleted without replacement Rules 2.8 and 2.11.

(c) * * *

(14) * * *

(i) * * *

(ii) * * *

(A) Previously approved on July 10, 1980 and now deleted without replacement Statutes 445.506, 445.511, 445.516, and 445.521.

* * * * *

(16) * * *

(viii) * * *

(A) Previously approved on August 27, 1981 and now deleted without replacement Section 9, Rules 9.2 to 9.3.

* * * * *

(24) * * *

(iv) * * *

(A) Previously approved on June 18, 1982 and now deleted without replacement Section 7, Rules 7.1 to 7.19 and Section 9, Rule 9.1.

* * * * *

Subpart DDD—American Samoa

6. Section 52.2820 is amended by adding the following paragraph (b)(1) to read as follows:

§ 52.2820 Identification of plan.

* * * * *

(b) * * *

(1) Previously approved on May 31, 1972 and now deleted without replacement Chapter 35.01, Section 35.0113 of the Environmental Quality Act.

[FR Doc. 97-16650 Filed 6-26-97; 8:45 am]

BILLING CODE 6560-50-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Chapter I

[General Docket No 96-113; FCC 97-164]

Section 257 Proceeding To Identify and Eliminate Market Entry Barriers for Small Businesses

AGENCY: Federal Communications Commission.

ACTION: Policy statement.

SUMMARY: The attached Report summarizes the Commission's

implementation of Section 257 of the Telecommunications Act of 1996 (1996 Act), which requires the Commission to identify and eliminate market entry barriers for entrepreneurs and small businesses in the provision and ownership of telecommunications services and information services or in the provision of parts or services to providers of telecommunications services or information services. The Report addresses issues raised by the more than 80 entities that filed comments, describes the Commission's policies to foster small business opportunities in the telecommunications industry, and explains agency-wide small business initiatives that the Commission has undertaken since enactment of the 1996 Act, as well as steps that the Commission intends to take in the future. The Report also describes the Commission's comprehensive study of the participation of small businesses and businesses owned by women or minorities in the telecommunications market. Through this Report the Commission reaffirms its commitment to achieving the policy goals of Section 257; to eliminate market entry barriers for small communications businesses.

ADDRESSES: The complete text of this report is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Office of General Counsel: Linda L. Haller or Sheryl Wilkerson, at (202) 418-1720. Office of Communications Business Opportunities: Catherine K. Sandoval or Vivian Keller, at (202) 418-0990.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report which was adopted on May 8, 1997 and released on May 8, 1997. The complete text of this report also can be obtained on-line at the FCC's Internet Home Page at www.fcc.gov, and may be purchased from the Commission's copy contractor, International Transcription Service (202) 857-3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

I. Introduction and Statement of Policy

1. Section 257 of the Telecommunications Act of 1996 (Telecommunications Act or 1996 Act)¹ requires the Commission to identify and eliminate "market entry barriers for entrepreneurs and other small businesses in the provision and ownership of telecommunications

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996), Section 257.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

MAY 09 1996



Ms. Nancy Norman
Butte County Air Pollution Control District
2525 Dominic Drive
Chico, California 95928

RE: Updated ASIP Action Log

Dear Ms. Norman:

Enclosed please find an updated Applicable State Implementation Plan (SIP) action log. We are updating the action log on a quarterly basis to reflect the most recent federal actions.

Please have your staff review the updated action log and replace superseded rules in your applicable SIP binder with the text of the most recent federally-approved version.

If you have any questions, do not hesitate to have your staff contact Cynthia G. Allen at (415) 744-1189 or Dan Meer at (415) 744-1185.

