REGULATION II - PERMIT AND REGISTRATION

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:1 General Requirements
Adopt 8/10/71

1 No person shall cause or permit the construction or modification of any new source without first obtaining an authority to construct or modify from the Air Pollution Control Officer as to the location and design of such new source to comply with applicable rules and regulations and ambient air quality standards.

2 The Air Pollution Control Officer shall not approve such construction or modification unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the new source can be expected to comply with all applicable state, federal and local regulations.

2.1 The Air Pollution Control Officer will provide permit applicants with a list of information and criteria he deems necessary for proper evaluation of the application. Within 30 days after receiving an application, the Air Pollution Officer will advise the applicant whether the application is complete. If deemed incomplete, the applicant will be apprised of the additional information necessary. A new 30 day review period will be established on receipt of the revised application. If no action is taken within either of these 30 day periods, the applicant may deem the application complete.

2.2 After determining that an application is complete, the Air Pollution Control Officer may ask the applicant to clarify, supplement, or expand upon any information required in the list of criteria. However, the Air Pollution Control Officer may not require information not cited in the list of criteria.

2.3 The Air Pollution Control Officer must act on the application within 180 days after the applicant has been notified that the application is complete, or within 180 days after the lead agency has approved the project, whichever is later. If the Air Pollution Officer does not take action to approve or disapprove the application during that period of time, the permit may be deemed granted by operation of law.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:2 Permits Required
Adopt 8/10/71, Repealed/Adopted 10/7/2008

1 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 Air Pollution Control Officer. An authority to construct shall remain in effect for one year from the date of issuance or until the permit to operate the equipment for which the authority was issued is granted or denied or the application for a permit to operate is cancelled, whichever occurs first. An authority to construct may be extended on an annual basis by the Air Pollution control Officer at the request of the applicant.

2 Permit to Operate: Before any article, machine, equipment or other contrivance described in Rule 2:2 1. may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 2:2 1., constructed or installed without authorization as required by Rule 2:2 1., until the information required pursuant to these Rules and Regulations is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 2:5 and elsewhere in these Rules and Regulations.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:3 Registration or Permit to Operate
Adopt 8/10/71

1 Existing Operations: Registration and/or a Permit to Operate shall be required of all existing equipment, contrivances, or places of business that have burning or send emissions into the atmosphere.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:3A New Source Review
Adopt 9/19/1985, Repealed/Adopted 6/16/1992, Repealed/Adopted 6/22/1993, Repealed/Adopted 2/1/1994, Repealed/Adopted 6/7/1994, Repealed/Adopted 6/3/1997, Repealed/Adopted 7/15/2008

1 Purpose: The purpose of this Rule is to establish pre-construction review requirements for new and modified stationary sources of air pollution for use of Best Available Control Technology (BACT), analysis of air quality impacts, and to ensure that the operation of such sources does not interfere with the attainment or maintenance of ambient air quality standards;

1.1 This regulation shall provide for no net increase in emissions, pursuant to Section 40918 of the Health and Safety Code, from new or modified stationary sources which emit, or have the potential to emit, 25 tons per year or more of any non-attainment pollutant or its precursors.

2 Applicability: This Rule shall apply to new and modified stationary sources which are subject to District permit requirements, and after construction, emit or may emit any affected pollutant(s). The regulation in effect at the time any application for an Authority to Construct is deemed complete shall apply.

3 Effective Date: This Rule shall become effective upon the date of adoption. (June 16, 1992)

4 Definitions: For the purpose of this Rule, the definitions below shall apply:

4.1 Actual Emissions: Measured or estimated emissions which most accurately represent the emissions from an emissions unit.

4.2 Actual Emission Reductions: A reduction in actual emissions from an emissions unit selected for emission offsets or banking. Actual emission reductions shall be calculated pursuant to Section 6 of this Rule and meet the following criteria:

4.2.1 Emission reductions shall be real, enforceable, quantifiable and permanent.

4.2.2 Emission reductions shall be in excess of any emission reduction which is:

4.2.2.1 required or encumbered by any laws, rules, regulations or orders; or

4.2.2.2 attributed to a control measure noticed for workshop, or proposed or contained in a State Implementation Plan; or

4.2.2.3 contained as near-term measures in the adopted District Air Quality Plan for attaining annual reductions required for the California Clean Air Act (CCAA).

4.3 Actual Emission Reductions Attributed To A Proposed Control Measure: May be re-eligible as actual emission reductions in the following circumstances:

4.3.1 For control measures identified in the District Air Quality Plan or State Implementation Plan, no rule has been adopted within two years from the scheduled adoption date, provided, however, the Air Pollution Control Officer has not extended the scheduled adoption date;

4.3.2 For control measures not identified in the District Air Quality Plan or State Implementation Plan, no rule has been adopted within two years from the date of the latest public workshop notice.

4.4 Affected Pollutant: An air pollutant for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (ARB), the precursors to such pollutants, and those substances regulated by the EPA or the ARB, or listed under Section 5.1.

4.5 Ambient Air Quality Standards: Ambient air quality standards shall be interpreted to include federal and state ambient air quality standards. For purposes of applicability of this Rule to the State Implementation Plan (SIP), all references to ambient air quality standards shall be interpreted as National Ambient Air Quality Standards.

4.6 Best Available Control Technology (BACT): For any emissions unit the more stringent of:

4.6.1 The most effective emission control device, emission limit, or technique which has been required or used for the type of equipment comprising such emissions unit unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such limitations are not achievable; or

4.6.2 Any other emission control device or technique, alternative basic equipment, different fuel or process, determined to be technologically feasible and cost-effective by the Air Pollution Control Officer. The cost effective analysis shall be performed in accordance with the methodology and criteria specified by the Air Pollution Control Officer;

4.6.3 Under no circumstances shall BACT be determined to be less stringent than the emission control required by any applicable provision of District, State, or Federal laws or regulations, unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such limitations are not achievable.

4.7 Complete Application: An application that contains all information required by the District to adequately evaluate the nature and extent of potential emissions of the new or modified emissions unit proposed for use in accordance with a list of required information as adopted by the District pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1, Title 7 of the Government Code.

4.8 Contiguous Property: Two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public right-of-way.

4.9 Control Efficiency: The estimated control efficiency of the proposed air pollution control technology which will be incorporated, by means of an enforceable permit condition(s), in the Authority to Construct and Permit to Operate. Emission reductions attributed to lowering throughput rates or operating hours shall not be considered in determining control efficiency;

4.10 Cost-Effective: A cost per pound of emission reduction which is deemed to be acceptable and feasible, on a pollutant and emissions unit basis, by the Air Pollution Control Officer.

4.11 Daily Emissions Limitation: One or a combination of permit conditions specific to an emissions unit which restricts its maximum daily emissions in pounds per day, at or below the emissions associated with the maximum design capacity. A daily emissions limitation must be:

4.11.1 Contained in the latest Authority to Construct and contained in or enforceable by the latest Permit to Operate for the emission unit; and

4.11.2 Enforceable on a daily basis; and

4.11.3 Established pursuant to a permitting action occurring after June 16, 1992 and used in the calculation of the net emissions change.

4.12 Emissions Unit: An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which emits, may emit, or results in the emissions of any affected pollutant directly or as fugitive emissions.

4.13 Elemental fluorine and all fluoride compounds.

4.14 Fugitive Emissions: Those emissions which could not reasonably pass through a stack, chimney, vent or other functional equivalent opening.

4.15 Historic Actual Emissions: Actual emissions averaged over the two year period immediately preceding the date of application. If the last two years are unrepresentative of normal operations as determined by the Air Pollution Control Officer, then two consecutive years of the last five years may be used. Where an emissions unit has been in operation for less than two years, a shorter averaging period of at least one year may be used providing it represents the full operational history of the emissions unit. If at any time during the specified period, actual emissions exceeded allowed emission levels, then actual emissions shall be reduced to reflect emission levels that would have occurred if in compliance with all applicable limitations and rules. For open biomass burning the emissions baseline years will be a five year period (1988 through 1992) and emissions shall be calculated as directed under Section 11 of the Emission Reduction Credit and Banking Rule.

4.16 Historic Potential Emissions: The potential to emit of an existing emissions unit prior to modification. For a new emissions unit, historic emissions are equal to zero;

4.17 Impact Analysis: An air quality modeling analysis used to estimate the maximum ground level concentration of any pollutant subject to this Rule. Maximum ground level concentration added to background levels shall be compared to ambient air quality standards.

4.18 Modification: Any physical change or operational change to an existing emissions unit, including changing hours of operation or production rate, which would necessitate a change in permit conditions. A modification to a stationary source shall include any modification of its permitted emissions units or addition of any new emissions units. A modification also occurs when there is an increase in emissions from an emissions unit caused by a modification of the stationary source and the emissions unit is not subject to a daily emissions limitation. A reconstructed stationary source shall be treated as a new stationary source and not as a modification.

The following shall not be considered a modification:

4.18.1 Routine maintenance or repair.

4.18.2 A change in ownership.

4.18.3 Replacement of an existing emissions unit, part of an emissions unit, or emissions control device with an identical (the same in all respects except for the serial number) piece of equipment resulting in emissions less than or equal to those from the original equipment or device and not requiring a change in permit conditions.

4.19 Net Air Quality Benefit: A net improvement in air quality resulting from actual emission reduction impacting the same general area affected by the new or modified source.

4.20 Non-attainment Pollutant: Any pollutant as well as any precursors of such pollutant, which has been designated non-attainment by the EPA in the Federal Register, or which has been designated

non-attainment by the ARB pursuant to Section 39607 of the California Health and Safety Code (H&S Code).

4.21 PM 10: Particulate matter with aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method, or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with section 94100).

4.22 Potential to Emit: The maximum daily capacity of an emissions unit to emit a pollutant under its physical and operational design. Any physical or operational limitation on the daily capacity of the unit to emit a pollutant, including pollution control equipment and restrictions in hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on daily emissions is incorporated into the applicable permit as an enforceable permit condition.

4.23 Precursor: Precursor means a directly emitted pollutant that, when released to the atmosphere, forms, or contributes to the formation of a secondary pollutant for which an ambient air quality standard has been adopted. The following precursor relationships shall be used:

PRECURSOR	SECONDARY AIR
Reactive organic compounds	a. Photochemical oxidants (Ozone) b. The organic fraction of PM10
Nitrogen Oxides	a. Nitrogen dioxide b. The nitrate fraction of PM10 c. Photochemical oxidants (Ozone)
Sulfur Oxides	a. Sulfur dioxide b. Sulfates c. The sulfate fraction of PM10

4.24 Proposed Emissions: The potential to emit for a new or post-modification emissions unit.

4.25 Reactive Organic Compound (ROC or ROG): Any compound containing carbon, except methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, and halogenated hydrocarbons.

4.26 Reconstructed Source: Any source undergoing physical modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source. Fixed capital cost means that capital needed to provide all the depreciable components.

4.27 Reduced Sulfur Compounds: The sulfur compounds hydrogen sulfide, carbon disulfide, and carbonyl sulfide.

4.28 Seasonal Source: Any source with more than 75 percent of its annual emissions within a consecutive 120 day period.

4.29 Shutdown: The permanent cessation of emissions from an emitting unit or the surrender of that unit's operating permit whichever occurs first. If the Air Pollution Control Officer (APCO) determines that the unit has been removed or fallen into an inoperable and unmaintained condition, the APCO may notify the owner of the District's intent to cancel the permit. If the owner does not respond

within sixty (60) days, the APCO may cancel the permit and deem the source shutdown as of the date of last emissions.

4.30 Stationary Source (Facility): Any building, structure, or emissions unit which emits or may emit any affected pollutant directly or as a fugitive emission. "Emissions Unit" includes any operation, article, machine, equipment or other contrivance which emits or may emit any affected pollutant. "Building or structure" includes all pollutant emitting activities including emissions units which:

4.30.1 Are located on one or more contiguous or adjacent properties, and which may be separated by a public right of way; and

4.30.2 Are under the same or common ownership, operation, or control, or which are owned or operated by entities which are under common control and belong to the same industrial grouping either by virtue of falling within the same two-digit Standard Industrial Classification (SIC) Code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material.

4.31 Total Reduced Sulfur Compounds: The sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide and dimethyl disulfide.

4.32 Volatile Organic Compound (VOC's): Refer to District Rule 1:2.

5 Requirements: Any emissions unit subject to this Rule shall be subject to the following requirements:

5.1 Best Available Control Technology (BACT): An applicant shall apply BACT to any new emissions unit or modification of an existing emissions unit which results in an emission increase and the potential to emit for the emission unit equals or exceeds the following amounts:

Pollutant	Pounds/Day
Reactive organic compounds	25.0
Nitrogen oxides	25.0
Sulfur oxides	80.0
Particulate matter (PM 10)	80.0
Carbon monoxide	500.0
Lead	3.2
Asbestos	0.03
Beryllium	0.002
Mercury	0.5
Vinyl chloride	5.0
Fluorides	15.0
Sulfuric acid mist	35.0
Hydrogen sulfide	50.0
Total reduced sulfur compounds	50.0
Reduced sulfur compounds	50.0

5.2 Offset Requirements, General: Emission reductions shall be required from existing emission sources, sufficient to offset calendar quarter emission increases of non-attainment pollutants or their precursors associated with a new or modified stationary source and shall be determined as follows:

5.2.1 Offsets shall not be required for increases of carbon monoxide if the applicant demonstrates to the satisfaction of the APCO through an impact analysis, that the ambient air quality standards are not violated in the area to be effected, and such emissions will not cause or contribute to a violation of ambient air quality standards.

5.2.2 Offsets shall be required for a new stationary source with a potential to emit, calculated pursuant to Section 6, of non-attainment pollutants or their precursors equal to or exceeding 25 tons per year.

5.2.3 The amount of offsets required shall be at least equal to that portion of the potential to emit which exceeds 25 tons per year.

5.2.4 Offsets shall be required for a modified stationary source under the following conditions:

5.2.4.1 An existing stationary source which has a potential to emit less than 25 tons per year as of June 16, 1992, of non-attainment pollutants or their precursors shall offset that portion of the stationary source's potential to emit which, after modification of the stationary source, exceeds 25 tons per year from new or modified emissions units. A stationary source's potential to emit shall be calculated pursuant to Section 6. After the potential to emit for a stationary source has exceeded these levels, and the applicant has provided actual emissions reductions to offset emission increases in excess of these levels, all future increases from new or modified emissions units shall be offset;

5.2.4.2 An existing source which has a potential to emit, calculated pursuant to Section 6, non-attainment pollutants or their precursors equal to or exceeding 25 tons per year as of June 16, 1992, shall offset any increases in potential to emit resulting from the permitting of a new or modified emissions unit.

5.3 Location of Offsets and Offset Ratios:

5.3.1 Offset ratios and the corresponding distances from the proposed stationary source shall be:

5.3.1.1 on-site, at a ratio of 1:1;
5.3.1.2 within 20 miles, at a ratio of 1.2:1;
5.3.1.3 miles to 50 miles, at a ratio of 1.5:1;
5.3.1.4 over 50 miles, at a ratio of 2:1.

5.3.2 Use of offsets must result in a net air quality benefit, as determined by the APCO.

5.3.3 Offsets which are obtained from a source located in another district may be used only if the provisions of Health and Safety Code Section 40709.6 are met and the involved districts enter into an agreement formalized by a memorandum of understanding.

5.4 Inter-pollutant Offsets: The APCO may approve Inter-pollutant offsets on a case-by-case basis, provided that the applicant demonstrates to the satisfaction of the APCO, through the use of an impact analysis, that the emission increases from the new or modified source will result in a net air quality benefit and will not cause or contribute to a violation of any air quality standard. In such cases, the APCO may, based upon an air quality analysis, impose offset ratios greater than the requirements of this Rule. Inter-pollutant trades between PM 10 and PM 10 precursors may be

allowed. PM 10 emissions reductions shall not be allowed to offset NOx or reactive organic compound (ROC) emissions increases in ozone non-attainment areas, nor be allowed to offset sulfur oxide emissions in sulfate non-attainment areas. In no case shall halogenated hydrocarbons be used as offsets for reactive organic compounds.

5.5 Ambient Air Quality Standards: In no case shall the emissions from the new or modified stationary source cause or make worse the violation of an ambient air quality standard. An impact analysis may be used to estimate the effects of a new or modified source. In making this determination, the APCO shall take into account the mitigation of emissions through offsets obtained pursuant to this Rule.

5.6 Denial, Failure to Meet Standards: The APCO shall deny any Authority to Construct or Permit to Operate if the APCO finds that the subject of the application would not comply with the standards set forth in this Rule.

5.7 Compliance By Other Owned, Operated Or Controlled Sources: The owner or operator of the proposed new or modified source shall certify to the APCO that all major stationary sources owned or operated by such person (or by any entity controlling or controlled by, or under common control with such person) in California are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Clean Air Act.

5.8 PM 10 Emission Recalculation: The PM 10 emissions from an existing stationary source shall be recalculated from the total suspended particulate (TSP) emissions increases and decreases which have occurred since August 20, 1983, using applicable PM 10 emission factors. When applicable PM 10 emission factors do not exist, assume 50 percent of TSP is PM 10.

5.8.1 If the applicant has provided full offsets for TSP emissions occurring since August 20, 1983 but before March 10, 1992, those

5.8.2 TSP emissions need not be recalculated as PM 10. However, any subsequent increases in PM 10 emissions shall be subject to the offset requirements of this rule.

6 Calculations: This Section shall be used to determine the emissions change for all new or modified emissions units, the actual emission reductions for all shutdowns and modified emissions units and the cumulative emissions increase from all new and modified emissions units for a stationary source.

6.1 Procedure: The calculation procedure shall be performed separately for each pollutant and each emissions unit. Emission increases and decreases shall be calculated separately for each calendar quarter pursuant to the following procedure:

6.1.1 Calculate the emissions change for each new or modified emissions unit and for each pollutant using Section 6.2.

6.1.1.1 If an increase is calculated for a pollutant, follow the requirements in:

6.1.1.1.1 Section 5.1. to determine if BACT is required.

6.1.1.1.2 Sections 5.2. and 6.3. to determine the amount of offsets required.

6.1.1.2 If a decrease is calculated for a pollutant, go to Section 6.2.2 to determine if Emission Reduction Credits (ERC's) are generated.

6.1.1.3 For no change in emissions, no further calculations are required.

6.2 Calculating Emissions Changes:

6.2.1 Emissions Increase

6.2.1.1 New or Modified Emissions Unit: The emissions change for a new or modified emissions unit shall be calculated by subtracting historic potential emissions from proposed emissions.

Emissions change = (proposed emissions) - (historic potential emissions)

6.2.2 Actual Emissions Reductions (AER):

6.2.2.1 Shutdown of an emissions unit

AER = Historic actual emissions

6.2.2.2 Modification consisting solely of application of control equipment or implementation of more efficient process

AER =(Historic actual emissions) x (control efficiency).