Sincerely,

Ken Bigos, Chief
Stationary Source Branch
Air and Toxics Division

Enclosure



BUTTE COUNTY APPLICABLE STATE IMPLEMENTATION PLAN ACTION LOG

Rule #	Rule Title	Adoption Date	Subm Date	EPA Act	Final F.R. Date	FR Citation
REGULATION I - DEFINITIONS						
101	Title	08/06/85	02/10/86	App	02/03/87	52 FR 3226
102	Definitions	08/06/85	02/10/86	App	02/03/87	52 FR 3226
1-36	Controlled Pollutant		04/11/83	App	11/18/83	48 FR 52450
CHAPTER 2 - PROHIBITIONS						
2-1	Nuisance		02/21/72	App	05/31/72	37 FR 10856
202	Visible Emissions	08/06/85	02/10/86	App	07/12/90	55 FR 28622
2-3	Uncombined Water		02/21/72	App	05/31/72	37 FR 10856
203	Particulate Matter Concentration	08/06/85	02/10/86	App	07/12/90	55 FR 28622
204	Exemptions To Rules 201, 202, and 203	08/06/85	02/10/86	App	07/12/90	55 FR 28622
205	Process Weight Limitation	08/06/85	02/10/86	App	07/12/90	55 FR 28622
2-8.1	Certain Outdoor Fires Prohibited		02/21/72	App	05/31/72	37 FR 10856
2-8.2	Dump Open Burning		02/21/72	App	05/31/72	37 FR 10856
210	Gasoline Transfer Into Stationary Storage Containers	08/06/85	02/10/86	App	07/12/90	55 FR 28622
211	Exemptions To Rule 210	08/06/85	02/10/86	App	07/12/90	55 FR 28622
212	Gasoline Storage	08/06/85	02/10/86	App	07/12/90	55 FR 28622
213	Bulk Facilities, Petition For Annual Exemption	08/06/85	02/10/86	App	07/12/90	55 FR 28622
214	Vapor Collection and Disposal System At Loading Facilities	08/06/85	02/10/86	App	07/12/90	55 FR 28622
215	Storage of Gasoline Products At Bulk Facilities	08/06/85	02/10/86	App	07/12/90	55 FR 28622

Rule #	Rule Title	Adoption Date	Subm Date	EPA Act	Final F.R. Date	FR Citation
220	Dry Cleaning	08/06/85	02/10/86	App	07/12/90	55 FR 28622
225	Solvent Storage	08/06/85	02/10/86	App	07/12/90	55 FR 28622
231	Sulfur Oxides Emission Standard	08/06/85	02/10/86	App	07/12/90	55 FR 28622
2-13	Reduced Sulfur Emission Standards		02/21/72	App	05/31/72	37 FR 10856
241	Cutback & Emulsified Asphalt	01/12/93	05/13/93	App	02/05/96	61 FR 4215
250	Circumvention	08/06/85	02/10/86	App	02/03/87	52 FR 3226
260	Separation of Emissions	08/06/85	02/10/86	App	02/03/87	52 FR 3226
261	Combination of Emissions	08/06/85	02/10/86	App	02/03/87	52 FR 3226
270	Orchard Heaters	08/06/85	02/10/86	App	02/03/87	52 FR 3226
REGULATION III - OPEN BURNING						
301	Prohibitions on Open Burning	08/06/85	02/10/86	App	02/03/87	52 FR 3226
302	Exemptions to Rule 301	08/06/85	02/10/86	App	02/03/87	52 FR 3226
303	Burning Permits	08/06/85	02/10/86	App	02/03/87	52 FR 3226
304	Exemption to Rule 303	08/06/85	02/10/86	App	02/03/87	52 FR 3226
306	Information Furnished by Permit Applicant	08/06/85	02/10/86	App	02/03/87	52 FR 3226
307	Ignition Hours	08/06/85	02/10/86	App	02/03/87	52 FR 3226
308	Notice of Intent to Ignite	08/06/85	02/10/86	App	02/03/87	52 FR 3226
309	Freedom from Debris and Moisture	08/06/85	02/10/86	App	02/03/87	52 FR 3226
310	Arrangement of Agricultural and Wood Waste	08/06/85	02/10/86	App	02/03/87	52 FR 3226
311	Drying Period	08/06/85	02/10/86	App	02/03/87	52 FR 3226
312	Wind Direction	08/06/85	02/10/86	App	02/03/87	52 FR 3226
313	Ignition Devices	08/06/85	02/10/86	App	02/03/87	52 FR 3226
314	Burning of Vines or Bushes Treated With Herbicides	08/06/85	02/10/86	App	02/03/87	52 FR 3226
315	Rice Straw Burning	08/06/85	02/10/86	App	02/03/87	52 FR 3226
316	Field Crop Ignition	08/06/85	02/10/86	App	02/03/87	52 FR 3226
317	Field Crops Harvested Prior to September 10	08/06/85	02/10/86	App	02/03/87	52 FR 3226
318	Restriction of Burning During Poor Air Quality Conditions	08/06/85	02/10/86	App	02/03/87	52 FR 3226