6.2.2.3 Other modifications

AER =(Historic actual emissions) - (proposed emissions)

6.3 Determining Potential to Emit for a Stationary Source: The potential to emit for a stationary source shall be equal to the sum of potentials to emit for Permits to Operate (or Authority to Construct for emissions units for which a Permit to Operate has not been issued), issued prior to June 16, 1992, for each emissions unit within a stationary source. In addition, emissions increases from new or modified emissions units occurring on or after June 16, 1992, shall be added to the sum of potentials to emit for existing emissions units. In no case shall the potential to emit for a stationary source be adjusted for actual emissions reductions which occur after June 16, 1992.

7 Air Quality Impact Analysis: In no case shall emissions from a new or modified emissions unit, cause or make worse the violation of an ambient air quality standard. The Air Pollution Control Officer may require an applicant to use an air quality model to estimate the effects of a new or modified emissions unit. For the purpose of performing an impact analysis the following shall apply:

7.1 Air quality models shall be consistent with the requirements contained in the most recent edition of EPA's "Guidelines on Air Quality Models, OAQPS 1.2-080", unless the Air Pollution Control Officer finds that such model is inappropriate for use. After making such a finding the Air Pollution Control Officer may designate an alternate model only after allowing for public comment and only with the concurrence of the Air Resources Board and the Environmental Protection Agency. All modeling costs associated with the siting of a new or modified emissions unit shall be borne by the applicant;

7.2 In performing an impact analysis, if the proposed stack height is higher than is dictated by good engineering practices, the actual height used for the purposes of modeling shall be calculated in accordance with good engineering practices.

8 Administrative Requirements: The following administrative requirements shall apply to this Rule:

8.1 Complete Application: The APCO shall determine whether the application is complete not later than 30 days after receipt of the application, or after such longer time mutually agreeable to the applicant and the APCO. If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision and of the required additional information. Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or re-submittal application shall be evaluated on the basis of the information requirements set forth in District Regulations (adopted pursuant to Article 3, Section 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the Government Code) as they exist on the date on which the application or re-submittal application was received. Upon determination that the application is complete, the APCO shall notify the applicant in writing. The APCO may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

8.2 Air Quality Models: Only those models approved by the APCO may be used in the impact analysis.

8.3 Preliminary Decision: Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine compliance with this Rule and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or disapproved. The decision shall be supported by a written analysis.

8.4 Publication and Public Comment: Within ten (10) calendar days following a preliminary decision on the Authority to Construct for an emissions unit or facility with a potential to emit exceeding 25 tons per year, the APCO shall publish in at least one newspaper general circulation in the District a notice stating the preliminary decision of the APCO noting how pertinent information can be obtained, and inviting written public comment for a 30 day period following the date of publication. Copies of such notice shall be sent to the ARB and the EPA.

8.5 Public Inspections: The APCO shall make available for public inspection at the District's office the information submitted by the applicant and the APCO's analysis no later than the time that notice of the preliminary decision is published. All such information shall also be transmitted, no later than the date of publication, to the ARB and the EPA regional office. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the Government Code and relevant sections of the Administrative Code of the State of California. Further, all such information shall be transmitted, no later than the date of publication, to the ARB and the EPA regional office.

8.6 Authority to Construct, Final Action: Within 180 days after acceptance of an application as complete, the APCO shall take final action on the application after considering all written comments. The APCO shall provide written notice of the final action to the applicant, the EPA, and the ARB, and shall make the notice and all supporting documents available for public inspection at the District's office for all Authorities to Construct issued for emissions units subject to the requirements of Section 5 of this Rule.

8.7 Requirements, Permit to Operate: As a condition for the issuance of a Permit to Operate, the APCO shall require that the new source or modification, and any sources which provide offsets will be operated in the manner assumed in making the analysis to determine compliance with this Rule. The Permit to Operate shall include daily emission limitations which reflect applicable emissions limitations, including BACT . As a condition for the issuance of a Permit to Operate, any stationary source which provides emission offsets shall be subject to enforceable permit conditions, containing specific emissions limitations which ensure that the emission reductions will be provided in accordance with the provisions of this Rule and shall continue for the reasonably expected life of the proposed source.

8.7.1 Where the source of offsets is a non-permitted source, the District shall require the non-permitted source to obtain an enforceable permit, complete with operational and emissions limitations. If the source of offsets is a permit exempt piece of equipment, that particular source must relinquish its exempt status.

8.7.2 If the District pursuant to state laws or district regulations can not permit the source of the offsets, the source creating the offsets shall execute a legally binding contract between the applicant and the owner or operator of such offset source, which contract, by its terms, shall be enforceable by the APCO . A violation of the emission limitation provisions of any such contract shall be chargeable to the applicant.

8.8 Issuance, Permit to Operate: The APCO shall issue a Permit to Operate for any stationary source which meets the requirements of this Rule. Any offsets required as a condition of an Authority to Construct or amendment to a Permit to Operate shall commence not later than the initial operation of the new or modified source, and the offsets shall be maintained throughout the operation of the new or modified source which is the beneficiary of the offsets. Further, the APCO shall determine that all conditions specified in the Authority to Construct have been or will be complied with by any dates specified. W here a new or modified stationary source is, in whole or part, a replacement for an existing stationary source on the same property, the APCO may allow a maximum of 90 days as a startup period for simultaneous operations of the existing stationary source and the new source or replacement.

8.9 Regulations in Force Govern: The granting or denial of an Authority to Construct shall be governed by the requirements of this Rule in force on the date the application is deemed complete. In addition, the APCO shall deny a Permit to Construct for any new stationary source or modification, or any portion thereof, unless the new source or modification, or applicable portion thereof, complies with the provisions of this Rule and all other applicable District Rules and Regulations.

8.10 Permit Conditions: The APCO shall have the authority to place conditions on the Authority to Construct and/or Permit to Operate which will ensure that the construction, modification, or operation of such source will comply with all applicable rules and regulations. Such conditions may include, but not be limited to hours of operation; processing parameters; periods of use; and emission limitations on an hourly, daily, or yearly basis.

9 Power Plants: This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification has been accepted by the California Energy Commission (CEC). The APCO may apply for reimbursement of all costs incurred, including lost fees, in order to comply with the provisions of this section.

9.1 Intent to Participate and Preliminary Report: Within fourteen days of receipt of an NOI, the APCO shall notify the ARB and the CEC of the District's intent to participate in the NOI proceeding. If the District chooses to participate in the NOI proceeding, the APCO shall prepare and submit a report to the ARB and the CEC prior to the conclusion of the non-adjudicatory hearing specified in Section 25509.5 of the Public Resources Code. That report shall include, at minimum:

9.1.1 A preliminary specific definition of BACT for the proposed facility; and

9.1.2 A preliminary discussion of whether there is substantial likelihood that the requirements of this Rule and all other District Regulations can be satisfied by the proposed facility; and

9.1.3 A preliminary list of conditions which the proposed facility must meet in order to comply with this Rule or any other applicable District Regulation.

9.1.4 The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the NOI.

9.2 Determination of Compliance Review: Upon receipt of an Application for Certification (AFC) for a power plant, the APCO shall conduct a Determination of Compliance Review. This determination shall consist of a review identical to that which would be performed if an application for a Permit to Construct had been received for the power plant. If the information contained in the AFC does not meet the requirements of this Rule, the APCO shall, within twenty calendar days of receipt of the AFC, so inform the Commission, and the AFC shall be considered incomplete and returned to the applicant for re-submittal.

9.3 Equivalency of Application: The APCO shall consider the AFC to be equivalent to an application for a Permit to Construct during the Determination of Compliance Review, and shall apply all provisions of this Rule which apply to application for a Permit to Construct.

9.4 Need for Additional Information: The APCO may request from the applicant any information necessary for the completion of the Determination of Compliance Review. If the APCO is unable to obtain the information, the APCO may petition the presiding Commissioner for an order directing the applicant to supply such information.

9.5 Preliminary Determination: Within 180 days accepting an AFC as complete, the APCO shall make a preliminary decision on:

9.5.1 Whether the proposed power plant meets the requirements of this Rule and all other applicable District Regulations; and

9.5.2 In the event of compliance, what permit conditions will be required, including the specific BACT requirements and a description of required mitigation measures.

The preliminary written decision under Section 9.5 shall be treated as a preliminary decision under Section 8.3 of this Rule, and shall be finalized by the APCO only after being subject to the public notice and comment requirements of Sections 8.4 through 8.6. The APCO shall not issue a Determination of Compliance unless all requirements of this Rule are met.

9.6 Determination of Compliance: Within 240 days of the filing date, the APCO shall issue and submit to the Commission a Determination of Compliance or, if such a determination cannot be issued, shall so inform the CEC. A Determination of Compliance shall confer the same rights and privileges as a Permit to Construct only when and if the Commission approves the AFC, and the Commission Certificate includes all conditions of the Determination of Compliance.

9.7 Permit to Operate: Any applicant receiving a certificate from the CEC pursuant to this Section and in compliance with all conditions of the certificate shall be issued a Permit to Operate by the APCO.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:3B Emission Reduction Credit And Banking Rule
Adopt 6/7/1994, Amended 04/21/1998, Repealed/Adopted 6/19/2001

1 Applicability: The provisions of this Rule apply to the deposit, transfer, and use of emission reduction credits (ERCs) from stationary sources and open biomass burning sources of air pollution emissions. References in this rule to non-permitted source, permit exempt, shutdown, curtailment, authority to construct and permit to operate do not apply to open biomass burning sources. Additional details and procedures covering open biomass burning sources can be found in the Manual of Procedures (MOP) for this rule.

2 Purposes:

2.1 To provide a mechanism for permitted and non-permitted emission sources to deposit, transfer, and use ERCs as offsets as allowed by applicable laws and regulations. To ensure that all emission reductions are transferred through the District's emission reduction credit bank pursuant to the Health and Safety Code. All transfers and uses of emission reductions that are required under the District's New Source Review (NSR) Rule shall be processed in accordance with this rule.

2.2 To define ERC eligibility standards, quantitative procedures, and administrative practices and to ensure that ERCs are real, permanent, quantifiable, surplus, and enforceable. Reductions in emissions from the required phase down of rice straw burning qualify as surplus pursuant to Section 41865 of the California Health and Safety Code.

2.3 To provide a mechanism for intra-basin transfer and use of banked ERCs.

2.4 To ensure that open biomass burning is prohibited for a parcel for which an ERC exists.

3 Definitions: Unless otherwise defined, terms as used in this Rule are defined in Regulation I, General Provisions or Regulation II - New Source Review (NSR).

3.1 Applicant: The person, entity, landowner or their designee applying for an ERC certificate.

3.2 Bankable Emissions: Reductions in affected pollutants which meet the applicable provisions of the District's banking and NSR rules.

3.3 Banking System: The procedures of quantifying, certifying, recording, and storing ERCs for future use or transfer.

3.4 Banking Register: The document that records all ERC applications, deposits, withdrawals, transfers, and other transactions including the claiming of open biomass burning offset credits by stationary sources existing prior to first adoption of this Rule.

3.5 Biomass: Material derived from the harvesting of crops or removal of vegetation, including timber, except for material from processed dimensional timber.

3.6 Emission Reduction Credits: Reductions of actual emissions from an emission source that are registered with the District in accordance with this banking rule. Reductions will be specified by pollutant, by location, and in units of pounds per calendar quarter.

3.7 ERC Certificates: A document certifying title to defined quantities and types of emission reductions issued by the District to the owner(s) identified on the certificate.

3.8 No-burn List: A list of parcels for which ERCs exist and which will not receive burn permits.

3.9 Non-permitted Emissions: Emissions of pollutants into the atmosphere from sources that do not have air pollution operating permits. Non-permitted sources include exempt facilities.

3.10 Offsets: The use of an emission decrease from one or more sources to compensate for an emission increase in a non-attainment pollutant or its precursor from a new or modified source subject to the requirements of the District's NSR rule.

3.11 Parcel(s): A legally identifiable piece of land, a portion of that land, or combined lands, under common ownership and as registered with the County Assessor's office for property tax purposes.

3.12 Registered Owner: The person, entity, landowner or their designee in whose name the ERC certificate is issued and listed in the banking register.

3.13 Source: Any building, structure, facility, or emission unit which emits or may emit any affected pollutant directly or as a fugitive emission. A source may have a permit to operate or be exempt from permit. For purposes of this rule open biomass burning will be considered a source and such activity requires an annual burning permit.

3.14 Transfer: The conveyance of an ERC certificate from one entity to another.

4 Eligibility Of Emissions Reductions For Credits: Upon application to the District within 365 days of (date of rule adoption) or 365 days after the emission reductions occurred the following emission reductions may qualify for ERC certificates. For open biomass burning the application period and eligibility requirements are specified in other Sections of this Rule. Emission reductions will be deemed to have occurred on the date when emissions actually decreased. For open biomass burning the emission reduction will be deemed to have occurred when the parcel(s) have been put onto the no-burn list. The District may claim emission reductions not applied for as ERCs under this rule, from any source, and use such emission reductions toward attainment of air quality standards or deposit the emission reductions into the community bank. The following subsections of Section 4 do not apply to open biomass burning sources.

4.1 For non-permitted sources the following additional requirements shall apply:

4.1.1 Emissions must have been included in the 1987 emissions inventory.

4.1.2 The applicant for the ERCs must apply for and obtain a Permit to Operate from the District or execute a legally binding contract with the District or through other enforceable means.

4.1.3 An applicant who proposes to bank emissions from permit exempt sources must relinquish the exempt status and obtain permits for any new or modified sources of the same type.

4.1.4 If the emission reduction is due to the shutdown of a non-permitted source, the applicant must demonstrate to the satisfaction of the APCO that the emissions reductions from the source meet all applicable requirements of this rule. The source can no longer be operated within the District unless and until a Permit to Operate is obtained from the District.

4.2 Under no circumstances shall any emissions reductions occurring before (date of rule adoption), other than as described in subsection 4.3 be eligible for ERC certificates.

4.3 Emissions reductions occurring after December 31, 1987 and before (date of rule adoption).

4.3.1 Emission reductions formally recognized by the District (in written form, emission databases, etc) shall be deemed eligible emission reductions, provided the APCO determines that such emission reductions comply with the definition of actual emission reduction.

4.4 Emissions reductions occurring after (date of rule adoption).

The following criteria must be met in order to deem such emissions reductions eligible for ERC banking:

4.4.1 Emission reductions are calculated in accordance with District procedures contained in the NSR Rule or, for biomass burning, in this rule and comply with the definition of actual emission reductions.

4.5 A source which obtained offsets pursuant to the District's NSR Rule and was issued an Authority to Construct after December 31, 1987, may apply to bank such offsets if the Authority to Construct is canceled or if the Permit to Operate is voluntarily modified or surrendered or is revoked by the District.

4.6 The following emission reductions are not eligible for ERCs for banking:

4.6.1 Emission reductions from the shutdown or curtailment of retail gasoline dispensing or retail dry cleaning operations. These facilities may be eligible if they can demonstrate to the satisfaction of the APCO that their emission reductions are not offset by increases in demand and emissions from other similar sources within the District.

4.6.2 Emission reductions occurring from the shutdown or curtailment of a stationary source for which the offsets originally provided are no longer enforceable by the District.

4.6.3 Emission reductions occurring from the shutdown or curtailment of a stationary source for which the District originally provided the required offsets.

4.7 Emission reduction credits resulting from shutdowns or curtailment of sources shall not be more than the quantity of emissions that would have been emitted had the source operated in compliance with rules and regulations applicable to the source at the time of shutdown or curtailment.

5 Application Procedures For Emission Reduction Credits:

5.1 Any person, entity, landowner, or authorized agent, which owns or operates a source at which an eligible emission reduction has occurred or will occur may apply for an ERC certificate in accordance with the requirements of this Rule. For open biomass burning sources, if the applicant is not the landowner, written authorization from the landowner must be included with the application for an ERC certificate.

5.2 The person or entity requesting the ERC certificate shall make an application on forms supplied by the District.

5.3 The application may be for reductions in one or more affected pollutants. The application shall contain sufficient information to allow for adequate evaluation of actual emission reductions. The application for an ERC certificate for open biomass burning may include more than one parcel but must have separate emission calculations for each parcel or portion of a parcel covered in the application.

5.4 In accordance with the provisions of the Federal Clean Air Act, Government Code, and the Health and Safety Code applicants may claim confidentiality of information contained in the application.

5.5 Applications shall be submitted within 365 days after the emission reduction occurs or within 365 days of (the adoption date of this Rule) whichever is later. Applications for reductions in open

biomass burning must be submitted by May 1 of each year. The applications may be submitted for any burning reductions occurring in the previous calendar year or for the current calendar year ending on December 31.

5.6 To verify emission reductions claimed in conjunction with an application for an ERC certificate, the District may require source tests by ARB approved methods, continuous monitoring, production records, fuel use records, or any other appropriate means. For open biomass burning, verification of emission reductions shall be in accordance with Section 11. and the MOP.

6 Administrative Procedures And Timetable: For ERCs for open biomass burning reductions, a separate administrative timetable is found in the Manual of Procedures.

6.1 The APCO shall determine whether an ERC application is complete not later than thirty (30) calendar days following receipt of the application, or after a longer time period agreed upon in writing by both the applicant and the APCO.

6.2 If the APCO determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the additional information that is required. The applicant shall have sixty (60) days, or a longer time period agreed upon in writing by both the applicant and the APCO, to submit the requested information. Upon receipt of additional information, the APCO shall have another thirty (30) days to determine completeness. If no information is submitted or the application is still incomplete, the APCO may cancel the application with written notification to applicant.

6.3 Upon determination that the application is complete, the APCO shall notify the applicant and ARB in writing. Thereafter, only information to clarify, correct, or otherwise supplement the information submitted in the application may be requested by the District.

6.4 Withdrawal of a ERC application by an applicant shall result in cancellation of the application; any re-submittal will be processed as a new application.

6.5 Upon acceptance of an application as complete, the APCO shall have 180 days to take final action on the application after considering all written comments. Upon completion of the initial assessment, the APCO shall provide written notice of such to the applicant and shall also provide written notice to the ARB and the EPA and publish notice in a local newspaper of general circulation. T he notice shall specify the applicant, the quantity of emission reduction credits requested and a copy of the initial assessment.

6.5.1 The notice requirements may be waived by the APCO if the emission reduction credits applied for are less than 10,000 pounds per quarter per pollutant except for CO which is 20,000 pounds per quarter, and open biomass burning credits for less than 500 acres per parcel.

6.6 Publication of the notice shall commence a thirty (30) day public comment period during which the APCO shall accept written comments on the merits of the ERC application. Upon conclusion of this thirty (30) day period, the APCO shall have another thirty (30) days to render a decision to approve, conditionally approve, or deny the application. This decision shall be provided in writing to the applicant.

6.7 The applicant or any other party may appeal the APCO's decision following provisions specified in District regulations.

7 Registration Of Emission Reduction Credits:

7.1 The District shall maintain a bank register, which shall consist of the following:

7.1.1 A record of all deposits, withdrawals, and other transactions with regard to the District's banking system.

7.1.2 A record of all open biomass burning offset credits derived from reduced burning within the District which credits are claimed by stationary sources existing prior to the adoption of this rule (pre-existing source).