Rule #	Rule Title	Adoption Date	Subm Date	EPA Act	Final F.R. Date	FR Citation
320	Certificate From Department of Fish and Game	08/06/85	02/10/86	App	02/03/87	52 FR 3226
322	Special Permit	08/06/85	02/10/86	App	02/03/87	52 FR 3226
323	Range Improvement Burning	08/06/85	02/10/86	App	02/03/87	52 FR 3226
324	Burning at Disposal Sites	08/06/85	02/10/86	App	02/03/87	52 FR 3226
325	Exemption to Rule 324	08/06/85	02/10/86	App	02/03/87	52 FR 3226
REGULATION IV - PERMITS						
401	General Requirements	08/06/85	02/10/86	App	02/03/87	52 FR 3226
4-2	Permits Required		04/11/83	App	11/18/83	48 FR 52450
402	Authority to Construct	08/06/85	02/10/86	App	02/03/87	52 FR 3226
403	Permit to Operate	08/06/85	02/10/86	App	02/03/87	52 FR 3226
4-3	Permit Fee		04/11/83	App	11/18/83	48 FR 52450
4-4	Exemptions from Permit Requirement		02/21/72	App	05/31/72	37 FR 10856
4-5A	Standards for Granting Applications		02/25/80	App	05/27/82	47 FR 23159
4-5B	Conditional Approval		02/25/80	App	05/27/82	47 FR 23159
405	Permit Conditions	08/06/85	02/10/86	App	02/03/87	52 FR 3226
406	Emissions Calculations	08/06/85	02/10/86	App	02/03/87	52 FR 3226
4-6	State Ambient Air Quality Standards		08/06/82	App	06/01/83	48 FR 24362
4-6A	Implementation Plans		08/06/82	App	06/01/83	48 FR 24362
407	Anniversary Date	08/06/85	02/10/86	App	02/03/87	52 FR 3226
4-7	Denial of Applications		02/21/72	App	05/31/72	37 FR 10856
4-9	Action on Applications		07/10/80	App	05/27/82	47 FR 23159
4-11	Appeal Fee		04/11/83	App	11/18/83	48 FR 52450
420	Standards for Granting Applications	08/06/85	02/10/86	App	02/03/87	52 FR 3226
421	Conditional Approval	08/06/85	02/10/86	App	02/03/87	52 FR 3226
422	Required Information	08/06/85	02/10/86	App	02/03/87	52 FR 3226
423	Action on Applications	08/06/85	02/10/86	App	02/03/87	52 FR 3226
425	Appeals	08/06/85	02/10/86	App	02/03/87	52 FR 3226
5-3	Application Fee		04/11/83	App	11/18/83	48 FR 52450

Rule #	Rule Title	Adoption Date	Subm Date	EPA Act	Final F.R. Date	FR Citation
REGULATION VI - PROCEDURE BEFORE THE HEARING BOARD						
601	General	08/06/85	02/10/86	App	02/03/87	52 FR 3226
602	Filing Petition	08/06/85	02/10/86	App	02/03/87	52 FR 3226
603	Contents of Petition	08/06/85	02/10/86	App	02/03/87	52 FR 3226
604	Petition for Variance	08/06/85	02/10/86	App	02/03/87	52 FR 3226
605	Petition for Revocation of Permit	08/06/85	02/10/86	App	02/03/87	52 FR 3226
606	Petition for Reinstatement of Suspended Permit	08/06/85	02/10/86	App	02/03/87	52 FR 3226
607	Noncompliance With District Rules	08/06/85	02/10/86	App	02/03/87	52 FR 3226
608	Answers	08/06/85	02/10/86	App	02/03/87	52 FR 3226
609	Dismissal of Petition	08/06/85	02/10/86	App	02/03/87	52 FR 3226
610	Time and Place of Hearing	08/06/85	02/10/86	App	02/03/87	52 FR 3226
611	Notice and Hearing	08/06/85	02/10/86	App	02/03/87	52 FR 3226
612	Interested Members of Public; Special Notice	08/06/85	02/10/86	App	02/03/87	52 FR 3226
613	Evidence	08/06/85	02/10/86	App	02/03/87	52 FR 3226
614	Record of Proceedings	08/06/85	02/10/86	App	02/03/87	52 FR 3226
615	Preliminary Matters	08/06/85	02/10/86	App	02/03/87	52 FR 3226
616	Official Notice	08/06/85	02/10/86	App	02/03/87	52 FR 3226
617	Continuances	08/06/85	02/10/86	App	02/03/87	52 FR 3226
618	Decision	08/06/85	02/10/86	App	02/03/87	52 FR 3226
619	Effective Date of Decision	08/06/85	02/10/86	App	02/03/87	52 FR 3226
620	Appeal From Denial	08/06/85	02/10/86	App	02/03/87	52 FR 3226
621	Appeal and Petition for Variance After Permit Denial	08/06/85	02/10/86	App	02/03/87	52 FR 3226
REGULATION VII - VIOLATIONS						
701	Violation of Rules	08/06/85	02/10/86	App	02/03/87	52 FR 3226
702	Violation of Orchard Heater or Open Burning Regulations	08/06/85	02/10/86	App	02/03/87	52 FR 3226
703	Citations	08/06/85	02/10/86	App	02/03/87	52 FR 3226

Rule #	Rule Title	Adoption Date	Subm Date	EPA Act	Final F.R. Date	FR Citation
704	Violations of Authority to Construct and Permit Conditions	08/06/85	02/10/86	App	02/03/87	52 FR 3226
	REGULATION VIII - VARIANCES					
801	Request for Variance	08/06/85	02/10/86	App	02/03/87	52 FR 3226
802	Conditions for Granting Variance	08/06/85	02/10/86	App	02/03/87	52 FR 3226
	REGULATION IX - MISCELLANEOUS					
901	Severability Clause	08/06/85	02/10/86	App	02/03/87*	52 FR 3226
902	Empower to Enter Upon Private Property	08/06/85	02/10/86	App	02/03/87	52 FR 3226

PLEASE NOTE THE APPROVED PORTIONS OF THE BUTTE NAP:

1. The Sacramento Valley Air Basin NAP for Ozone and CO for Butte County APCD, submitted on November 13, 1979 by the Governor's designee, published on May 3, 1982, 47 FR 18854.
2. Mid-Term Measures, Accelerated Ultra-Low Emission Vehicle (ULEV) requirement for Medium-Duty Vehicles (Measure M3), Heavy Duty Vehicles NOx regulations (Measures M5), Heavy-Duty Gasoline Vehickles lower emission standards (Measure M8), Industrial Equipment, Gas & LPG - 3-way catalyst technology (measure M11), Mid-Term Consumer Products (Measure CP-2), as contained in The California State Implementation for Ozone, Volume II: The Air Resources Board's Mobile Source and Consumer Products Elements, adopted on November 15, 1994, published December 14, 1995 (60 FR 64126).

PLEASE NOTE THE FOLLOWING RULE RECISSIONS:

1. Section 2-2, Ringlemann Chart, Superseded by Rule 202, submitted on 02/10/86.
2. Section 2-4, Dust and Fumes, Superseded by Rule 205, submitted on 02/10/86.
3. Section 2-5, Particulate Matter Concentration, Superseded by Rule 203, submitted on 02/10/86.
4. Section 2-6, Exemptions, Superseded by Rule 204, submitted on 02/10/86.
5. Section 2-7, Exemptions, Superseded by Rule 204, submitted on 02/10/86.
6. Section 2-12, Storage of Petroleum Products, Superseded by Rules 211 and 213, submitted on 02/10/86.
7. Section 2-12.a., Transfer of Gasoline Into Stationary Storage Containers, Superseded by Rules 210, 212 and 213, submitted on 02/10/86.
8. Section 2-12.b., Transfer of Gasoline Into Tank Trucks, Trailers, and Railroad Tank Cars At Loading Facilities, Superseded by Rule 214, submitted on 02/10/86.
9. Section 2-12.c., Storage of Gasoline Products at Terminals and Large Bulk Loading Facilities, Superseded by Rule 215, submitted on 02/10/86.
10. Section 2-12.d., Dry Cleaning, Superseded by Rule 220, submitted on 02/10/86.
11. Section 2-12.e., Cold Solvent Degreasing, Superseded by Rule 225, submitted on 02/10/86.
12. Section 2-14, Sulfur Oxides Emission Standard, Superseded by Rule 231, submitted on 02/10/86.
13. Section 3-1, Orchard Heaters, Superseded by Rule 270, submitted on 11/03/80.