7.2 Offset credits claimed from reduced open biomass burning by a pre-existing stationary source within the District shall be reported to the District for incorporation into the banking register. Such offsets shall be incorporated into the banking register within two years after the date of Rule adoption. The offsets shall not be subject to adjustments under Section 8 of this Rule. In the event that open burning biomass offset credits are claimed by a pre-existing stationary source and obtained from outside the District, the District shall report the claiming of such credits to the District of origin of the biomass material.

7.3 In the event that open burning biomass emission credits are claimed by a new or modified stationary source as offsets and obtained from outside the District, the District shall report the claiming of such offset credits to the District of origin of the biomass material.

7.4 The APCO may only grant an ERC certificate after the emission reductions have actually occurred and upon satisfaction of the following applicable provisions:

7.4.1 If the emission reductions were created as a result of greater operating efficiencies, reduced throughput, shortened operating hours, or from the application of more efficient control technology a revised Permit to Operate must be issued. This revised permit must include specific quantifiable emission limits reflecting the reduced emissions.

7.4.2 If the emission reductions were created as a result of the shutdown of a permitted source or emitting unit, the Permit to Operate has been surrendered and voided or modified to ensure that the emissions reductions are permanent.

7.5 When all the requirements of this rule have been satisfied and the emission reduction has actually occurred, the APCO shall issue the ERC certificate. After granting an ERC certificate, title to such certificate shall be entered into the banking register. Such information may be made available for public inspection.

7.6 All ERC certificate information concerning titles, interests, liens, restrictions, encumbrances, and other changes of record shall be identified in the District's banking register until the certificate is canceled or nullified by operation of law.

7.7 Each ERC certificate shall be numbered, bear the date of issuance, be signed by the APCO, bear the seal of the District, and contain information regarding the quantity and type of ERCs. One copy of the ERC certificate shall be retained by the District and the original shall be delivered to the applicant. Transmittal of the ERC certificate to the owner shall be accomplished in person or by registered mail. The person accepting the ERC certificate shall sign a receipt therefor and provide such proof of identity as the APCO may require.

7.8 At the option of joint owners of ERCs, such persons may receive one ERC certificate for the entirety or separate ERC certificates reflecting each proportional share. The District's bank shall reflect the consolidation or separation of the ERCs.

7.9 Title to an ERC certificate shall be deemed registered at the time the required information concerning the ERC is entered into the banking register. Title will be vested in the applicant's name

or his/her designee and shall inure to the benefit of his or her heirs. In the case of ERCs granted for open burning of biomass, title will be vested with the landowner or landowner's designee.

7.10 All dealings with ERCs and all liens, restrictions, encumbrances, and changes subsequent to the first registration shall be deemed to be subject to the terms of this regulation, and to such amendments and alterations as may hereafter be made.

7.11 The APCO may reissue lost or destroyed ERC certificates after the registered owner certifies in writing that the original has been lost or destroyed.

8 Adjustments To Emission Reduction Credits:

8.1 Except as provided in 8.2 below, the District shall take five percent (5%) of the emissions reductions before the ERCs are granted and apply the emissions toward attainment of the air quality standards or place the emissions into a community bank controlled by the District for use by essential public services, such as sewage treatment, schools, hospitals, fire fighting, police, jail, water delivery, and mandated cleanup operations.

8.2 An applicant may restrict use of the ERCs only for applicants own future use, at the same parcel or site, in which case the District will not adjust the ERCs. The applicant may have the restriction removed by the District upon payment of costs incurred by the District to re-issue an unrestricted ERC certificate.

8.3 Deposits are permanent until used by the depositor or any party to whom the ERC certificate has been transferred. After issuance of the certificate, subsequent changes in regulations to require the type of emission reduction which has been banked shall not reduce or eliminate the ERC.

8.4 Owners of ERC certificates may donate their ERCs to the District for purposes of assisting the District towards attainment of the air quality standards.

9 Transfer And Use Of Emission Reduction Credits:

9.1 The ERCs may be used at the time of, or anytime after deposit into the District's banking system by the registered owner, or owner's designee of the ERC certificate to provide offsets for increase in emissions from new or modified sources subject to the NSR Rule.

9.2 Transfer in whole or in part of an ERC certificate shall be done by the registered owner in accordance with applicable procedures of this rule. Upon payment of a transfer fee a new ERC certificate, certifying the title or interest in the ERC, shall be issued and the original certificate shall be canceled. Such cancellation shall be recorded in the banking register.

9.3 Nothing in this rule prevents the lease or temporary transfer, in whole or in part, of ERCs represented by certificates to be used as offsets. However, no transfers shall be made until application is made to the District and approval given by the APCO.

9.4 Except as provided below, all emissions reductions to be used as offsets under the new source review rule must first be processed through this rule and receive an ERC certificate in accordance with the requirements of this rule. Onsite reductions in emissions which are contemporaneous with onsite increases in emissions from other emission units and meet the requirements of the NSR Rule are not required to go through this ERC/Banking Rule.

9.5 ERCs which result from stationary source shutdowns and curtailments shall not be used as offsets for a new or modified stationary source where permitted emissions would exceed emissions

thresholds established for the District in the Federal Clean Air Act for major source modifications, unless the applicant can establish the following:

9.5.1 The proposed new source or modification is a replacement, and the shutdown or curtailment occurred after August 7, 1977; or

9.5.2 An application for credit was filed with the District within 180 days of the date last emission; and

9.5.2.1 The crediting of shutdown emissions complies with the most recent emission trading policy or regulations of the US Environmental Protection Agency; and

9.5.2.2 The District has met statutory planning mandates and air quality improvement milestones.

9.6 On transfer of ownership of ERCs to a stationary source for use as offsets the registered owner shall provide information to the District on costs, if any, in dollars per ton, of emission offsets purchased for, or acquired by, the new or modified source.

10 Stationary Source ERC Calculations:

10.1 Calculations of emission reductions shall be determined by the methods described in the District's NSR Rule.

11 Open Biomass Burning ERC Calculations: The MOP contains emission factors (EF), Fuel Loading factors (FL), default historical burn fractions (HBF), and default quarterly burn fractions (QBF). Default HBFs and QBFs shall be used to calculate the ERCs. An alternative use of parcel specific HBFs and QBFs may be used after a methodology is developed and receives written ARB concurrence. The alternative method is to address specific geographic areas with specific air quality problems. The following information will be used in the calculation of ERCs, however, when using default HBF and QBF factors, Sections 11.3 and 11.4 below do not apply:

11.1 Basic information: The applicant shall provide data on the crop type, exact location of the parcel including assessor's parcel number and other information regarding parcel location required in the MOP, acreage burned (AB), and date(s) of open biomass burning within the baseline period. The applicant shall use county burn permit/authorization records or other verifiable records to validate the information as specified in the MOP. The type of biomass residue and the acreage burned (AB) will be used in the ERC calculation.

11.2 Acreage Burned: The applicant for emission reductions from open biomass burning shall provide the acreage burned for each parcel(s) of land for which ERCs are applied . Acreage must have been burned for at least one of the five (5) baseline years of 1988 through 1992. The applicant shall use county burn permit/ authorization records or other verifiable records to determine the acreage.

11.3 Historical burn fraction (HBF): The applicant shall provide available data on historical biomass burn percentage for the parcel(s) during the five (5) baseline years of 1988 through 1992. The historical burn fraction (0-1) is an adjustment to the amount of ERC available. The applicant may use county burn permit authorization records or other verifiable records to determine the amounts of prior burning. For rice straw burning an historical burn fraction of one (1) will be used for the parcel(s).

11.4 Quarterly burn fraction (QBF): The applicant shall provide available data on quarterly biomass burning for the parcel(s) during the five (5) baseline years of 1988 through 1992. The applicant may use county burn permit authorization records or other verifiable records to determine the date(s) of burning. The quarters are defined as Jan-Mar, Apr-Jun, Jul-Sep, and Oct-Dec.

11.5 The biomass Fuel Loading (FL) and emission factors (EF): Set forth in the MOP shall be used for the crops indicated. Alternatively, the applicant may propose and the District shall select the appropriate biomass Fuel Loading and emission factors to be used in the calculations from the Annual Agricultural Burning Plan for the Sacramento Valley Air Basin or other best available data.

11.6 Discount acreage (DA): The applicant may reduce the total acreage covered by the ERC certificate to allow for continued burning of a portion of the total acreage of the parcel(s). This reduction in the total acreage covered will be reflected in the emission credits applicable to the parcel(s). The portion of the parcel(s) that is covered by the discount acreage (i.e. the acreage eligible for a burn permit) must be clearly identified. This portion will not be allowed to change without prior District notification and approval.

11.7 The District will determine a quarterly ERC value for each pollutant based on the following calculation:

ERCs = (AB-DA) * HBF * FL * EF * QBF

11.8 Stationary sources which have applied for an Authority to Construct or equivalent authority prior to the date of adoption of this Rule, and which thereafter apply for an ERC(s), may utilize the calculation factors contained in the MOP on the date of first adoption of this Rule.

12 District Enforcement Considerations:

12.1 Revision or cancellation of ERC certificates: At the request of the registered owner to allow burning of a parcel(s) for which ERCs have been granted may be handled as follows, with prior written approval from the APCO.

12.1.1 The registered owner may request that the District reduce the quantities of the emissions covered by the ERC certificate by the amount of emissions associated with the reduced acreage requested. After the District revises the ERC certificate that portion of the parcel may be burned in accordance with current agricultural burning regulations. The portion of the parcel that is covered by the discount acreage (i.e the acreage eligible for a burn permit) must be clearly identified. This portion will not be allowed to change without prior District notification and approval.

12.1.2 The registered owner may surrender the ERC certificate to the District for cancellation and burn the parcel(s) pursuant to current agricultural burning regulations.

12.2 District enforcement considerations related to ERCs are the following:

12.2.1 To meet the requirement of enforceability, a contract, permit conditions, no burn list, and/or other means shall be utilized.

12.2.1.1 The primary means of enforcing open biomass burning ERCs will be by placing the parcels on a no burn list. No burn permit will be issued for a parcel(s) if an ERC is currently in effect for that parcel unless the registered owner applies for cancellation, modification or substitution of the ERC under Section 12.1 of this Rule.

12.2.1.2 To further ensure the enforceability of ERCs and offsets from open biomass burning, an owner of a parcel with ERCs who is preparing to sell that property shall either:

12.2.1.2.1 Place a restriction on the parcel title, prior to sale, foregoing all open biomass burning on that parcel, or

12.2.1.2.2 Submit an application for transfer of ownership of the ERCs to the new landowner, within 14 days after the transfer of title to the parcel, consistent with the transfer procedures of this Rule. The ERCs shall automatically terminate 15 days after transfer of the land to a new owner unless the registered owner has complied with either of the two options in this Section 12.2.1.2.

12.2.1.3 At the time of application, the applicant for ERCs for reduced open biomass burning must provide information to the District on the disposition of the biomass.

12.2.1.4 Emission reduction credits used to offset project emissions in another district shall be implemented through an inter-district agreement to ensure their enforceability and permanence.

12.2.2 Facilities that claim open burning emission reduction offsets pursuant to Health & Safety Code Sections 41605.5 and 42314.5 must keep a daily log of biomass received by type, origin, quantity, and date. Such facilities will also be required to prepare and submit to the District a quarterly report on their emissions and corresponding biomass off-sets. The District will further require an annual status report on biomass contracts for next year prior to re-issuance of the annual Permit to Operate.

12.3 To further ensure enforceability of this Rule refer to the Manual of Procedures which contains ERC and offset tracking, open biomass burn permitting, and other procedures related to the implementation of the Rule.

13 Fees: Fees shall be required for application, analysis, transfer and replacement of an ERC certificate, as specified in District Rule 2:11B Emission Reduction Credit Banking Fee.

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MANUAL OF PROCEDURES

Emission Reduction Credit and Banking Rule

1 Introduction and Contents: This Manual of Procedures sets forth procedures relating to the application, calculation, review, registration, tracking and use of emission reduction credits arising from reduction in open burning of biomass material as provided in Rule 2:3B. The ERC application, calculation, and banking system contains the following requirements and elements:

1.1 Standard application form: The application must contain sufficient information on the legal trail from landowner to applicant (if applicant is not landowner) to input into database and confirm legal authority for ERC application. Also the database will have: landowner's name, lessee/farmer, applicant, current ERC owner, end user(offsets).

1.2 Specific application procedures: The parcel ID will be Assessors Parcel # from the county, farmers field ID, Section Township Range location, nearest crossroads, and include a map of the parcel. The application will also contain burn records or other verifiable documentation on parcel(s), and a calculation sheet with emission reductions for each parcel.

1.3 Standard calculation template with example: This manual provides a standardized calculation template and examples for various crops and scenarios.

1.4 Sample ERC certificate: The certificate lists specific parcel(s) location(s), pollutants, amount of credits per quarter, and ownership of ERCs.

1.5 Specifics of enforceability for biomass ERC/offsets: Ownership of ERCs will go into a ledger database which will also contain information regarding the landowner and farmer. The biomass ERC list will become a no-burn list and no burn permit will be issued for those parcels. The database will cross-check the no-burn list with the ready to burn list for verification and will be used throughout the year.

1.6 Methods of addressing possible double counting problems: Existing biomass plants that require offsets will be required to report open biomass burning reduction credits claimed pursuant to Health & Safety Code Section 41605.5. These credits will be incorporated into the banking system register within a two year period. This will strengthen the central ledger approach and will work as in Section 1.1 above.

1.7 Specific procedures for use and change of credits: Changes can be made in ownership of credits or quantity of credits. Amendment forms are provided to facilitate the quick re-issuance of certificates with changes. For temporary use of credits as offsets the database will specify the duration of transfer and the current ownership.

1.8 Identify valid surrogate records: Burn records would be the most valid records, however, fire district records, written certification of the ASCS office or certification from the AG DEPT and APCD may also be used.

1.9 Describe the tracking system: A comprehensive ERC banking database will be developed which has matching fields with the ready to burn database for cross-checking. A no-burn list will be generated from the ERC banking database for biomass credits. The no-burn list will be provided to agriculture departments or fire districts if they issue the burn permits so that they can keep from issuing burn permits for parcels with ERCs.

1.10 An outline of the issuance of agricultural burn permits and burn decisions: Growers come into agriculture departments or districts for an annual agricultural burning permit. Growers bring maps of the fields that they want to burn or for pesticide applications. After growers harvest fields or prune orchards and there is a residue to be burned they notify the responsible agency for agricultural

burning to get that specific parcel on the ready to burn list. When there is a burn day with sufficient acreage and the grower is available on the ready to burn list the grower is authorized to burn that specific parcel on that day.

1.11 Standard inter-district agreement on use of ERCs: There needs to be a basin wide agreement that all districts will accept each others ERC certificates as valid emission reductions for offset purposes. The district with the new or modified facility requiring offsets needs only to adjust those emission reductions based on specified distance ratios from the new facility.

1.12 Manual of Procedure Forms: The Manual contains examples of forms that will be necessary including a transfer of ownership form, designation of authority form from the landowner, ERC certificate amendment form, and a release form for an ERC designated owner to donate the credits to a district.

2 ERC Application Procedures: Applications for ERCs for open biomass burning shall be submitted on the following forms:

2.1 Application cover page - Form 1, page II- 18.

2.2 Parcel identification page - Form 2, page II- 19.

2.3 Designation of authority page - Form 3, page II- 20.

Other information must also be submitted with the application package, such as a map(s) of the parcel(s) and the data sheet(s) used to calculate the emission reduction credits (ERCs).

3 Open burning ERC calculation procedures: Default HBFs and QBFs shall be used to calculate the ERCs. An alternative use of parcel specific HBFs and QBFs may be used after a methodology is developed and receives written ARB concurrence. The alternative method is to address specific geographic areas with specific air quality problems. In the event that a specific crop factor (i.e. FL or EF) is not found in Table 3, page 26 then factors from other sources (e.g. Darley, Jenkins, or AP42) may be used.

3.1 The District will calculate, for each parcel, the ERC amount based on the following calculation equation:

3.1.1 ERCs = (AB-DA) * HBF * FL * EF * QBF

3.1.2 These ERCs will be specific for each pollutant and stated in pounds per quarter.

3.2 Open biomass burning ERCs shall be calculated separately for each crop type, for each pollutant and for each quarter according to the above formula:

Where: ERC= Emission Reduction Credit for each pollutant in pounds per quarter.

AB = Acreage Burned is specific to a parcel, for which open burning is to be restricted upon issuance of the ERC.

FL = Fuel Loading factor in dry tons per acre. The Fuel Loading factor shall be determined for each crop type from the Fuel Loading factors in Table 3, page II- 26.

EF = Emission Factor in pounds per dry ton. The emission factor for each crop type and each pollutant shall be determined from the open field biomass burning emission factors listed in Table 3, page II- 26.

HBF= Historical Burn Fraction or the fraction of actual harvested acreage for each crop type which was historically open burned. The historical burn fraction shall be determined on a county-by-county basis from the default HBFs listed in Table 1, page II-23.

QBF= Quarterly Burn Fraction is the fraction of the total historically burned acreage which was burned during each calendar quarter. The quarterly burn fraction shall be determined on a county-by-county basis for each calendar quarter from the default QBFs listed in Table 2, page II- 24.

DA= Discount Acreage is the specified acres the applicant wishes to allow for continued burning on a portion of the parcel which is the subject of an ERC application. The portion of the parcel that is covered by the discount acreage (i.e the acreage eligible for a burn permit) must be clearly identified. This portion will not be allowed to change without prior District notification and approval.

3.3 Methods of calculation:

3.3.1 The method used for calculating emission reductions which can qualify for open biomass burning ERCs uses several factors. The ERC calculation worksheet in Table 4, page II-27 below provides an example of the calculation method. The method allows the applicant to use preset factors required for the ERC calculation for the historical burn fraction, quarterly burn fraction, Fuel Loading factor, and the emission factors for each pollutant.

3.4 Burn information sources and availability:

3.4.1 The following sources or combination of information sources may be used to verify the burn history of a specific crop on a specific parcel of land.

3.4.2 Depending upon the county, the air district, agriculture department, fire districts, or other public agencies receive burning applications, issue burning permits, allocate acres for burning and maintain lists of growers requesting authorization to burn. If available, these records are preferable hard data to determine the history that specific crop residues were burned on specific parcels of land during specific calendar quarters of the year. The ERC applicant should describe what records are available, attach copies where available, and identify the public agency source(s) with contacts and phone numbers for verification as needed.

3.4.3 Where public agency burn records are missing or inadequate, a certification by the respective public agency representative, based on his or her first hand knowledge that the identified crop residue burning occurred during specific quarters of specific years, may be accepted by the Air Pollution Control Officer, at his or her discretion, to meet the ERC application requirements.

3.5 Application Completeness:

3.5.1 To be considered complete an application for ERC must include parcel specific information to verify burning during at least one year of the baseline years (1988-92), acreage burned, and crop type as a minimum. An application for an ERC for open biomass burning will not be found incomplete because burn history data is not provided for each of the five baseline years of 1988 to 1992. However, the application must provide whatever data are reasonably available from the sources described Section 3.4 above.