14. Section 3-11, Drying Period Required, Superseded by Rule 311, submitted on 11/03/80.
15. Section 3-11.2, Rice Straw Burning, Superseded by Rule 315, submitted on 11/03/80.
16. Section 3-11.3, Field Crop Ignition, Superseded by Rule 316, submitted on 11/03/80.
17. Section 3-12, Ignition Hours, Superseded by Rule 307, submitted on 11/03/80.
18. Section 3-12.2, Field Crops Harvested Prior to September 10, Superseded by Rule 317, submitted on 11/03/80.
19. Section 3-15, Special Permit, Superseded by Rule 322, submitted on 11/03/80.
20. Section 3-16.1, Range Improvement Burning, Superseded by Rule 323, submitted on 11/03/80.

APPL SIP UPDATED AND VERIFIED IN THE 40 CFR PART 52.220 CITATIONS:

<u>Citation #</u>	<u>Submittal Date</u>
(204)(i)(A)(5)	11/15/94
(193)(i)(C)(1)	05/13/93
(168)(i)(A)(1)(2)	02/10/86
(138)(i)(A)	04/11/83
(124)(xii)(A)	08/06/82
(96)(ii)(A)	11/03/80
(86)(ii)(A)	07/10/80
(54)(viii)(A)(B)	02/25/80
(b)	02/21/72

CHAPTER 2 - PROHIBITIONS

- SECTION 2-1 NUISANCE
- RULE 202 VISIBLE EMISSIONS
- SECTION 2-3 UNCOMBINED WATER
- RULE 203 PARTICULATE MATTER CONCENTRATION
- RULE 204 EXEMPTIONS TO RULES 201, 202, & 203
- RULE 205 PROCESS WEIGHT LIMITATION
- SECTION 2-8.1 CERTAIN OUTDOOR FIRES
 PROHIBITED
- SECTION 2-8-.2 DUMP OPEN BURNING
- RULE 210 GASOLINE TRANSFER INTO STATIONARY
 STORAGE CONTAINERS
- RULE 211 EXEMPTIONS TO RULE 210
- RULE 212 GASOLINE STORAGE
- RULE 213 BULK FACILITIES, PETITION FOR ANNUAL
 EXEMPTION
- RULE 214 VAPOR COLLECTION & DISPOSAL SYSTEM
 AT LOADING FACILITIES
- RULE 215 STORAGE OF GASOLINE PRODUCTS AT BULK
 FACILITIES
- RULE 220 DRY CLEANING
- RULE 225 SOLVENT STORAGE

RULE 231 SULFUR OXIDES EMISSION STANDARD

SECTION 2.12F ARCHITECTURAL COATINGS

SECTION 2-13 REDUCED SULFUR EMISSION STANDARDS

SECTION 2-14 SULFUR OXIDES EMISSION STANDARDS

RULE 250 CIRCUMVENTION

RULE 260 SEPARATION OF EMISSIONS

RULE 261 COMBINATION OF EMISSIONS

RULE 270 ORCHARD HEATERS

Chapter 2. Prohibitions

Section 2-1. 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.

Chapter 2. Prohibitions

Section 2-1. 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.

~~202~~ Section 2-2. No person shall discharge into the atmosphere from any single non-vehicular source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

- a) As dark or darker in shade as that designated as No. 2 on the Ringleman Chart as published by the U. S. Bureau of Mines, or
- b) Of such opacity as to obscure an observers view to a degree equal to or greater than does smoke described in subsection "a" of this section

~~203~~ ²⁻³ Section 2-3. Where the presence of uncombined water is the only reason for failure of an emission to meet the limitations of Section 2-2, that section shall not apply.

203 Section 2-5. Particulate matter concentration - No person shall 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 carbon dioxide (CO₂). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation of 12 percent of carbon dioxide (CO₂).

The provisions of this section shall not apply to processes in lawful operation on the effective date of these regulations; provided, however, that said processes shall comply with this section on and after December 31, 1972.

Exemptions: ²⁰⁴Section ~~2-6~~. The provisions of Sections 2-1, 2-2, 2-5 and 2-8 shall not apply to smoke from fires:

a) Set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

- 1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
- 2) For the instruction of public employees in

the methods of fire fighting, or

3) For the improvement of watershed range or pasture, or

4) For the growing of crops or raising of fowls or animals, or

5) For the purpose of disease and pest control and prevention.

b) Set pursuant to permit on property used for industrial purposes for the purposes of instruction of employees in methods of fire fighting.

c) Set pursuant to §4426 of the Public Resources Code as back fires necessary to save life or valuable property.

Exemptions: Section 2-7. The provisions of Section 2-1, 2-2, and 2-5 shall not apply to:

a) Agricultural operations and associated odors necessary for the growing of crops or raising of fowls or animals.

b) Use of any aircraft to distribute seed, fertilizer, insecticides or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.

in any one hour from any source whatsoever dust or fumes in total quantities in excess of the amounts shown in the table set out

below and titled "Allowable Rate of Emission Based on Process Weight Rate." To use the said table, the following steps should be followed: take the process weight per hour as defined in Section 1-20, 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 $E=55.0 P^{0.11-40}$. For purposes of these equations, E = the rate of emission in pounds/hour and P = the process weight rate in tons/hour.

ALLOWABLE RATE OF EMISSION BASED ON
PROCESS WEIGHT RATE

Process Weight Rate		Rate of Emission Lb Hr	Process Weight Rate		Rate of Emission Lb Hr.
Lb/Hr	Tons Hr.		Lb Hr	Tons Hr	
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.85	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.33	90,000	45.	43.6
3,500	1.75	5.86	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Section 2-8.1. It is unlawful to burn rubbish or
garbage at dumps, refuse disposal areas or at any solid waste
dump, whether public or private, or to burn garbage anywhere else
in the County of Butte, except under a variance.

Section 2-8.2. The air pollution control board shall
permit a city, city and county, or county to use open outdoor
fires, for a limited time only, in its operation of a solid waste
dump, upon the finding that because of sparse population in the
geographical area and economic and technical difficulties, the
solid waste dump should be so operated.

Section 2-12.a. Transfer of Gasoline Into Stationary Storage Containers.

1. a) A person shall not transfer or permit the transfer of gasoline from any delivery vessel (i.e., tank truck or trailer) into any stationary storage container with a capacity of more than two hundred fifty (250) gallons unless ninety percent (90%) by weight of the vapors displaced from such transfer are prevented from being released to the atmosphere.

b) The provisions of this Section shall be subject to the following exemptions:

(1) The transfer of gasoline into any stationary storage container used primarily for the fueling of implements of husbandry as such vehicles are defined in Division 16 (Section 35000, et seq.) of the California Vehicle Code.

(2) The transfer of gasoline into any stationary storage container in existence prior to date of adoption of this Rule when such container is served by a delivery vessel exempted by the air pollution control officer pursuant to Section 3(a) of this Rule.

(3) The transfer of gasoline into any stationary storage container in existence prior to adoption of this regulation which is equipped with an offset fill pipe.

(4) The transfer of gasoline into any stationary storage container installed prior to the effective date of this regulation for which the total monthly throughput of the facility does not exceed twenty five thousand (25,000) gallons.

2. No person shall store gasoline in or otherwise use or operate any gasoline vessel unless such vessel is designed and maintained to be vapor tight. Any delivery vessel into which gasoline vapors are required to be transferred shall be filled only at a loading facility that is equipped with a system that prevents at least ninety percent (90%) by weight of the gasoline vapors displaced from entering the atmosphere.

3. a) The owner or operator of any bulk loading facility which was in operation prior to the date of adoption of this Regulation and for which the annual throughput to stationary storage containers that are not exempted from Section 1 a) does not exceed five hundred thousand (500,000) gallons, may petition the air pollution control officer to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility exempted from the provisions of Section 2. The owner or operator of such a facility must petition annually to renew such exemptions.

b) A person shall not load gasoline into any delivery vessel from any loading facility granted an exemption pursuant to Section 3 a) of this Rule unless such delivery vessel is loaded through a submerged fill pipe.

4. a) For the purposes of this Regulation, the term "gasoline" is defined as any petroleum distillate having a Reid Vapor Pressure of four (4) pounds or greater.

b) For the purposes of this Regulation, "gasoline vapors" means the organic compounds in the displaced vapors including any entrained liquid gasoline.

c) For the purposes of this Regulation, the term "submerged fill pipe" is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is six (6) inches above the bottom of the container. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge opening of which is entirely submerged when the liquid level is eighteen (18) inches above the bottom of the container.