3.6 Historical Burn Fractions (HBF):

3.6.1 The default HBFs listed in Table 1, page II- 23 shall be used for the crops indicated.

3.7 Quarterly Burn Fraction (QBF):

3.7.1 The default QBFs listed in Table 2, page II- 24 shall be used for the crops indicated.

3.8 Fuel Loading (FL) and Emission Factors (EF):

3.8.1 The biomass Fuel Loading (FL) and Emission Factors (EF) listed in Table 3, page II- 26 shall be used for the crops indicated.

3.8.1.1 Calculation Form: The form in Table 4, page II- 27 shall be completed for each parcel for which an ERC application is made.

4 Procedures for use and modification of open biomass burning ERCs: Procedures for application for and registration of ERCs are set forth in the District ERC banking rule. ERCs may be used as air emission offsets. Such offsets may be required under the New Source Review Rule (NSR Rule) of the District or by other regulatory or land use authorities. ERCs may be used as offsets for emissions on the same parcel on which open biomass burning reductions have occurred or to offset emissions of sources of air emissions off the parcel site but generally within the same air basin (the Sacramento Valley Air Basin). In order to be used off site by another party the ERC must be transferred to such party by the registered owner of the ERC. Alternatively, the ERC may be applied for in the first instance by the party intending to use the ERC if the landowner, or the landowner's authorized agent, authorizes the user to make such application on behalf of the landowner or the landowner's authorized agent.

4.1 ERC's may be transferred by the registered owner upon application and payment of a transfer fee as required by the District.

4.1.1 Applications for transfers shall be made by submission of an Application to Transfer ERCS form (Form 4, page II- 21).

4.2 ERC's may be canceled upon surrender of the ERC certificate by the registered owner. Applications for cancellation shall be made by submission of an Application to Cancel ERC form (Form 5, page II-22).

4.3 The ERC banking rule provides that the District may claim emission reductions neither banked nor used as offset credits from any source, after expiration of the application period stated in the rule, and use such emission reductions toward attainment of standards or deposit the emission reductions into the community bank. Before making such a claim for emission reductions the District shall provide notice to the landowner or source that the District intends to claim the emissions reduction unless the landowner or source, or their authorized designee, makes an application for an ERC within 90 days of the notice. Following such notice, the District may claim the emission reductions provided that the landowner or source does not apply for an ERC to the District within the 90 day period.

5 Application review procedures:

5.1 The time periods stated in the rule for determining application completeness, doing calculations, processing the application, and making a final decision are the maximum time frame allowed. Every effort will be made to complete the analysis and make a decision as quickly as possible consistent with District workload. Time periods in this Section may be extended by mutual agreement of both the applicant and APCO. The District shall determine whether an ERC application is complete not later than thirty (30) calendar days following receipt of the application. If the District does not find that the application is incomplete within this period of time, the application shall be deemed complete.

5.2 If the District determines that the application is not complete, the applicant shall be notified in writing of the decision, specifying the additional information that is required. The applicant shall have sixty (60) days to submit the requested information. Upon receipt of additional information, the APCO shall have another fifteen (15) days to determine completeness. If no information is submitted or the application is still incomplete, the APCO may cancel the application with written notification to applicant.

5.3 Upon determination that the application is complete, the APCO shall notify the applicant in writing. Thereafter, only information to clarify, correct, or otherwise supplement the information submitted in the application may be requested by the District. N o such notification need be made if the District determines that the ERC may be issued within fifteen (15) calendar days of receipt of the original or a revised application.

5.4 Withdrawal of a ERCS application by an applicant shall result in cancellation of the application; any re-submittal will be processed as a new application.

5.5 For open biomass burning applications, not requiring a public comment period, final action will be taken within 30 days of the District receiving a complete application. For open biomass burning applications, requiring a public comment period, final action will be taken within 60 days of the District receiving a complete application.

5.6 For applications for open biomass burning ERC for parcels of 500 acres or larger the APCO shall provide written notice to the applicant upon completion and transmittal to the applicant of the initial assessment. The District shall also provide written notice to the ARB and publish notice in a local newspaper of general circulation. The notice shall specify the applicant, the quantity of emission reduction credits requested and a copy of the initial assessment.

5.7 The notice requirements related to issuance of ERC may be waived by the District if the emission reduction credits applied for are less than 10,000 pounds per quarter per pollutant (or less than 20,000 pounds per quarter of CO), and for open-field biomass burning credits or modifications thereof for a parcel less than 500 acres.

5.8 Publication of the notice shall commence a thirty (30) day public comment period during which the District shall accept written comments on the merits of the ERCS application. Upon conclusion of this thirty (30) day period, the District shall have another thirty (30) days to render a decision to approve, conditionally approve, or deny the application. This decision shall be provided in writing to the applicant.

5.9 The applicant may appeal the District's decision following provisions specified in District regulations.

6 Enforcement: Open biomass burning ERC and the agricultural burning program.

6.1 A parcel for which an ERCS has been issued is not eligible for issuance of an agricultural burn permit. Prior to issuance of an ERCS, the District shall determine whether an agricultural burn permit has been issued for the parcel. If such a permit has been issued, the application for the ERCS shall be denied unless the applicant surrenders the burn permit for cancellation or modification within fifteen (15) days of notice by the District of its intention to deny the ERCS application. Prior to issuance of a burn permit, the District shall determine whether the parcel has already been issued an ERCS. If an ERCS has been issued, the application for a burn permit shall be denied.

6.2 The ERCS banking rule and the rice straw burning phase down law.

6.2.1 The ERC banking rule and the rice burning phase down law are separate programs and have separate requirements even though there is some connection and overlap. Section

41865 (p)(1) of the Health & Safety Code provides that emission reductions achieved in compliance with the required phase down shall not affect emission reduction credits which would otherwise accrue from reductions in rice straw burning.

6.2.2 Growers are responsible for meeting the requirements related to both the phase down and requirements that are associated with the registration and use, transfer or modification of ERCs. An individual parcel may be barred from burning both because of the phase down and because an ERC has been issued for the parcel.

6.3 A computerized tracking system will be developed for the ERCS rule.

6.3.1 All ERCs which are granted will be entered into a computer database to keep track of pertinent information. Health & Safety Code Sections 41605.5 and 42314.5 provide that emission reduction credits shall be allowed to sources which utilize biomass waste material that would otherwise be open burned as a fuel for electrical generation or digester facilities. The ERC banking rule contains procedures for recording of credits allowed for such facilities and ERCs in a single emission banking register. Information regarding claiming of credits by electrical generation or digester facilities is required to be maintained in the central register. Prior to issuance of an ERC the District will cross check its emission banking register to assure that credit is not being given both for an ERC and under Sections 41605.5 and 42314.5.

7 Inter-district Agreements Regarding ERC:

7.1 Districts within the Sacramento Valley Air Basin agree to accept the ERC certificates issued by other districts within the Basin for use by sources required to obtain emission offsets pursuant to the New Source Review Rule.

8 A sample of an open biomass burning ERCS certificate follows:

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
1750 WALNUT STREET
(530) 527-3717

EMISSION REDUCTION CERTIFICATE
(ERC)

Certificate Number:_____

Registered Owner: _____
Name

_____
Address

Parcel Location:

Assessor's Parcel Number: _____

Section-Township-Range: _____

Crossroads: _____

District seal:

ERC Pollutant Amounts Quarter

(Pounds/Quarter)	1	2	3	4
NOx as NO2	_____	_____	_____	_____
VOC	_____	_____	_____	_____
PM 10	_____	_____	_____	_____
SOx as SO2	_____	_____	_____	_____
CO	_____	_____	_____	_____
OTHER EMISSION GOES HERE	_____	_____	_____	_____

Date Issued: _____ _____
District Representative (Title)

This ERC certificate shall terminate on transfer of ownership of the parcel unless the landowner complies with pertinent ERC banking rule provisions concerning transfers.

Form 1

APPLICATION FOR: OPEN BIOMASS BURNING EMISSION REDUCTION CREDIT CERTIFICATE

Please provide the appropriate information below, it must include authorization to apply from landowner if landowner is not the applicant. Please indicate if any Section is not applicable (N/A).

This application covers parcel(s). Attach additional sheets for each additional parcel if information is not consistent with that presented below. Attach a map of each parcel covered by this application. Please print or type the requested information.

Applicant _____
(name)
_____
(address)
_____
(phone number)

Landowner _____
(name)
_____
(address)
_____
(phone number)

Authorized Designee _____
(name)
_____
(address)
_____
(phone number)

ERCs are requested to be issued in the following name(s):

_____
(name)

_____
(address)

_____
(phone number)

Applicant _____ _____
(signature) (date)

The applicant acknowledges that, upon issuance of an ERC, no burn permit will be issued for the parcel(s) covered by the ERC certificate(s).

Form 2

PARCEL IDENTIFICATION

Data relating to the quantity of emissions reduction credits requested must be included on the attached ERC calculation worksheet(s) for each parcel.

Parcel ID:	Field ID & AP#	________
Acres:_______	Sec Twn Rge	________
	Crossroads	________
	Lessee/Grower	________
	Biomass type	________
	Disposition of biomass	________
Parcel ID:	Field ID & AP#	________
Acres:_______	Sec Twn Rge	________
	Crossroads	________
	Lessee/Grower	________
	Biomass type	________
	Disposition of biomass	________
Parcel ID:	Field ID & AP#	________
Acres:_______	Sec Twn Rge	________
	Crossroads	________
	Lessee/Grower	________
	Biomass type	________
	Disposition of biomass	________
Parcel ID:	Field ID & AP#	________
Acres:_______	Sec Twn Rge	________
	Crossroads	________
	Lessee/Grower	________
	Biomass type	________
	Disposition of biomass	________
Parcel ID:	Field ID & AP#	________
Acres:_______	Sec Twn Rge	________
	Crossroads	________
	Lessee/Grower	________
	Biomass type	________
	Disposition of biomass	________

Form 3

DESIGNATION OF AUTHORITY TO APPLY FOR, TRANSFER, MODIFY, OR TERMINATE AN ERCS

I _____ certify that I, or _____ for which I am authorized to act, am the owner of the parcel of land identified below. I hereby appoint _____ as my (our) agent solely for purposes of applying for, transferring, or modifying an emission reduction credit (ERC) pursuant to Rule 2:3B of the Tehama County Air Pollution District Rule on my behalf for the following identified parcel. This authorization supersedes any prior such authorization for the parcel.

Parcel Identification:

Tax Assessor Number: _____

Field Id: _____

Sec. Twn. Rge.: _____

Nearest crossroads: _____

Map (indicate location on map with nearest road and crossroad)

Name (print): _____

Signature: _____

Date: _____

Address: _____

City, State, ZIP Code: _____

Telephone: _(____)_____

The applicant acknowledges that, upon issuance of an ERCS, no burn permit will be issued for the parcel(s) covered by the ERCS certificate(s).

Form 4

APPLICATION TO TRANSFER ERCS

I, _____ hereby transfer to _____ the Emissions Reduction Certificate number _____. I understand that the new registered owner of the ERCS is entitled to all rights and privileges and will be subject to all the requirements and limitations related thereto. This transfer is (please initial one of the two following choices):

1. Permanent: _____
2. Will expire on: _____

Previous registered owner: _____ Date: _____

New registered owner: _____ Date: _____

Address and telephone:

_____

Form 5

APPLICATION TO CANCEL ERCS

I, _____ hereby surrender for cancellation the Emissions Reduction Certificate number _____ (attached). I understand that in the event this ERC has been previously used to offset air emissions of another source that cancellation of this ERCS certificate may require such emitting source to curtail or cease operations or obtain a substitute offset.

Furthermore, if the ERC pertain to open biomass burning I understand that burning may only be undertaken on the parcel subject to this ERCS if permitted under applicable agricultural burning provisions set forth in the Health & Safety Code, in District regulations and in the applicable Sacramento Valley Annual Agricultural Burning Plan.

Registered Owner: _____ Date: _____

Address and telephone: _____

Table 1: Default Historical Burn Fractions Within The Sacramento Valley Air Basin

PRUNINGS	CODE	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
ALMOND	101	0.38	0.18	0.38	Other	Other	None	0.47	0.14	0.38	0.36	0.15
APPLE	102	0.38	Other	None	0.03	Other	Other	Other	0.03	Other	Other	Other
APRICOT	103	Other	Other	None	None	None	None	0.31	Other	Other	0.53	Other
CHERRY	106	Other	Other	None	Other	Other	None	0.2	Other	Other	None	Other
GRAPE	110	Other	Other	None	Other	Other	Other	0.03	Other	Other	0.13	Other
OLIVE	113	0.22	Other	0.22	Other	Other	Other	Other	Other	0.22	Other	None
PEACH	115	0.15	None	None	0.08	Other	None	0.33	0.16	Other	0.64	0.05
PEAR	116	Other	Other	None	0.091	0.09	None	0.11	0.04	None	0.07	0.14
PLUM	120	Other	Other	None	0.27	Other	None	None	0.27	None	None	Other
PRUNE	122	0.28	0.29	0.28	Other	None	None	0.29	0.1	0.28	0.45	0.09
WALNUT	125	0.29	0.15	0.29	0.13	13	0.09	0.26	0.17	0.29	0.41	0.09
OTHER PRUNINGS	126	0.17	0.15	0.17	0.62	62	0.47	0.19	0.65	0.17	0.33	0.58

FIELD CROPS	CODE	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
ALFALFA	241	0	0	0	Other	Other	0	0	0	0	0	0
BARLEY	242	0.19	0.1	0.19	None	1	0.19	0.01	0.01	0.19	0.06	Other
BEAN	243	0	0.02	0	None	0	None	0	0	0	0.01	Other
CORN	244	0.03	0.01	0.03	None	0.1	None	0.06	0.01	0.03	0.02	0.19
OATS	249	1	Other	None	Other	0.1	Other	0.01	0.1	1	0,01	Other
PEA VINES	260	None	Other	None	None	Other	None	None	None	None	None	None
RICE	250	1	1	1	1	1	1	1	1	1	1	1
SAFFLOWER	252	Other	0.67	None	None	42	None	0.09	0.42	Other	0.02	Other
SORGHUM (MILO)	263	Other	Other	Other	None	None	None	1	0.32	None	0.32	None
WHEAT	254	0.57	34	0.47	0.72	72	0.01	0.17	0.71	0.52	0.08	0.73
OTHER FIELD CROPS	255	0.04	0.1	0.26	0.07	7	0.01	0.02	0.10	0.15	0	0.03

MISC. REMOVAL	CODE	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
ORCHARD REMOVAL	114	1	1	1	1	100	1	1	1	1	1	1
DITCHBANK & CANAL	581	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	50	0.5	0.5
SLASH	471	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5

	Crop grown, but incomplete burn data. Values calculated averaging data from adjacent counties.				
		Occurrence:	Location and residue:	Emission factors:	Adjacent counties used for interpolating default value
Data for miscellaneous burning:	Orchard removal	1 in 12 to 25 years	same site with prunings	prunings	Colusa : Butte, Sutter / Solano : Colusa
		1 in 20 to 50 years	same site with materials	wildland	Glenn : Butte / Sutter : Butte, Colusa
		annually or biennially	same site only ditchbank/canal	grasses	Placer : Sutter, Yuba / Tehama : Butte, Glenn
					Sacramento : Sutter, Yuba / Yolo : Colusa, Sutter
					Shasta : Butte / Yuba : Butte

NOTE 1 Placer, Sacramento.. and Tehama counties have incomplete burn data. Adjacent counties used for default values

NOTE 2 Shasta. Yolo. and Solano counties burn data were marginally incomplete. Data retained tnt theIr own HBFs and QBFs, but not used for calculating adjacent county default values.

None = Count Agricultural Crop Report never specifically mentions.

Based on 1990 and 1991 County' records of Harvested Acreage and Burning.

Table 2: Default Quarterly Burn Fractions Within The Sacramento Valley Air Basin

ALMOND	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.34	0.47	0.34	Other	Other	0.19	0.57	0.53	0.53	0.44	0.42
QUARTER 2	0.17	0.12	0.17	Other	Other	0.33	0.17	0.31	0.22	0.22	0.34
QUARTER 3	0.08	0.05	0.08	Other	Other	0.00	0.08	0.05	0.09	0.09	0.12
QUARTER 4	0.41	0.37	0.41	Other	Other	0.49	0.18	0.11	0.16	0.16	0.12

APPLE	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.78	Other	None	0.04	Other	0.02	0.23	0.47	0.49	0.50	0.57
QUARTER 2	0.15	Other	None	0.87	Other	0.05	0.12	022	020	0.25	0.04
QUARTER 3	0.00	Other	None	0.07	Other	0.00	0.09	022	0.10	0.07	0.02
QUARTER 4	0.07	Other	None	0.02	Other	0.93	0.56	0.10	022	0.19	0.37

APRICOT	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	020	1.00	0.00	None	None	0.00	1.00	0.50	0.00	0.05	0.00
QUARTER 2	0.80	0.00	1.00	None	None	0	0.00	0.00	0.00	0.00	0.00
QUARTER 3	0.00	0.00	0.00	None	None	1.00	0.00	0.50	1.00	0.71	1.00
QUARTER 4	0.00	0.00	0.00	None	None	0.00	0.00	0.00	0.00	0.24	0.00

CHERRY	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	Other	0.00	None	Other	Other	0.00	0.00	0.00	0.00	0.00	0.00
QUARTER 2	Other	0.00	None	Other	Other	0.00	020	0.80	0.00	0.43	0.00
QUARTER 3	Other	0.00	None	Other	Other	1.00	0.31	0.20	1.00	0.57	1.00
QUARTER 4	Other	1.00	None	Other	Other	0.00	0.50	0.00	0.00	0.00	0.00

GRAPE	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.00	0.95	None	Other	Other	None	0.00	0.00	0.00	0.00	Other
QUARTER 2	0.00	0.00	None	Other	Other	None	0.00	0.00	0.00	0.19	Other
QUARTER 3	0.00	0.05	None	Other	Other	None	0.68	0.00	0.39	026	Other
QUARTER 4	1.00	0.00	None	Other	Other	None	0.32	1.00	0.61	0.55	Other

OLIVE	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.57	Other	0.57	Other	Other	None	0.01	0.00	0.00	0.01	0.00
QUARTER 2	0.37	Other	0.37	Other	Other	None	0.00	0.00	0.00	0.11	0.00
QUARTER 3	0.01	Other	0.01	Other	Other	None	024	1.00	0.98	0.04	0.00
QUARTER 4	0.05	Other	0.05	Other	Other	None	0.75	0.00	002	0.84	1.00

PEACH	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER I	0.27	0.00	None	0.36	Other	0.00	0.00	0.00	0.00	0.00	0.00
QUARTER 2	0.17	1.00	None	0.28	Other	0.00	0.57	0.46	0.38	0.77	0.02
QUARTER 3	0.44	0.00	None	0.15	Other	0.00	0.00	0.48	0.62	0.10	0.67
QUARTER 4	0.12	0.00	None	0.21	Other	1.00	0.43	0.08	0.00	0.13	0.31