213 Section 2-12.b. Transfer of Gasoline Into Tank Trucks, Trailers, and Railroad Tank Cars At Loading Facilities.

1. a) A person shall not load gasoline 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 or its equivalent approved by the air pollution control officer. Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

b) The vapor disposal portion of the vapor collection and disposal system shall process all vapors and limit the emission of gasoline vapors to ninety percent (90%) by weight uncontrolled emissions.

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Section 2-12.c. Storage of Gasoline Products at Terminals and Large Bulk Loading Facilities.

1. A person shall not place, store or hold in any stationary tank, reservoir or other container of more than forty thousand (40,000) gallons capacity gasoline 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, in good working order and in operation:

a) A floating roof of an approved type. The control equipment provided for in this paragraph shall not be used if the gasoline has a vapor pressure of eleven (11.0) pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.

b) A vapor recovery system, of efficiency equivalent to a floating roof meeting the requirements of a) above, consisting of a vapor gathering system capable of collecting the gasoline vapors and gases discharged and a vapor disposal system capable of processing such gasoline vapors and gases so as to prevent their emissions to the atmosphere and with all tank gauging and sampling devices gas tight except when gauging or sampling is taking place.

c) Other equipment of equal efficiency, provided such equipment is submitted to and approved by the air pollution control officer.

Section 2-12.d. Dry Cleaning.

1. After July 1, 1979, no person shall operate any dry cleaning equipment which uses petroleum based solvent unless:

- a) There is no liquid leaking from any portion of the equipment.
- b) 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.
- c) The still residue is stored in sealed containers, and disposed of 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.

§2-12.e. COLD SOLVENT DEGREASING!

1. After January 1, 1970, any containers of solvent sold in Butte County which exceed Fifty-five (55) gallon capacity shall contain instructions to store in a closed condition.

Section 2-13. Reduced Sulfur Emission Standards - a) 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 TRS, expressed as hydrogen sulfide, in excess of 0.03 PPM for a period of 60 minutes.

b) By July 1, 1975, the emission of TRS from Kraft pulp mill recovery boilers shall not exceed 17.5 parts per million by volume, calculated as hydrogen sulfide.

c) By July 1, 1975, 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 2.12(f) Architectural Coatings

1. Definitions

a. Architectural Coatings

For the purpose of this rule, an architectural coating is defined as any coating applied to stationary structures and their appurtenance to mobile homes, to pavements, or to curbs.

b. Bituminous Coatings Materials

Black or brownish materials, soluble in carbon disulfide, consisting mainly of hydrocarbons and which are obtained from natural deposits, or as residues from the distillation of crude petroleum oils, or of low grades of coal.

c. Fire Retardant Coatings

Architectural coatings which are designed to retard fires and which will significantly: (a) reduce the rate of flame spread on the surface of a material to which such a coating has been applied, or (b) resist ignition when exposed to high temperatures, or (c) insulate a substrate to which such a coating has been applied and prolong the time required to reach ignition temperature.

d. Graphic Arts Coatings

Coatings which are marketed solely for application to indoor and outdoor signs and include lettering enamels, poster colors and bulletin colors.

e. Industrial Maintenance Finishes

High performance coatings which are formulated for the purpose of heavy abrasion, water immersion, chemical, corrosion, temperature, electrical or solvent resistance.

f. Metallic Pigmented Paints

Non-bituminous coatings which are formulated with metallic pigment.

g. Opaque Stains

All stains that are not classified as semitransparent stains.

h. Primers

Coatings which are intended to be applied to a surface to provide a firm bond between the substrate and subsequent coats.

1. Sealers

Coatings which are intended for use on porous substrates to protect the substrate, to prevent subsequent coatings from being absorbed by the substrate, or to prevent harm to subsequent coatings by materials in the substrate.

j. Semitransparent Stains

Coatings which are formulated to change the color of a surface but not conceal the surface.

k. Tile-like Glaze Coatings

Coatings which are formulated to provide a tough, extra-durable coating system, which are applied as a continuous (seamless) high-build film and which cure to a hard glaze finish.

l. Undercoaters

Coatings which are designed to provide a smooth surface for subsequent coats.

m. Varnishes, Lacquers, and Shellacs

Coatings which contain resins and binders but not opaque pigments and which are specifically formulated to form a transparent or translucent solid protective film.

n. Waterproofing Coating

Coatings which are formulated for the sole purpose of preventing penetration of the substrate by water. These coatings include, but are not limited to, bituminous roof and resilient type coatings.

o. Wood Preservatives

Coatings which are formulated for the purpose of protecting exposed wood from decay and insect attack. These coatings perform their function by penetrating into the wood.