PEAR	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.40O	0.03	None	0.32	0.56	None	None	0.00	None	None	None
QUARTER 3	0.57	0.97	None	0.28	0.30	None	None	1.00	None	None	None
QUARTER 2	0.03	0.00	None	0.21	0.00	None	None	0.00	None	None	None
QUARTER 4	0.00	0.00	None	0.21	0.14	None	None	0.00	None	None	None

PLUM	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.88	Other	None	0.32	Other	032	0.15	0.34	032	028	0.15
QUARTER 2	0.00	Other	None	0.13	Other	032	0.00	0.22	0.32	026	0.19
QUARTER 3	0.00	Other	None	0.50	Other	0.05	0.00	0.06	0.05	0.08	0.17
QUARTER 4	0.12	Other	None	0.05	Other	0.31	0.85	0.38	0.31	0.38	0.49

PRUNE	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.47	0.38	0.48	Other	None	None	0.00	0.00	Other	0.00	0.00
QUARTER 2	0.16	0.15	0.16	Other	None	None	0.00	0.00	Other	0.00	0.00
QUARTER 3	0.07	0.09	0.07	Other	None	None	0.76	1.00	Other	1.00	1.00
QUARTER 4	0.30	0.38	0.30	Other	None	None	0.24	0.00	Other	0.00	0.00

SORGHUM (MIL0)	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.00	Other	0.00	None	None	None	0.69	0.00	None	0.00	None
QUARTER 2	0.00	Other	0.00	None	None	None	0.00	0.00	None	0.00	None
QUARTER 3	0.00	Other	0.00	None	None	None	0.31	1.00	None	100.00	None
QUARTER 4	1.00	Other	100.00	None	None	None	0.00	0.00	None	0.00	None

WHEAT	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.01	0.00	0.04	0.00	0.00	0.00	0.03	0.00	0.03	0.00	0.00
QUARTER 2	0.23	0.37	49.00	0.32	0.32	0.00	0.37	49.00	0.36	41.00	0.15
QUARTER 3	0.74	0.62	41.00	0.56	0.56	0.00	55.00	0.51	0.58	52.00	0.61
QUARTER 4	0.02	0.01	0.05	0.12	0.12	1.00	0.05	0.00	0.03	0.07	0.24

OTHER FIELD CROPS	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.02	0.00	3.00	0.08	8.00	0.00	0.14	17.00	0.03	0.01	0.00
QUARTER 2	0.19	0.65	0.01	0.04	0.04	0.05	0.08	0.06	0.10	0.04	0.01
QUARTER 3	0.78	0.35	0.83	0.70	0.70	0.00	0.13	0.64	0.80	0.32	0.76
QUARTER 4	0.01	0.00	0.13	0.18	0.18	0.95	0.65	0.13	0.07	0.63	0.23

ORCHARD REMOVAL	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.17	0.11	0.17	0.03	0.03	0.00	0.00	0.04	0.17	0.20	0.02
QUARTER 2	0.19	21.00	0.19	0.15	0.15	0.00	0.00	24.00	0.19	0.62	0.05
QUARTER 3	0.27	0.34	0.27	0.56	0.56	0.00	0.00	41.00	0.27	0.00	0.72
QUARTER 4	0.37	0.34	0.37	0.26	0.26	1.00	1.00	0.31	37.00	0.18	0.21

DITCH BANK & CANAL	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.26	0.23	0.30	0.28	28.00	0.69	0.23	0.13	0.28	0.10	44.00
QUARTER 2	0.36	0.22	41.00	0.26	0.26	18.00	0.10	o11	38.00	0.29	40.00
QUARTER 3	0.26	0.39	0.23	0.39	39.00	0.00	0.58	0.69	0.25	40.00	0.09
QUARTER 4	12.00	0.16	0.06	0.07	0.07	0.13	0.09	0.07	0.09	0.21	0.07

SLASH	BUTTE	COLUSA	GLENN	PLACER	SACTO	SHASTA	SOLANO	SUTTER	TEHAMA	YOLO	YUBA
QUARTER 1	0.02	1.00	0.01	0.51	0.51	3.00	100.00	0.51	0.02	1.00	0.02
QUARTER 2	31.00	0.00	0.31	0.16	0.16	0.00	0.00	0.16	31.00	0.00	31.00
QUARTER 3	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
QUARTER 4	0.67	0.00	0.67	33.00	33.00	97.00	0.00	0.33	0.67	0.00	0.67

Reason for adjustment was to equal 100%
Red number was adjusted upwards
Green number was adjusted down
any number in shaded area is interpolated from adjacent counties

Following lists the adjacent counties used for interpolating default values:
Colusa: Butte, Sutter
Glenn: Butte
Placer: Sutter, Yuba
Sacramento: Sutter, Yuba
Shasta: Butte, Glenn
Solano: Colusa
Sutter: Butte, Colusa, Yuba
Tehama: Butte, Glenn
Yolo: Golusa, Sutter
Yuba: Butte, Sutter

Table 3: Open Biomass Burning Fuel Loading And Emission Factors

CROP	NO_2	SO_2	CO	ROG	PMIO	FUEL LOADING
Rice	6.72	1.85	83	10.4	9	3
Wheat	4.48	7.1	182.15	11.6	13	1.9
Safflower	5.5	3.21	144	20	18	1.3
Sorghum	5.62	1.08	77	9	18	2
Barley	5.55	5.07	170.25	19.5	22	1.7
Com	4.86	0.49	108	16	114	4.2
Alfalfa	5.5	3.21	119	38	129	0.8
Oats	5.5	3.21	136.5	20	32.5	1.6
Grape	5.83	1.42	39.1	2.54	2.67	2.5
Orchard	4.92	0.69	36.72	2	2.88	2.5
Almond	4.05	0.32	46	8	6	1.6
Apple	4.92	0.69	42	30	4	2.3
Apricot	4.92	0.69	49	6	6	1.8
Cherry	4.94	0.69	44	8	8	I
Olive	4.92	0.69	114	14	12	1.2
Peach	5.48	0.12	42	5.2	6	2.5
Pear	4.92	0.69	57	9	9	2.6
Prune	4.92	0.69	42	2.7	3	1.2
Walnut	4.92	0.69	47	8	6	1.2
Wildland	4	140	24.7	17	70	

CROP	NO_2
Rice	6.72
Wheat	4.48
Safflower	5.5
Sorghum	5.62
Barley	5.55
Com	4.86
Alfalfa	5.5
Oats	5.5
Grape	5.83

Orchard	4.92
Almond	4.05
Apple	4.92
Apricot	4.92
Cherry	4.94
Olive	4.92
Peach	5.48
Pear	4.92
Prune	4.92
Walnut	4.92
Wildland	4

Table 4: SVAB Biomass ERCS Calculation Worksheet

FE v8/93

County:	Colusa			Run by and Date:		Idf 8/10/93	
Applicant:	EXAMPLE						12-Mar
Farm:	Smith Farms			Phone:	123-4567		
Address:	123 Smith Rd., Colusa			Contact:	Mr. Smith		
ERC CALCULATION INFORMATION			EQUATION:	(AB-DA) * HBF * FL * EF * QBF			
Parcel ID		Field# 1A - AP # 123456789					
Parcel location		Smith and Jones Rd.s - Sec 10 Twn 14N Rge 1 W					
Biomass residue type		Rice					
Acres burned	= Acres	100	=AB				
Fuel loading	= DryT/Ac	3	=FL				
Discount acreage	=Acres	0	=DA				
Historical burn	= 0-1	1	=HBF				
Baseline years	= 1988-92						
Calendar quarters	= Jan-Feb-Mar, Apr-May-Jun, Jul-Aug-Sep, Oct-Nov-Dec						
Quarter number	= 1-4		Quarterly burn fraction = QBF				
Baseline Yr-Qtr Burned			Burning per Quarter				
1988	1		Qtr #1	Qtr #2	Qtr #3	Qtr #4	TOTAL
1989	3		1		2	2	5
1990	4						
1991	4		Qtr #1	Qtr #2	Qtr #3	Qtr #4	TOTAL
1992	3		0.31	0.25	0.1	0.34	1
Source of Emission Factors:		MOP					
Emission factor for biomass = EF				Pounds Emissions/Yr			
Factor-lbs/dry ton - ROG		10.4			3120.0		
Factor-lbs/dry ton - NOX as NO2		6.72			2016.0		
Factor-lbs/dry ton - SOX as SO2		1.85			555.0		
Factor-lbs/dry ton - PM10		9			2700.0		
Factor-lbs/dry ton - CO		83			24900.0		
Calculation based on defaults:			ERC credits by quarter by pollutant				
Emissions/Qtr:			Total/Yr	Qtr #1	Qtr #2	Qtr #3	Qtr #4
Pounds - ROG			3120.0	967.2	780.0	312.0	1060.8
Pounds - NOX as NO2			2016.0	625.0	504.0	201.6	685.4
Pounds - SOX as SO2			555.0	172.1	138.8	55.5	188.7
Pounds - PM10			2700.0	837.0	675.0	270.0	918.0
Pounds - CO			24900.0	7719.0	6225.0	2490.0	8466.0

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
RULE 2:3C New and Modified Major Sources in the Tuscan Buttes Nonattainment Areas
Adopt 09/01/2015, repealed/adopt 6/9/2020, repealed/adopt 2/28/2023

1 Applicability Procedures

1.1 Preconstruction Review Requirements

1.1.1 The preconstruction review requirements of this rule apply to the proposed construction of any new major stationary source or major modification in the District that is major for a nonattainment pollutant, if the stationary source or modification is located anywhere in the designated nonattainment area, except as provided in Section 9 of this rule.

1.1.2 Sources subject to this rule may also be subject to other District Rules and Regulations. For purposes of the implementation and enforcement of this rule, the provisions and requirements of this rule, including but not limited to the requirements for obtaining an Authority to Construct, application submittal and content, conditional approval, public participation, and granting an Authority to Construct, shall take precedence over any other such provisions and requirements in other District Rules and Regulations. To the extent that other District Rules or Regulations may affect the stringency or applicability of this rule, such other Rules and Regulations shall not apply for purposes of the implementation or enforcement of this rule.

1.2 Authority to Construct Requirement: No new major stationary source or major modification to which the requirements of this rule apply shall begin actual construction without first obtaining an Authority to Construct from the reviewing authority, pursuant to this rule.

1.3 Emission Calculation Requirements to Determine NSR Applicability

1.3.1 New Major Stationary Sources: The definition of Major Stationary Source as incorporated by reference in Section 2 shall be used to determine if a new or modified stationary source is a new major stationary source. Different pollutants, including individual precursors, are not summed to determine applicability of a major stationary source.

1.3.2 Major Modifications: The provisions set out in paragraphs (1.3.2.1) through (1.3.2.5) below shall be used to determine if a proposed project will result in a major modification. Different pollutants, including individual precursors, are not summed to determine applicability of a major modification. These provisions shall not be used to determine the quantity of offsets required for a project subject to the requirements of this rule.

1.3.2.1 Except as otherwise provided in Section 1.4, a project is a major modification for a nonattainment pollutant if it causes two types of emissions increases: a significant emissions increase and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

1.3.2.2 The procedure for calculating (before beginning actual construction) whether a significant emissions increase will occur depends upon the type of emissions units being added or modified as part of the project, according to paragraphs (1.3.2.3) through (1.3.2.5) of this Section. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source is contained in the definition of Net Emissions Increase. Regardless of any such preconstruction projections, a major

modification results if the project causes a significant emissions increase and a significant net emissions increase.

1.3.2.3 **Actual-to-Projected-Actual Applicability Test for Projects that Only Involve Existing Emissions Units**. A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

1.3.2.4 **Actual-to-Potential Test for Projects that Only Involve Construction of a New Emissions Unit(s)**. A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

1.3.2.5 **Hybrid Test for Projects that Involve Multiple Types of Emissions Units**. A significant emissions increase of a nonattainment pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in paragraphs (1.3.2.3) or (1.3.2.4) of this Section, as applicable, with respect to each emissions unit, equals or exceeds the significant amount for that pollutant.

1.4 Major Sources with Plant-wide Applicability Limitations (PAL): For any major stationary source with a PAL permit for a nonattainment pollutant, the major stationary source shall comply with the requirements in Section 9 of this rule.

1.5 Projects That Rely On a Projected Actual Emissions Test: Except as otherwise provided in paragraph (1.5.7.3) of this Section, the provisions of this Section shall apply with respect to any nonattainment pollutant that is emitted from projects at existing emissions units located at a major stationary source, other than a source with a PAL permit, when there is a reasonable possibility, within the meaning of paragraph (1.5.7) of this Section, that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in paragraphs (B)(1) through (B)(3) of the definition of Projected Actual Emissions to calculate projected actual emissions.

1.5.1 Before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

1.5.1.1 A description of the project;

1.5.1.2 Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

1.5.1.3 A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under paragraph (B)(3) of the definition of Projected Actual Emissions and an explanation for why such amount was excluded, and any netting calculations, if applicable.

1.5.2 If the emissions unit is an existing emissions unit, before beginning actual construction, the owner or operator shall provide a copy of the information set out in paragraph (1.5.1) of this Section to the APCO. Nothing in this paragraph shall be construed to require the owner or operator of such a unit to obtain any determination from the APCO concerning compliance with Rule 2:3c before beginning actual construction. However, such owner or operator may be subject to the requirements of District Regulation II Rule 2:1, or other applicable requirements.

1.5.3 The owner or operator shall monitor the emissions of any regulated NSR

pollutant that could increase as a result of the project and that are emitted by any emissions unit identified in paragraph (1.5.1.2) of this Section; and calculate and maintain a record of the annual emissions, in tpy, on a calendar year basis for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit that regulated NSR pollutant at such emissions unit.

1.5.4 If the emissions unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the APCO within sixty days after the end of each calendar year during which records must be generated under paragraph (1.5.3) of this Section, setting out the unit's annual emissions during the calendar year that preceded submission of the report.

1.5.5 If the emissions unit is an existing emissions unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the APCO if the annual emissions, in tpy, from the project identified in paragraph (1.5.1) of this Section exceed the baseline actual emissions by a significant amount for that regulated NSR pollutant, and if such emissions differ from the projected actual emissions (prior to exclusion of the amount of emissions specified under paragraph (B)(3) of the definition of Projected Actual Emissions) as documented and maintained pursuant to paragraph (1.5.1.3) of this Section. Such report shall be submitted to the APCO within sixty days after the end of such year. The report shall contain the following:

1.5.5.1 The name, address, and telephone number of the major stationary source;

1.5.5.2 The annual emissions, as calculated pursuant to paragraph (1.5.3) of this Section; and

1.5.5.3 Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

1.5.6 The owner or operator of the source shall make the information required to be documented and maintained pursuant to this Section available for review upon a request for inspection by the APCO or the general public pursuant to the requirements contained in 40 CFR 70.4(b)(3)(viii).

1.5.7 A "reasonable possibility" under this Section occurs when the owner or operator calculates the project to result in either:

1.5.7.1 A projected actual emissions increase of at least 50 percent of the amount that is a "significant emissions increase," as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or

1.5.7.2 A projected actual emissions increase that, added to the amount of emissions excluded under paragraph (B)(3) of the definition of Projected Actual Emissions, sums to at least 50 percent of the amount that is a "significant emissions increase," as defined in this rule (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant.

1.5.7.3 For a project in which a reasonable possibility occurs only within the meaning of paragraph (1.5.7.2), and not also within the meaning of (1.5.7.1), the provisions of paragraphs (1.5.2) through (1.5.5) of this Section do not apply to the project.

1.6 Secondary Emissions: Secondary emissions shall not be considered in determining

whether a stationary source would qualify as a major stationary source. If a stationary source is subject to this rule on the basis of direct emissions from the stationary source, the requirements of Section 4 must also be met for secondary emissions.

1.7 Stationary Sources: For purposes of this rule, the term stationary source does not refer to the source of emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of the Clean Air Act.

1.8 Environmental Protection Agency Determination: Notwithstanding any other requirements of this rule governing the issuance of an Authority to Construct, the APCO shall not issue an Authority to Construct to a new major stationary source or major modification subject to the requirements of this rule if the federal Environmental Protection Agency has determined that the SIP is not being adequately implemented for the nonattainment area in which the proposed source is to be constructed or modified in accordance with the requirements of Title I, Part D of the Clean Air Act.

2 Definitions: For the purposes of this rule, the definitions provided in paragraphs (2.1), (2.2), (2.3) and (2.4) below apply to the terms used in this rule. In the event of any discrepancy between the definitions specified in paragraphs (2.1), (2.2), (2.3) and (2.4), below, the definition in the paragraph that is listed first below shall control.

2.1 The definitions contained in 40 CFR 51.165(a)(1), shall apply, and are hereby incorporated by reference, with the exception of the definition of "Reviewing authority" at 40 CFR 51.165(a)(1)(xxxviii), which has the meaning specified in paragraph (2.2) below.

2.2 The following definitions shall also apply:

2.2.1 "Air Pollution Control Officer (APCO)" means the Air Pollution Control Officer of the Tehama County Air Pollution Control District.

2.2.2 "Class I area" means any area listed as Class I in 40 CFR Part 81 Subpart D, including Section 81.405, or an area otherwise specified as Class I in the legislation that creates a national monument, a national primitive area, a national preserve, a national recreational area, a national wild and scenic river, a national wildlife refuge, or a national lakeshore or seashore.

2.2.3 "Clean Air Act (CAA)" means the federal Clean Air Act, 42 U.S.C. 7401 et seq., as amended.

2.2.4 "Complete" means, in reference to an application, that the application contains all of the information necessary for processing.

2.2.5 "District" means the Tehama County Air Pollution Control District.

2.2.6 "Emission reduction credit (ERC)" means reductions of actual emissions from emissions units that are certified by a California air district in accordance with applicable district rules and issued by the air district in the form of ERC certificates.

2.2.7 "Internal emission reductions" means emission reductions which have occurred or will occur at the same major stationary source where the proposed emissions increase will occur.

2.2.8 "Nonattainment pollutant" means any regulated NSR pollutant for which the District, or portion of the District, has been designated as nonattainment, as codified in 40

CFR 81.305, as well as any precursor of such regulated NSR pollutant specified in 40 CFR
51.165(a)(1)(xxxvii)(C).

2.2.9 "Permanent" means an emission reduction which is federally enforceable for the life of a corresponding increase in emissions.

2.2.10 "Reviewing authority" means the Air Pollution Control Officer (APCO).

2.2.11 "Shutdown" means the cessation of operation of any air pollution control equipment or process equipment for any purpose.

2.2.12 "Startup" means the setting into operation of any air pollution control equipment or process equipment for any purpose except routine phasing in of process equipment.

2.2.13 "State Implementation Plan (SIP)" means the State Implementation Plan approved or promulgated for the State of California under section 110 or 172 of the Clean Air Act.

2.2.14 "Surplus" means the amount of emission reductions that are, at the time of generation or use of an emission reduction credit (ERC), not otherwise required by federal, state, or local law, not required by any legal settlement or consent decree, and not relied upon to meet any requirement related to the California State Implementation Plan (SIP). However, emission reductions required by a state statute that provides that the subject emission reductions shall be considered surplus may be considered surplus for purposes

of this rule if those reductions meet all other applicable requirements. Examples of federal, state, and local laws, and of SIP-related requirements, include, but are not limited to, the following:

2.2.14.1 The federally-approved California SIP;

2.2.14.2 Other adopted state air quality laws and regulations not in the SIP, including but not limited to, any requirement, regulation, or measure that: (1) the District or the State has included on a legally required and publicly available list of measures that are scheduled for adoption by the District or the State in the future; or (2) is the subject of a public notice distributed by the District or the State regarding an intent to adopt such revision;

2.2.14.3 Any other source or source-category specific regulatory or permitting requirement, including, but not limited to Reasonable Available Control technology (RACT), New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Best Available Control Measures (BACM), Best Available Control Technology (BACT), and Lowest Achievable Emission Rate (LAER); and

2.2.14.4 Any regulation or supporting documentation that is required by the Federal Clean Air Act, but is not contained or referenced in 40 CFR Part 52, including but not limited to: assumptions used in attainment and maintenance demonstrations (including Reasonable Further Progress demonstrations and milestone demonstrations), including any proposed control measure identified as potentially contributing to an enforceable near-term emission reduction commitment; assumptions used in conformity demonstrations; and assumptions used in emissions inventories.

2.2.15 "Temporary source" means an emission source such as a pilot plant or a portable facility which will be located outside the nonattainment area after less than a cumulative total of 90 days of operation in any 12 continuous months.

2.2.16 "Tons per year (tpy)" means annual emissions in tons.

2.3 The definitions contained in 40 CFR 51.100 shall apply and are hereby incorporated by reference.

2.4 The definitions contained in 40 CFR 51.301 shall apply and are hereby incorporated by reference.

3 Application Requirements

3.1 Application Submittal: The owner or operator of any proposed new major stationary source or major modification required to obtain an Authority to Construct pursuant to this rule shall submit a complete application to obtain an Authority to Construct on forms provided by the APCO and include in the application submittal the information listed in Section 3.2 as well as the demonstrations listed in Sections 3.3-3.6. Designating an application complete for purposes of permit processing does not preclude the APCO from requesting or accepting any additional information.

3.2 Application Content: At a minimum, an application for an Authority to Construct shall contain the following information related to the proposed new major stationary source or major modification:

3.2.1 Identification of the applicant, including contact information.

3.2.2 Identification of address and location of the new or modified source.

3.2.3 An identification and description of all emission points, including information regarding all regulated NSR pollutants emitted by all emissions units included in the new source or modification.

3.2.4 A process description of all activities, including design capacity, which may generate emissions of regulated NSR pollutants in sufficient detail to establish the basis for the applicability of standards and fees.

3.2.5 A projected schedule for commencing construction and operation for all emissions units included in the new source or modification.

3.2.6 A projected operating schedule for each emissions unit included in the new source or modification.

3.2.7 A determination as to whether the new source or modification will result in any secondary emissions.

3.2.8 The emission rates of all regulated NSR pollutants, including fugitive and secondary emission rates, if applicable. The emission rates must be described in tpy and for such shorter term rates as are necessary to establish compliance using the applicable standard reference test method or other methodology specified (i.e., grams/liter, ppmv or ppmw, lbs/MMBtu).

3.2.9 The calculations on which the emission rate information is based, including fuel specifications, if applicable and any other assumptions used in determining the emission rates (e.g., HHV, sulfur content of natural gas).

3.2.10 The calculations, pursuant to Section 1.3, used to determine applicability of this rule, including the emission calculations (increases or decreases) for each project that occurred during the contemporaneous period.

3.2.11 The calculations, pursuant to Section 4.3 (offset), used to determine the quantity of offsets required for the new source or modification.

3.2.12 Identification of existing emission reduction credits or identification of internal emission reductions, including related emission calculations and proposed permit modifications required to ensure emission reductions meet the offset integrity criteria of

being real, surplus, quantifiable, permanent and federally enforceable or enforceable as a practical matter.

3.2.13 If applicable, a description of how performance testing will be conducted, including test methods and a general description of testing protocols.

3.3 Lowest Achievable Emission Rate (LAER): The applicant shall submit an analysis demonstrating that LAER has been proposed for each emissions unit included in the new major stationary source or major modification that emits a nonattainment pollutant for which the new stationary source or modification is classified as major.

3.4 Statewide Compliance: The applicant shall submit a certification that each existing major stationary source owned or operated by the applicant (or any entity controlling, controlled by, or under common control with the applicant) in the State is in compliance with all applicable emission limitations and standards under the CAA or is in compliance with an expeditious compliance schedule which is federally enforceable.

3.5 Analysis of Alternatives: The applicant shall submit an analysis of alternative sites, sizes, production processes, and environmental control techniques for the proposed source that demonstrates the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

3.6 Sources Impacting Class I Areas: The applicant for a proposed new major source or major modification that may affect visibility of any Mandatory Class I Federal Area shall provide the APCO with an analysis of impairment to visibility that would occur as a result of the source or modification and general commercial, residential, industrial, and other growth associated with the source or modification, as required by 40 CFR Section 51.307(b)(2).

3.7 Application Fees: The applicant shall pay the applicable fees specified in District Rule 2:11, FEES.

4 Emissions Offsets

4.1 Offset Requirements:

4.1.1 The emission increases of a nonattainment pollutant for which the new stationary source or modification is classified as major, shall be offset with federally enforceable ERCs or with internal emission reductions.

4.1.2 ERCs from one or more sources may be used, alone or in combination with internal emission reductions, in order to satisfy offset requirements.

4.1.3 Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours may only be credited for offsets if such reductions are surplus, permanent, quantifiable, and federally enforceable; and

4.1.4 The shutdown or curtailment occurred after the last day of the base year for the attainment plan for the specific pollutant; or

4.1.5 The projected emissions inventory used to develop the attainment plan explicitly includes the emissions from such previously shutdown or curtailed emissions units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

4.2 Timing:

4.2.1 Internal emission reductions used to satisfy an offset requirement must be federally enforceable prior to the issuance of the Authority to Construct, which relies on the emission reductions.

4.2.2 Except as provided by paragraph (4.2.3) of this Section, the decrease in actual emissions used to generate ERCs or internal emission reductions must occur no later than the commencement of operation of the new or modified major stationary source.

4.2.3 Where the new emissions unit is a replacement for an emissions unit that is being shut down in order to provide the necessary offsets, the APCO may allow up to one hundred eighty (180) calendar days for shakedown or commissioning of the new emissions unit before the existing emissions unit is required to cease operation.

4.3 Quantity: The quantity of ERCs or internal emission reductions required to satisfy offset requirements shall be determined in accordance with the following:

4.3.1 The unit of measure for offsets, ERCs, and internal emission reductions shall be tpy. All calculations and transactions shall use emission rate values rounded to the nearest one one-hundredth (0.01) tpy.

4.3.2 The quantity of ERCs or internal emission reductions required shall be calculated as the product of the amount of increased emissions, as determined in accordance with paragraph (4.3.3) of this Section, and the offset ratio, as determined in accordance with paragraph (4.3.4) of this Section.

4.3.3 The amount of increased emissions shall be determined as follows:

4.3.3.1 When the offset requirement is triggered by the construction of a new major stationary source, the amount of increased emissions shall be the sum of the potential to emit of all emissions units.

4.3.3.2 When the offset requirement is triggered by a major modification of an existing major stationary source, the amount of increased emissions shall be the sum of the differences between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.

4.3.3.3 The amount of increased emissions includes fugitive emissions.

4.3.4 The ratios listed in Table 1 shall be applied based on the area's classification for each pollutant, as applicable. The offset ratio is expressed as a ratio of emissions increases to emission reductions.

Table 1. Federal Offset Ratio Requirements by Area Classification and Pollutant

Area Classification	Pollutant	Offset Ratio
Marginal Ozone Nonattainment Area	NOX or VOC	1:1.1
Moderate Ozone Nonattainment Area	NOX or VOC	1:1.15
Serious Ozone Nonattainment Area	NOX or VOC	1:1.2

4.4 Emission Reduction Requirements

4.4.1 Internal emission reductions or ERCs used to satisfy an offset requirement shall

be: 4.4.1.1 Real, surplus, permanent, quantifiable, and federally enforceable; and

4.4.1.2 Surplus at the time of issuance of the Authority to Construct containing the offset requirements.

4.4.2 Permitted sources whose emission reductions are used to satisfy offset requirements must
appropriately amend or cancel their Authority to Construct or Permit to Operate to reflect

their newly reduced potential to emit, including practicably enforceable conditions to limit their potential to emit.

4.4.3 Emission reductions must be obtained from the same nonattainment area, however, the APCO may allow emission reductions from another nonattainment area if the following conditions are met:

4.4.3.1 The other area has an equal or higher nonattainment classification than the area in which the source is located; and

4.4.3.2 Emissions from such other area contribute to a violation of the national ambient air quality standard in the nonattainment area in which the source is located.

4.4.4 The use of ERCs shall not provide:

4.4.4.1 Authority for, or the recognition of, any pre-existing vested right to emit any regulated NSR pollutant;

4.4.4.2 Authority for, or the recognition of, any rights that would be contrary to applicable law; or

4.4.4.3 An exemption to a stationary source from any emission limitations established in accordance with federal, state, or county laws, rules, and regulations.

4.5 Restrictions on Trading Pollutants

4.5.1 The emission offsets obtained shall be for the same regulated NSR pollutant except as specified below.

4.5.2 In no case, shall the compounds excluded from the definition of Volatile Organic Compounds be used as offsets for Volatile Organic Compounds.

5 Administrative Requirements

5.1 Visibility: The APCO shall provide written notice and conduct any necessary review and consultation with the Federal Land Manager regarding any proposed major stationary source or major modification that may impact visibility in any Mandatory Class I Federal Area, in accordance with the applicable requirements of 40 CFR 51.307. The APCO may require monitoring of visibility in any Federal Class I area near the proposed new stationary source or major modification for such purposes and by such means as the APCO deems necessary and appropriate.

5.2 Ambient Air Quality Standards: The APCO may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of the new or modified stationary source and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination, the APCO shall take into account the mitigation of emissions through offsets pursuant to this rule, and the impacts of transported pollutants on downwind pollutant concentrations. The APCO may impose, based on an air quality analysis, offset ratios greater than the requirements of paragraph (4.3.4) of Section 4.3.

5.3 Air Quality Models: All estimates of ambient concentrations required, pursuant to this rule, shall be based on applicable air quality models, databases, and other requirements specified in 40 CFR Part 51, Appendix W (“Guideline on Air Quality Models”). Where an air quality model specified is inappropriate, the model may be modified or another model substituted. Such a modification or substitution of a model may be made on a case-by-case basis or, where appropriate, on a generic basis. Written approval from the EPA must be obtained for any modification or substitution. In addition, use of a modified or substituted model must be subject to public notification and the opportunity for public comment given.

5.4 Stack Height Procedures: The degree of emission limitation required of any source for control of any air pollutant must not be affected by so much of any source's stack height that exceeds good engineering practice or by any other dispersion technique, except as provided in 40 CFR 51.118(b). For the purposes of this Section, the definitions in 40 CFR 51.100 shall apply.

5.4.1 Before the APCO issues an Authority to Construct under this rule to a source with a stack height that exceeds good engineering practice (GEP) stack height, the APCO shall notify the public of the availability of the demonstration study and provide opportunity for a public hearing.

5.4.2 Any field study or fluid model used to demonstrate GEP stack height and any determination concerning excessive concentration must be approved by the EPA and the APCO prior to any emission limit being established.

5.4.3 The provisions of Section 5.4 do not restrict, in any manner, the actual stack height of any stationary source or facility.

6 Authority to Construct – Decision

6.1 Preliminary Decision: Following acceptance of an application as complete, the APCO shall perform the evaluations required to determine if the proposed new major stationary source or major modification will comply with all applicable District, state and federal rules, regulations, or statutes, including but not limited to the requirements under Section 3 of this rule, and shall make a preliminary written decision as to whether an Authority to Construct should be approved, conditionally approved, or denied. The decision shall be supported by a succinct written analysis. The decision shall be based on the requirements in force on the date the application is deemed complete, except when a new federal requirement, not yet incorporated into this rule, applies to the new or modified source.

6.2 Authority to Construct – Preliminary Decision Requirements:

6.2.1 Prior to issuance of a preliminary written decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall determine:

6.2.1.1 That each emissions unit(s) that constitutes the new source or modification will not violate any applicable requirement of the District's portion of the California State Implementation Plan (SIP); and

6.2.1.2 That the emissions from the new or modified stationary source will not interfere with the attainment or maintenance of any applicable national ambient air quality standard; and

6.2.1.3 That the emission limitation for each emissions unit that constitutes the new source or modification specifies LAER for such units.

If the APCO determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an enforceable numerical emission standard infeasible, the APCO may instead prescribe a design, operational or equipment standard. In such cases, the APCO shall make its best estimate as to the emission rate that will be achieved and must specify that rate in the application review documents. Any Authority to Construct issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained or that the operational conditions will be properly performed to continuously achieve the assumed degree of control. Such conditions shall be enforceable as emission limitations by private parties under section 304 of the CAA. The term "emission limitation"

shall also include such design, operational, or equipment standards; and

6.2.1.4 The quantity of ERCs or internal emission reductions required to offset the new source or modification, pursuant to Section 4.3; and

6.2.1.5 That all ERCs or internal emission reductions required for the new source or modification have been identified and have been made federally enforceable or legally and practicably enforceable; and

6.2.1.6 That the quantity of ERCs or internal emission reductions determined under paragraph (4.3.2) of Section 4.3 will be surrendered prior to commencing operation.

6.2.2 Temporary sources and emissions resulting from the construction phase of a new source are exempt from paragraphs (6.2.1.4), (6.2.1.5) and (6.2.1.6) of this Section.

6.3 Authority to Construct Contents

6.3.1 An Authority to Construct for a new major stationary source or major modification shall contain terms and conditions:

6.3.1.1 which ensure compliance with all applicable requirements and which are enforceable as a legal and practical matter.

6.3.1.2 sufficient to ensure that the major stationary source or major modification will achieve LAER in accordance with paragraphs (6.3.2) and (6.3.3) of this Section.

6.3.2 A new major stationary source shall achieve LAER for each nonattainment pollutant for which the source is classified as major.

6.3.3 A major modification shall achieve LAER for each nonattainment pollutant for which the modification would result in a significant net emissions increase. This requirement applies to each proposed emissions unit at which a net emissions increase in the nonattainment pollutant would occur as a result of a physical change, or change in the method of operation of the emissions unit.

6.4 Authority to Construct – Final Decision

6.4.1 Prior to making a final decision to issue an Authority to Construct for a new major stationary source or major modification, the APCO shall consider all written comments that are submitted within 30 days of public notification and all comments received at any public hearing(s) in making a final determination on the approvability of the application and the appropriate Authority to Construct conditions. The District shall make all comments available, including the District's response to the comments, for public inspection in the same locations where the District made preconstruction information relating to the proposed source or modification available.

6.4.2 The APCO shall deny any application for an Authority to Construct if she/he finds the new source or modification would not comply with the standards and requirements set forth in District, state, or federal rules or regulations.

6.4.3 The APCO shall make a final decision whether to issue or deny the Authority to Construct after determining that the Authority to Construct will or will not ensure compliance with all applicable emission standards and requirements.

6.4.4 The APCO shall notify the applicant in writing of the final decision and make such notification available for public inspection at the same location where the District made preconstruction information and public comments relating to the source available.

6.5 Permit to Operate: The applicable terms and conditions of an issued Authority to Construct shall be included in any Permit to Operate subsequently issued by the APCO for the same emissions units.

7 Source Obligations

7.1 Enforcement: Any owner or operator who constructs or operates a source or modification not in accordance with the application submitted pursuant to this rule, any changes to the application as required by the APCO, or the terms of its Authority to Construct or Permit to Operate, shall be subject to enforcement action.

7.2 Termination: Approval to construct shall terminate if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The APCO may extend the 18-month period once upon a satisfactory showing of good cause why an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

7.3 Compliance: Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the SIP and any other requirements under local, state, or federal law.

7.4 Relaxation in Enforceable Limitations: At such time that a particular stationary source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the stationary source or modification to emit a pollutant, then the requirements of this rule shall apply to the stationary source or modification as though construction had not yet commenced on the stationary source or modification.

8 Public Participation: After the APCO has made a preliminary written decision to issue or deny an Authority to Construct for a new major stationary source or major modification, as specified in Sections 6.1 and 6.2, the APCO shall:

8.1 Publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the APCO, noting how pertinent information can be obtained, including how the public can access the information specified in Section 8.2, and inviting written public comment for a 30-day period following the date of publication. The notice shall include the time and place of any hearing that may be held, including a statement of procedure to request a hearing (unless a hearing has already been scheduled).

8.2 No later than the date the notice of the preliminary written determination is published, make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials the applicant submitted, a copy of the preliminary decision, a copy of the proposed Authority to Construct and a copy or summary of other materials, if any, considered in making the preliminary written decision.

8.3 Send a copy of the notice of public comment to the applicant, EPA Region 9, any persons requesting such notice and any other interested parties such as: any other state or local air pollution control agencies, the chief executives of the city and county where the source would be located; any comprehensive regional land use planning agency, and any state, Federal Land Manager, or Indian governing body whose lands may be affected by emissions from the source or modification.

8.4 Provide opportunity for a public hearing for persons to appear and submit written or oral comments on the air quality impact of the source, alternatives to it, the control technology required, and other appropriate considerations, if in the APCO's judgment such a hearing is warranted. The APCO shall give notice of any public hearing at least 30 days in advance of the hearing.

9 Plant-wide Applicability Limits (PAL): The APCO shall issue a Plant-wide Applicability Limit (PAL) permit according to the provisions contained in 40 CFR 51.165(f)(1) through (14). The provisions of 40 CFR 51.165(f)(1) through (14), are hereby incorporated by reference.

10 Invalidation: If any provision of this rule or the application of such provision to any person or circumstance is held invalid, the remainder of this rule or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

11 Effective Date for Referenced Federal Regulations: All references and citations in this rule to Title 40 of the Code of Federal Regulations (CFR) refer to the referenced federal regulation as in effect on July 1, 2019.

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:4 Exemptions from Permit and Registration (New and Existing Operations)
Adopt 8/10/71, Amended 09/19/1985, Repealed/Adopted 02/24/2009

1 An authorization to construct, permit to operate, or registration, may not be required for:

1.1 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.

1.2 Vehicles used to transport passengers or freight.

1.3 Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than two (2) families.

1.4 The following equipment:

1.4.1 Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

1.4.2 Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

1.4.3 Piston type internal combustion engines.

1.4.4 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.