2. No person shall sell, offer for sale, or apply any architectural coating manufactured after July 26, 1980 which:

- a. contains more than 250 grams of volatile organic material per liter of coating as applied, excluding water, except as provided in subsection b of this section.

2. b. contains more than 350 grams of volatile organic material per liter of coating as applied, excluding water, and is recommended solely for use on interior surfaces. Interior coatings manufactured after July 26, 1982 may not contain more than 250 grams of volatile organic material per liter of coating as applied, excluding water.

c. is recommended for use as a bituminous pavement sealer unless it is an emulsion type coating.

3. The provisions of Section 2 of this rule shall not apply to architectural coatings sold in this district for shipment outside of this district or for shipment to other manufacturers for repackaging.

4. The provisions of Section 2 of this rule shall not apply to coatings manufactured prior to July 26, 1981 by a Small Business.

a. A "Small Business" for the purposes of this rule means any business which in 1976 sold less than 200,000 gallons of paints and coatings.

(i) A business shall not qualify for this exemption if it would not be considered a Small Business, as defined in Subsection (1) of Section 1896 of Title 2 of the California Administrative Code.

(ii) A business shall not qualify for this exemption if its total annual sales volume of paints and coatings which would otherwise be subject to this rule exceeds by more than 10 percent the business's total sales volume of such coatings in calendar year 1976.

b. To qualify for a Small Business exemption, a company requesting such exemption shall file a request in writing with the Air Pollution Control Officer. The company shall provide the Air Pollution Control Officer any necessary information including, but not limited to: (i) total volume (in gallons) of paints and coatings sold in 1976; (ii) the number of persons employed by the company; (iii) the gross sales receipts (in dollars) for 1976; and (iv) total annual sales volume of paints and coatings in 1976 and any subsequent year which would otherwise be subject to this rule. Other information necessary to document that the business is not an affiliate of another business concern which would not be considered a Small Business for the purposes of this rule shall also be provided to the Air Pollution Control Officer.

The Air Pollution Control Officer after considering information submitted by the business concern shall determine whether such concern qualifies as a Small Business as defined in Subsection a. of this section and shall inform the business concern of this determination in writing.

5. The provisions of this rule shall not apply to the following coatings manufactured prior to July 26, 1984:

- a. architectural coatings supplied in containers having capacities of one liter or less;
- b. traffic coatings applied to public streets and highways; however, this exemption shall not extend to traffic coatings applied to other surfaces, including, but not limited to curbs, berms, driveways and parking lots.
- c. architectural coatings recommended by the manufacturer for use solely as a:
 - 1) varnish, lacquer, or shellac
 - 2) semitransparent stain
 - 3) opaque stain on bare redwood, cedar, mahogany, and douglas fir
 - 4) primer, sealer, or undercoater
 - 5) wood preservative
 - 6) fire retardant coating
 - 7) tile-like glaze coating
 - 8) waterproofing coating, except bituminous pavement sealers
 - 9) industrial maintenance finish
 - 10) metallic pigmented coatings
 - 11) swimming pool coating
 - 12) graphic arts coatings

6. Identification of Coatings

Containers for all coatings subject to Section 2 shall display the date of manufacture of the contents or a code indicating the dates of manufacture. The manufacturers of such coatings shall file with the Air Pollution Control Officer and the Executive Officer of the California Air Resources Board prior to (one year from date of adoption) an explanation of each code.

7. Labeling of Coatings

- a. If anywhere on the coating container, on any sticker or label affixed thereto, or in any sales or advertising literature, any indication is given that the coating may be used or is suitable for use for any purpose other than those specifically provided for in Section 5 of this rule, then the exemption provided for in said Section 5 shall not apply to that coating.
- b. In any instance where more than one of the standards set forth in Section 2 of this rule may be applicable, the most restrictive standard shall apply.

RULE 250 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 201 of these Rules and Regulations.