1.4.5 Equipment used exclusively for steam cleaning.

1.4.6 Presses used exclusively for extruding metals, minerals, plastics or wood.

1.4.7 Residential incinerators.

1.4.8 Space heaters.

1.4.9 Equipment used in eating establishments for the purpose of preparing food for human consumption.

1.4.10 Natural gas or liquefied petroleum gas fired equipment used exclusively for space heating except boilers.

1.4.11 Self propelled mobile construction equipment other than pavement burners.

1.4.12 Other sources of minor significance specified by the Air Pollution Control Officer.

1.4.13 Agricultural implements used in agricultural operations.

1.5 Agricultural sources of air pollution with actual emissions that are less than one-half of any applicable emissions threshold for a major source in the district, for any air contaminant (excluding fugitive dust). For the purpose of this rule, Agricultural source of air pollution means a source of air pollution or a group of sources used in the production of crops, or raising of fowl or animals

located on contiguous property under common ownership or control that meets any of the following criteria:

1.5.1 Is an internal combustion engine used in the production of crops or the raising of fowl or animals, including, but not limited to, an engine subject to Article 1.5 (commencing with Section 41750) of Chapter 3 of Part 4 except an engine that is used to propel implements of husbandry, as that term is defined in Section 36000 of the Vehicle Code, as that section existed on January 1, 2003. Notwithstanding subdivision (b) of Section 39601, the state board may not revise this definition for the purposes of this section.

1.5.2 Is a Title V source, as that term is defined in Section 39053.5, or is a source that is otherwise subject to regulation by a district pursuant to this division or the Federal Clean Air Act (42 U.S.C. 7401 et seq.).

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:5 Standards for Granting Applications for Permits
Adopt 8/10/71, Repealed/Adopted 12/15/1998

1 The Air Pollution Control Officer shall deny authorization to construct or permit to operate, except as provided in Rule 2:4, if the applicant does not show that every 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, is so designed, controlled, or with such air pollution control equipment that it may be expected to operate without causing to be emitted air contaminants in violation of all applicable state and local regulations.

2 No authority to construct or modify shall be granted unless the applicant shows to the satisfaction of the Air Pollution Control Officer that the new source, as designed or modified, does not endanger maintenance or attainment of any applicable ambient air quality standard.

3 Before authorization to construct or a permit to operate is granted the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, or quality of air contaminants discharged into the air from the facility described in the authorization or permit. In the event of such a requirement the Air Pollution Control Officer will provide specifications for such sampling facilities. Any platforms and access involved shall be constructed in accordance with the General Industry Safety Orders of the State of California.

4 The Air Pollution Control Officer shall deny a Permit to Operate if he finds that the article or equipment was not constructed in accordance with the Authority to Construct previously issued.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:6 Conditional Approval
Adopt 8/10/71, Repealed/Adopted 12/15/98

1 The Air Pollution Control Officer may issue an Authority to Construct or Permit to Operate subject to written conditions which will bring the operation of any article or equipment within the standards of Rule 2:5. Commencing work under such authorization or operation under such permit shall be deemed acceptance of all conditions specified.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:7 Denial of Applications
Adopt 8/10/71, Repealed/Adopted 12/15/98

1 In the event of denial of authorization to construct or Permit to Operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:8 Appeals
Adopt 8/10/71, Repealed/Adopted 12/15/98

1 Within ten (10) days after notice by the Air Pollution Control Officer of denial or conditional approval of an Authorization to Construct, or Permit to Operate, the applicant may petition the Hearing Board in writing for a pubic hearing. The Hearing Board, after notice and a public hearing held within thirty (30) days after filing the petition may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:9 Variance and Permit Fees
Adopt 8/10/71, Repealed/Adopted 12/15/98

1 The Air Pollution Control Board may establish a schedule of fees for the issuance of permits or variances as set forth in Section 42311 and 42364 of the Health and Safety Code. Such fees are to be paid at the time of filing the application.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:10 Violation of Terms or Conditions
Adopt 12/15/98

1 Construction or operation of any source in violation of the terms or conditions of a permit issued pursuant to these rules is prohibited; and

2 Any violation of the terms or conditions of an Authority to Construct permit or Permit to Operate issued pursuant to district rules shall constitute a violation of district rules.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11 Permit Fees
Adopt 9/19/1984, Amend 4/25/1989, Amended 9/18/1990, Adopted 6/16/1992, Repealed/Adopted 7/13/1993, Repealed/Adopted 6/27/1995, Repealed/Adopted 10/1/1996, Repealed/Adopted, 4/28/1998, Repealed/Adopted 9/25/2007, Repealed/Adopted 4/4/2008, Repealed/Adopted 7/22/2008, Repealed/Adopted 10/07/2008, Repealed/Adopted 03/02/2009, Amended 07/01/2010, Amended 07/01/2012, Amended 07/01/2014, Amended 07/01/2017, Amended 07/01/2018, Amended 7/01/2020, Amended 7/01/2021, Amended 7/01/2022, Amended 7/01/2023, Amended 7/01/2024, Amended 7/1/2025

1 Filing Fee: Every application and renewal for Authority to Construct and/or Permit to Operate, Title V Federal Operating Permit or modification pursuant to Rule 2:3A shall be accompanied by a nonrefundable filing fee of $193.00 except for Phase II vapor recovery systems which shall be $222.75. All applicants for an Authority to Construct and/or Permit to Operate or Title V Federal Operating Permit shall pay to the Air Pollution Control District an amount equal to the District's cost of any staff time, materials, mileage, etc. that was not covered by the application fee. In the event that a source is constructed or modified without first obtaining an Authority to Construct pursuant to Rule 2:2 1 the filing fee shall be $286.50. A prorated fee for equipment added to an already existing source will be charged to coincide with the expiration of the current permit.

2 Permit to Operate: All fees prescribed in this Rule pertaining to a Permit to Operate are non-refundable and shall be paid in advance of issuance to the Tehama County Air Pollution Control District. The District will issue a billing statement for new permits. Nonpayment of the fee within 30 days of the billing date shall cause the automatic cancellation of the application.

2.1 The District will issue a billing statement for permit renewals a minimum of thirty (30) days prior to the expiration date. Nonpayment of the renewal fee until after the Permit to Operate expiration date shall result in the automatic cancellation of the permit. Renewing a Permit to Operate after the expiration date shall cause an additional 50% late fee.

2.1.1 Any further costs incurred by the District after issuance of the Authority to Construct but prior to issuance of the Permit to Operate shall be paid within 30 days of the subsequent billing by the District for the new Permit to Operate pursuant to Section 9.

3 Transfer of Location: W here an application is filed for a revised Permit to Operate by reason of transfer of the location of already permitted equipment, where there is no modification of the transferred equipment, the applicant shall pay only the filing fee required pursuant Section 1 above.

3.1 Any such filing fee shall be tendered along with the application for which it is due. Any application for transfer of location is not complete until the filing fee is paid.

4 Identical Replacement: W here an application is filed for a revised Permit to Operate by reason of an identical replacement of an entire permitted unit or a component thereof, where a revision to the equipment description of the existing permit is necessary, the applicant shall pay only the amount of the filing fee required by Section 1 above.

4.1 Any such filing fee shall be tendered along with the application for which it is due. Any application for an identical replacement is not complete until the filing fee is paid.

5 Permit Granted by Hearing Board: In the event an Authority to Construct or Permit to Operate is granted by the Hearing Board after denial by the Air Pollution Control Officer, the permit fee provisions prescribed by Section 1. or 2 above shall be payable within 30 days of the date of billing by the District pursuant to Section 9.

6 Revising Permit Terms or Conditions: Where an application is filed requesting revisions to the terms or conditions of an existing Permit to Operate, or when the Air Pollution Control Officer issues a revised Permit to Operate, the applicant shall pay the actual cost incurred by the District in processing the application. Such fee shall be paid within 30 days of the date of billing by the District and shall be based on a rate of $94.75 per hour of District staff time expended in processing the application.

6.1 Any application requesting revisions to the terms or conditions of an existing Permit to Operate shall be accompanied by a filing fee of $140.25, and the application shall not be complete until the filing fee is paid.

7 Amendment to Authority to Construct: An applicant may request written authorization to alter the proposed design and/or operational characteristics of a specified permit unit after the application for Authority to Construct has been deemed complete by the District and before work has begun on the Permit to Operate evaluation. The applicant shall pay the actual cost incurred by the District to evaluate the impact of the alteration(s) at the rate of $94.75 per hour of District staff time expended. Such fee shall be paid within 30 days of the date of billing by the District pursuant to Section 9.

8 Withdrawal or Denial: When an application for any of the above permit actions is submitted to the District it initiates action by the District which commits staff resources in reliance upon the request of the applicant. In the event an applicant withdraws or cancels its application, or the District denies the requested Permit to Operate or Authority to Construct, the resources expended by the District in processing the application becomes an obligation owing to the District as follows:

8.1 The actual time spent by the District in processing any application for a Permit to Operate, an Authority to Construct, revision to permit terms or conditions, or to revise an Authority to Construct application, the applicant shall pay the actual costs incurred by the District which were beyond the application fee at a rate of $94.75 per hour upon withdrawal or denial of the application. Such fee shall be payable within 30 days of the date of billing, and constitutes a legal obligation owing to the District for work done in reliance upon an applicant's request.

9 Payment of Fees: No Authority to Construct or Permit to Operate shall be issued or renewed to any applicant until the applicable fee pursuant to this Rule, and any other fee obligations arising under this Rule or any other District Rule, is paid in full.

10 All fees prescribed in this Rule must be paid in full within the time periods specified. Partial payments are not accepted and will not constitute satisfaction of the obligation established by this Rule, nor will they suspend the running of the period of time during which payments must be made. In the event fees are not paid within (30) days of the billing date an additional 50% late fee will be charged.

11 If any person who failed to pay any fee prescribed in this Rule within the time period specified establishes to the satisfaction of the Air Pollution Control Officer that such failure was due to reasonable cause and not due to willful neglect, and the person has subsequently paid such fee in full, the Air Pollution Control Officer may waive the 50% late fee prescribed in this Rule. As used herein, "reasonable cause" shall not include the failure of the person to receive any mailed billing statement or renewal notice.

12 Fee Schedule Fee

12.1 Air Conveyance Control Devices

12.1.1	Cyclone	
	<30,000 scfm	305.50
	>30,000 scfm	490.50
12.1.2	Baghouse	613.25

12.1.3	Electrostatic Precipitator	613.25
12.1.4	Wet Scrubber	613.25
12.1.5	Dry Scrubber	613.25
12.1.6	Packed Tower	613.25
12.1.7	Afterburner	613.25
12.1.8	Absorption Device	613.25
12.1.9	Multiclone/Fly Ash Reinject	613.25
12.1.10	NOx Reduction System	613.25

12.2 Asphalt Batch Plant (Maximum Design Rating)

12.2.1	<100 tons/hour	959.50
12.2.2	>100 - <250 tons/hour	1,144.25
12.2.3	>250 - <500 tons/hour	1,327.25
12.2.4	>500 - tons/hour	1,515.00

12.3 Asphalt Storage Facility 305.50

12.4 Fuel Combustion Devices (Boilers, etc. 10^6 BTU/hour, Maximum Design Rating)

12.4.1	<15	308.00
12.4.2	>15 - <30	543.00
12.4.3	>30 - <45	954.50
12.4.4	>45 - <60	1,887.00
12.4.5	>60 - <75	2,129.00
12.4.6	>75 - <100	2,411.75
12.4.7	>100 - <250	2,953.50
12.4.8	<250 - <500	3,351.00
12.4.9	>500	3,815.50

12.5 Cement Batch Plant 305.50

12.6 Kilns (10^6 BTU/hour, Maximum design Rating)

12.6.1	<100	736.75
12.6.2	>100 - <200	933.75
12.6.3	>200 - <500	1,106.00
12.6.4	>500	1,291.00

12.7 Charcoal/Carbon Manufacturing Furnace 736.75

12.8 Dryers

12.8.1	Plywood Veneer	367.00
12.8.2	All Others	244.50

12.9 Vapor Recovery Systems

12.9.1	Minimum charge	164.25
12.9.2	Dispensing nozzles (per nozzle) whichever is greater	40.00

12.10 Incinerators/Remelt Furnaces (Pathological, Cremation Retorts, Burnout ovens, etc.) - Maximum Horizontal Cross Sectional Area, Ft^2 of Primary Combustion Chamber.

12.10.1	<50	305.50
12.10.2	>50 - <100	490.50
12.10.3	>100	676.25
12.11	Industrial/Commercial Surface Coating Operations	
12.11.1	<1,000 gallons/year	305.50
12.11.2	>1,000 gallons/year	430.00
12.12	Volatile Organic Compound Substance Use	
12.12.1	<1,500 gallons/year	305.50
12.12.2	>1,500 gallons/year	430.00
12.13	Fiberglass Resin Usage	
12.13.1	<50 tons/year	305.50
12.13.2	>50 tons/year	430.00
12.14	Mineral Processing-Rock Crushing/Screening	
12.14.1	<25,000 tons/year	244.50
12.14.2	>25,00 - <50,000 tons/year	613.25
12.14.3	>50,00 - <100,000 tons/year	933.75
12.14.4	>100,000 - <500,000 tons/year	1,238.25
12.14.5	>500,000 tons/year	1,362.25
12.15	Miscellaneous	
12.15.1	Minimum Charge (<5 tons/year emitted)	195.00
12.15.2	Other (E = tons/year emitted)	36.00
12.16	Insignificant Source/Emission Inventory Tracking Fee	46.75
12.17	Fugitive Dust Permit	
12.17.1	Fugitive Dust Permit to Operate, non large source	201.00
12.17.2	Fugitive Dust Permit to Operate, large source, initial issuance (A deposit of 250 shall be paid at the time of application. The balance of the Fee, if any, shall be paid prior to issuance of the renewal.)	94.75 per hour
12.17.3	Fugitive Dust Permit to Operate, large source, renewal	94.75 per hour
12.17.4	Surcharge for Stationary Source Permits containing Fugitive Dust conditions	23.00
12.18	Agricultural Burn Permit (per year)	
12.18.1	Each applicant shall pay a fee upon application or renewal for a permit based on the following schedule:	
	0 to 50 acres	40.75

51 to 100 acres	76.50
101 to 200 acres	149.00
Over 200 acres	222.75

12.19 The provisions of Part 4, Chapter 3, Article 3, Section 41866 of the California Health and Safety Code which are in effect as of June 16, 1992 are incorporated herein as a part of the Rules and Regulations of the Tehama County Air Pollution Control District.

12.20 Land Clearing 77.75
(Burning conducted under Rule 4:6 1.1.8)

12.21 Fire Hazard and/or Employee Instruction 77.75
(Burn conducted under Rule 4:6 3.1.1 and/or 3.1.2.

12.22 Transfer of Ownership (Permit to Operate) 58.00

12.23 Stationary Source Greenhouse Gas Calculation and Tracking Fee (Whichever amount is greater)-This calculation and associated fee applies to all stationary source Permits to Operate and renewals of Permits to Operate that have a potential to emit greenhouse gases, to include carbon dioxide and carbon dioxide equivalent emissions.

12.23.1 Hourly Labor rate 94.75 per hour
(A deposit of $47.00 shall be paid at the time of paying the applicable fee under Subdivision 2 of this rule. The balance of the Stationary Source Greenhouse Gas Calculation and Tracking Fee, if any, shall be paid prior to issuance of the permit or renewal.)

13 General Rules Applicable to Permit Fee Schedules:

13.1 The permit fee of a multi-component system shall be the sum of those fee schedules for each individual device in the component system.

13.2 If more than one fee schedule is applicable to an individual device, the schedule with the higher fee shall be used exclusively.

13.3 If the Control Officer ascertains that tests will be required which the APCD staff does not routinely perform, then the APCD is authorized to charge additional fees not to exceed the estimated cost of making such tests provided that the applicant shall be advised of such additional fees prior to the making of such tests and given the option to have such test made by an independent laboratory approved by the Control Officer at the applicant's cost. All fees estimated and collected by the Control Officer for special tests which are later found to exceed the actual test costs will be refunded.

13.4 For devices which the Control Officer ascertains are inherently seasonally operational due to location or nature of raw materials processed (i.e. devices operating less than three consecutive months), the permit fee shall be twenty-five (25) percent of the regular fee or $268.75 dollars whichever is higher.

13.5 Any person requesting that the District undertake or perform any of the following activities shall pay for the full cost of such activity as incurred by the District. Such costs shall include staff time, materials, mileage, etc. Staff time shall be charged at a rate of $94.75 per hour. Staff time solely provided by the Control Officer at the determination of the Control Officer shall be charged at a rate of $111.00 per hour. Overtime shall be charged at one and one-half (1.5) times the staff time rate.

13.5.1 Technical evaluations and/or pre-permit evaluation.

13.5.2 Any other activity not routinely performed by the Air Pollution Control District.

13.6 Should the Control Officer find that an analysis of emissions or any special studies are necessary pursuant to these regulations, the cost shall be charged against the owner or operator of said source.

13.7 Any facility which has a source test performed which is required by the District shall pay for the full cost of such activity as incurred by the District at a rate of $94.75 per hour. The cost shall include source test protocol review, source test observation and compliance analysis of such tests.

13.8 Any facility which chooses to submit emission data from continuous emission monitor(s) in lieu of source testing shall pay the District at a rate of $94.75 per hour for compliance analysis.

13.9 Any fees prescribed in this Rule may be adjusted annually on July 1st by the Air Pollution Control Officer based on the change in the California Consumer Price Index for the preceding year, as determined pursuant to Section 2212 of the Revenue and Taxation Code. All other revisions of this Rule require approval of the District's Board of Directors.

TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11A Air Toxic "Hot Spots" Fees
Adopt 5/24/1994, Repealed/Adopted 6/27/1995

1 Applicability: This rule shall apply to any stationary source facility which commenced operation prior to January 1, of the year in which the fees are assessed pursuant to this rule, and which:

1.1 Manufactures, formulates, uses, or releases any of the substances listed pursuant to Health & Safety Code Section 44321, or any other substance which reacts to form a substance so listed, and which releases less than 10 tons per year of total organic gases, particulate matter, sulfur oxides or nitrogen oxides and is included in any class listed in Appendix E of Title 17 of the California Code of Regulations (Emission Inventory Criteria and Guidelines Regulation), or

1.2 Manufactures, formulates, uses, or releases any of the substances listed pursuant to Health & Safety Code Section 44321, or any other substance which reacts to form a substance so listed, and which releases 10 tons per year or greater of total organic gases, particulate matter, sulfur oxides, or nitrogen oxides.

2 Assessment of Fees: The operator of each stationary source facility which meets the criteria of Subsection 1.1 or 1.2 shall pay an annual air toxic assessment fee according to the following:

2.1 Facilities shall pay an annual base fee of $40.00 plus a proportional share of the district's cost attributed to each facility at the rate of $94.75 per hour.

2.2 Facilities shall pay a prorated share of the state's cost as specified in the states's Air Toxic "Hot Spots" Fee Regulation, Title 17, California Code of Federal Regulation, Sections 90700-90705.

2.3 The operator of a stationary source facility which meets the criteria of Subsection 1.2 solely on the basis of the release of non-combustion related particulate matter shall be assessed a flat fee of $100.00 per year if the facility demonstrates to the satisfaction of the Air Pollution Control Officer that the non-combustion related air release does not contain a substance listed pursuant to Health & Safety Code Section 44321 or a precursor to a listed substance.

3 Billings: The District shall notify and assess the operator of each stationary source facility subject to the requirements of this rule in writing of the fees due. The operator shall remit the fee to the District within 60 days after the receipt of the toxic assessment fee notice.

4 Penalties: Air toxic assessment fees not paid by the due date as specified in Subsection 3 shall be assessed a 50% late charge. If an operator fails to pay the fee within 120 days after the receipt of the initial fee assessment notice, the District may initiate permit revocation proceedings. If any permit is revoked, it shall be reinstated only upon full payment of the overdue fee plus any late penalty, and a reinstatement fee of $50.00 to recover administrative costs of reinstating the permit.

5 Exemptions: Any facility meeting the criteria of Subsection 1.1 which was required only to complete a use and production survey (facilities listed in Appendix E-II of the Emission Inventory Criteria and Guideline Regulation),and was previously assessed, and has paid a fee, subsequent fees in future fiscal years shall be waived by the District if the District determines that there are insignificant costs with respect to said facility under the Act.

6 Annual Adoption of Fees: Unless it amends this rule, the District Board automatically re-adapt this fee rule annually by operation of law, in compliance with Title 17, California Code of Regulations, Section 90703.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11B Emission Reduction Credit Banking Fee
Adopt 6/7/1994, Adopt 12/15/98

1 An application fee and an evaluation fee shall be charged for all sources that apply for an Emission Reduction Credit Certificate. The application fee shall be $40.00. The evaluation fee shall be charged as follows:

1.1 The application filing fee shall cover the cost of application and evaluation for Emission Reduction Credits for agricultural/open burning which require no more than one (1) hour of evaluation. Evaluation in excess of one (1) hour shall be charged at the rate of $40.00 per hour.

1.2 Stationary Source Emission Reduction Credit evaluation shall be charged at the rate of $40.00 per hour.

2 The fee for transfer of an Emission Reduction shall be $40.00.

3 The fee for a modification of an Emission Reduction Credit Certificate shall be based on a rate of $40.00 per hour.

4 The fee for replacement of an Emission Reduction Credit Certificate shall be $20.00. Rule 2:12 Status of Permit.

5 The person responsible for obtaining such permit shall maintain the same in a current status by notifying the Control Officer in writing of any significant change in any item of information furnished in connection with obtaining such permit.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11C Document Copy Fees
Adopted 09/25/07

1 The following fees shall apply:

1.1	Standard Copy Rate	$2.00 first page plus $.10 per page
1.2	Proposals to Board of Directors	no charge
1.3	Public Record Information already copied	no charge
1.4	District Forms	no charge
1.5	Duplicate Permits	$15.00
1.6	Tape Copy	$6.00 plus hourly rate
1.7	Disk Copy	$6.00 plus hourly rate

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:11D Indirect Source Fees
Adopted 10/26/2010, Amended 08/02/2011, Amended 01/10/2012, Amended 01/10/2013, Amended 02/11/2014, Amended 07/21/2020

1 Purpose: To provide the Tehama County Air Pollution Control District (District) with a sound method for mitigating the emissions produced from the operation of new commercial and residential development projects throughout the County of Tehama, including within the incorporated cities in the County. All developers have the option to pay the Indirect Source Fee established by this rule, provide on-site or off-site mitigation through an Alternative Emission Reduction Plan, or do a combination of both. This rule will assist the District in attaining and maintaining the State ambient air quality standards for PM10 and Ozone.

2 Definitions: For the purposes of this rule, and in addition to the definitions in Rule 1:2 Definitions, the following definitions shall apply:

2.1 Developer: Any person whose causes, suffers, or permits the construction of any Indirect Source anywhere within the boundaries of the Tehama County Air Pollution Control District. "Developer" shall not include a public entity that issues a permit or other approval for an Indirect Source constructed by another person.

2.2 Indirect Source: Any facility, building, structure, installation, real property, road or highway which attracts or may attract mobile sources of air pollution.

2.3 Industrial Land Use Group: Includes warehouses, general light industry facilities, general heavy industry facilities, industrial parks, and manufacturing facilities.

2.4 Mitigation: For the purpose of this rule, mitigation means an activity taken or conditions incorporated in a project to avoid, minimize, reduce, eliminate, or compensate emissions estimated to occur from new development projects.

2.5 Office Land Use Group: Includes banks (with drive-through), general office buildings, office parks, medical office buildings, hospitals, day-care centers, elementary schools, junior high schools, high schools, junior colleges (2 year), libraries, government office buildings, government (civic center) facilities, racquet club, racquetball/health club, and places of worship.

2.6 Residential: Any construction, placement, or installation of a family dwelling unit. Each dwelling shall be considered one unit. Residential projects can be placed in one of the following three categories:

2.6.1 Single Family Dwelling: A building, including accessory buildings, used as living quarters by one family.

2.6.2 Multiple Family Dwelling: A building, including accessory buildings, used as living quarters by multiple families residing independent of one another.

2.6.3 Mobile Home: A mobile home as defined in Health and Safety Code section 18008 or a manufactured home as defined in Health and Safety Code section 18007, whether located within or outside a park, the construction, placement, or installation of which requires a permit issued by the applicable City, County, or other enforcement agency.

2.7 Retail Land Use Group: Includes free-standing discount stores, free standing discount superstores, discount clubs, regional shopping centers, electronic superstores, home improvement superstores, supermarkets, hardware/paint stores, strip malls, convenience markets (24 hour), convenience markets with gas pumps, gasoline service stations, restaurants, hotels and motels.

3 Exemptions and Reductions:

3.1 The following construction units are exempt from provisions of this rule:

3.1.1 Reconstruction of any development project that is damaged or destroyed and is rebuilt to essentially the same use and intensity.

3.1.2 Remodeling of residential or commercial buildings where no expansion of square footage occurs.

3.1.3 Remodeling or expansion at existing single family residential dwelling.

3.2 All Developers have the option to develop and implement an Alternative Emission Reduction Plan to provide full or partial mitigation of emissions associated with the project. An Alternative Emission Reduction Plan may include or consist of an individualized, project-specific analysis demonstrating that the emissions associated with the project are less than the emissions amounts upon which the otherwise applicable fees listed in Table 1 or Table 2 as applicable were calculated. In each instance, the otherwise applicable fees listed in Table 1 or Table 2 as applicable will be reduced in proportion to the demonstrated reduction in emissions associated with the project. The Alternative Emission Reduction Plan shall comply with the requirements of Section 6.

4 Applicable Fee: Except as provided in Section 3 of this Rule, any developer who obtains a building permit within the County of Tehama, or any incorporated city within Tehama County, shall pay the following fee to the District:

Table 1 – Fees Effective July 1, 2012 through December 31, 2020

		Ozone Precursors	PM10	Total
A.	Residential Single Family Dwelling	$111.75/Unit	$60.25/Unit	$172.00/Unit
B.	Residential Multiple Family Dwelling	$101.50/Unit	$54.50/Unit	$156.00/Unit
C.	Mobile Home	$74.75/Unit	$39.50/unit	$114.25/Unit
D.	Retail	$0.275/Sq. Ft.	$0.125/Sq. Ft.	$0.40/Sq. Ft.
E.	Industrial	$0.06/Sq. Ft.	$0.03/Sq. Ft.	$0.09/Sq. Ft.
F.	Office	$0.145/Sq. Ft.	$0.075/Sq. Ft.	$0.22/Sq. Ft.

Table 2 – Fees Effective January 1, 2021 and Thereafter

		Ozone Precursors	PM10	Total
A.	Residential Single Family Dwelling	$223.50/Unit	$120.50/Unit	$344.00/Unit
B.	Residential Multiple Family Dwelling	$203.00/Unit	$109.00/Unit	$312.00/Unit
C.	Mobile Home	$149.50/Unit	$79.00/unit	$228.50/Unit
D.	Retail	$0.55/Sq. Ft.	$0.25/Sq. Ft.	$0.80/Sq. Ft.
E.	Industrial	$0.12/Sq. Ft.	$0.06/Sq. Ft.	$0.18/Sq. Ft.

F.	Office	$0.29/Sq. Ft.	$0.15/Sq. Ft.	$0.44/Sq. Ft.

4.1 The fees listed in Table 2 shall automatically be adjusted annually effective on the 1st day of July, beginning July 1, 2015**,** as follows: The Air Pollution Control Officer shall adjust the amounts based on the change in the California Consumer Price Index for the preceding year, as determined pursuant to Section 2212 of the Revenue and Taxation Code. No later than the 1st day of May each year, the Air Pollution Control Officer shall make a report to the Board of Directors. The Board may initiate proceedings to suspend or reduce any upward adjustment through an amendment to this Rule.

5 Administrative Requirements:

5.1 The appropriate Indirect Source Fees, including any reduced fees set forth in an approved Alternative Emission Reduction Plan, shall be paid to the District by the developer at the time of obtaining the building permit. If approved by the District, the developer may have the option to defer payment of these fees by signing a deferral agreement with the District under the following conditions:

5.1.1 The developer may request that the payment of Indirect Source Fees be deferred to the time that a Certificate of Occupancy (or equivalent documentation) is issued. Such request must be made to the Air Pollution Control Officer in writing.

5.1.2 The fees shall be paid at the higher of the current applicable rate at the time of final payment or the rate at the time of obtaining the building permit.

5.1.3 If the fee is not paid at the time that a Certificate of Occupancy (or equivalent documentation) is issued, the developer shall be in violation of this Rule, and shall be subject to the penalties set forth in Article 3 (Commencing with Section 42400) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code.

5.1.4 All of the foregoing must be set forth in writing that is in a form acceptable to the District Counsel and executed by the developer and the Air Pollution Control Officer.

5.2 Funds established by the fee schedule in Section 4 will be separated into two accounts. Account 1 will be designated towards the reduction of Ozone Precursor emissions. Account 2 will be designated towards the reduction of PM10 emissions. No more than 10% of the combined funds may be used by the Air Pollution Control District to offset costs of administration. Any balance of the funds shall be carried over to the next fiscal year.

5.3 Funds will be allocated by the Board of Directors through a Request For Proposal (RFP) process for proposed mitigation projects based on the cost analysis and emissions reductions of each project.

5.4 RFPs shall be published by the District by August 1st of each year, based on the fees collected throughout the previous fiscal year.

5.5 Any person seeking funding for a mitigation project shall develop and submit written Mitigation Project Report. The minimum criteria the proposed mitigation projects shall meet for considerations are the following:

5.5.1 The proposed Mitigation Project Report shall contain a detailed project description, including sufficient information and documentation that supports the calculation of emissions and emissions reductions specified in the report.

5.5.2 A thorough emission reduction analysis shall be performed for the proposed mitigation project using emission factors from EPA document AP-42 “Compliance of Air Pollution Emission Factors”, the latest version of EMFAC, or other source(s) approved by the Air Pollution Control Officer. The emission reduction analysis shall include calculations for estimated emission reductions of all criteria pollutants on a daily and yearly basis. Documentation of emission factors and all assumptions shall be provided with the documentation.

5.5.3 Emission reductions produced by the proposed mitigation projects must be above and beyond what is being required by any federal, State, or local regulation, memorandum of agreement/understanding with a regulatory agency, settlement agreement, mitigation requirement, or other legal mandate.

5.5.4 Mitigation projects must adhere to the minimum cost-effectiveness criteria established by District using the rolling 3 year average figures to offset one weighted ton of PM10 or Ozone Precursors by projects funded in the preceding three years under this Rule and under the District's Carl Moyer Program.

5.5.5 No emission reductions obtained by the proposed mitigation projects shall be utilized as marketable emission reduction credits, or to offset any emission reduction obligation of any individual or entity.

5.5.6 Mitigation projects are obligated to have a minimum project life of ten years. Proposed projects possessing shorter life spans may be approved on a case-by-case basis by the Board of Directors. If approved, projects with shorter lives may be subject to additional funding restrictions, such as a lower cost-effectiveness limit and/or a project cost cap.

5.5.7 Potential mitigation projects that do not meet designated criteria of 10 year life span or cost-effectiveness may be considered by the Board of Directors on a case-by-case basis if evidence supplied to the Board of Directors demonstrates potential surplus, real, quantifiable and enforceable emission reduction benefits.

5.6 A review committee for the proposed mitigation projects shall be established by the District. The Air Pollution Control Officer, or his designee, shall act as the secretary and oversee the meetings and activities of the review committee. However, the Air Pollution Control Officer, or his designee shall have no voting power during the proceedings. The committee will be composed of five members as followed:

5.6.1 (1) a representative of the County of Tehama appointed by the Tehama County Board of Supervisors, (2) a representative of the public (member-at-large), appointed by the District Board of Directors; (3) one member representing the City of Corning and one member representing the City of Red Bluff, each appointed by their respective city councils; (4) a representative of the construction industry, appointed by the District Board of Directors.

5.6.2 The review committee will evaluate, review, and recommend the proposed mitigation projects based on the cost-effectiveness of each project. The District Board of Directors will make the final selection of mitigation projects.

5.7 The Board of Directors will enter into a binding contract with each successful mitigation project applicant, which will, at a minimum, require an annual report from the applicant that includes information necessary to ensure that emissions reductions are actually occurring.

5.8 On August 1st of each year the District will prepare an annual report which will include the following elements: total amount of fees received; total monies spent; total monies remaining; a list of all projects funded; total emissions reductions realized; and the overall cost-effectiveness factor for the projects funded.

6 Alternative Emission Reduction Plan Requirements: Any person seeking full or partial exemption from the otherwise applicable fee(s) set forth in Table 1 or Table 2 as applicable, including reductions based in whole or in part upon an individualized analysis of the emissions impacts associated with the project, shall develop and submit for the Air Pollution Control Officer's approval a written Alternative Emission Reduction Plan. The Alternative Emission Reduction Plan shall meet all of the following requirements:

6.1 The Plan shall contain a detailed project description, including sufficient information and documentation that supports the calculation of emissions and emissions reductions specified in the Plan.

6.2 A thorough emission reduction analysis shall be performed for the Alternative Emission Reduction Plan using emission factors from EPA document AP-42 "Compliance of Air Pollution Emission Factors", the latest version of EMFAC, or other source(s) approved by the Air Pollution Control Officer. The emission reduction analysis shall include calculations for estimated emission reductions of all criteria pollutants on a daily and yearly basis. Documentation of emission factors and all assumptions shall be provided with the documentation.

6.3 Emission reductions contained in the Plan shall be Real, Surplus, Quantifiable, and Enforceable.

6.4 Emission reductions contained in the Plan can NOT be utilized as marketable emission reduction credits, or to offset any emission reduction obligation of any individual or entity.

6.5 Any person who submits an Alternative Emission Reduction Plan containing materially false representations shall be in violation of this Rule, and shall be subject to the penalties set forth in Article 3 (Commencing with Section 42400) of Chapter 4 of Part 4 of Division 26 of the Health and Safety Code. Any such Alternative Emission Reduction Plan shall be disregarded for purposes of determining the applicable fee(s) under this Rule, and the full fee(s) set forth in Table 1 shall be paid to the District.

6.6 If the Air Pollution Control Officer denies or conditionally approves a proposed Alternative Emission Reduction Plan, the Developer may appeal such determination to the Hearing Board by filing a written appeal with the Clerk of the Hearing Board within thirty (30) days after the date the Air Pollution Control Officer renders his or her decision on the Plan. The written appeal shall state with specificity the grounds for challenging the decision of the Air Pollution Control Officer. The Hearing Board shall hear and decide whether the proposed Alternative Emission Reduction Plan complies with the requirements of this Rule, considering only those grounds raised in the Developer's written appeal and giving the Air Pollution Control Officer's decision a rebuttable presumption of correctness, which shall affect the burden of proof.

7 Alternative Emissions Reduction Plan Fees: The applicant shall reimburse the District for any time expended in the review and evaluation of an Alternative Emission Reduction Plan at the Hourly Labor Rates set forth in Rule 2:11. The District shall provide the applicant a cost estimate for reviewing the Alternative Emission

Reduction Plan, and calculating any applicable fee reductions. A deposit of 50% of the estimated cost estimated shall be paid by the applicant at the time of submittal of the Alternative Emission Reduction Plan.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:12 Status of Permit
Adopt 09/19/85

1 The person responsible for obtaining such permit shall maintain the same in a current status by notifying the Control Officer in writing of any significant change in any item of information furnished in connection with obtaining such permit.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:13 Transfers
Adopt 09/19/85

1 An Authority to Construct or Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, or from one person to another, except on the written approval of the Air Pollution Control Officer.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:14 Cancellation of Permits
Adopt 09/10/85

1 A permit will expire one year from the date the permit was issued.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:15 Posting of Permit
Adopt 09/10/85

1 A person who has been granted a Permit to Operate any equipment is required to display such Permit to Operate or an approved facsimile, or other approved identification, in the main office or principal place of business in such a manner as to be clearly visible and accessible.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:16 Defacing
Adopt 09/10/85

1 No person shall willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:17 Public Records - Trade Secrets
Adopt 09/10/85

1 All information, analyses, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment or other contrivance, are public records.

2 All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

3 Except as otherwise provided in Subdivision 4, trade secrets are not public records under this Section. "Trade Secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information, which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

4 Not withstanding any other provision of law, all air pollution emission data, including those emission data which constitute trade secrets as defined in Subdivision 3, are public records. Data used to calculate emission data are not emission data for the purposes of this subdivision, and data which constitute trade secrets and which are used to calculate emission data are not public records.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:18 Assignment of Fees
Adopt 09/10/85

1 All monies collected under the terms of this plan shall be credited to the general fund of the Air Pollution Control District.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:19 District Indemnification
Adopt 7/16/07

1 This regulation shall apply to any Permit to Operate or Authority to Construct issued pursuant to the Tehama County Air Pollution Control District Rules and Regulations.

1.1 As a condition of issuance of any permit, the Permittee shall agree to defend, indemnify, and hold harmless, at the Permittee's sole expense, the District and its employees, officers, directors, contractors and agents from and against any claim, action, or administrative proceeding brought against the District or the Air Pollution Control Officer challenging the District's decision to issue a permit to the Permittee, any environmental review or absence thereof associated with the proposed project, or the manner in which the District interprets or enforces the terms and conditions of this permit at any time, and to pay all losses, liabilities, damages, penalties, costs, awards, judgments, fees (including reasonable attorney's fees) and expenses arising from such claim, action, or administrative proceeding. Counsel for the District and the Air Pollution Control Officer in any such legal defense shall be selected by the District.

1.2 As a condition of issuance of any permit, upon demand from the District, the Permittee shall reimburse the District for any court costs and/or attorney's fees which the District may be required by a court to pay as a result of any claim, action, or administrative proceedings described in Section 1.1 of this Rule.

1.3 Neither the issuance of a permit as conditioned above, nor compliance with the permit conditions thereof, relieves the Permittee from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of any permit hereunder serve to impose any liability upon the District, its officers or employees for injury or damage to persons or property.

1.4 Except with respect to the District's sole negligence or intentional misconduct, the Permittee shall indemnify, defend and hold harmless the District, its officers, agents, and employees, from any and all claims, demands, costs, expenses, including attorney's fees, judgments or liabilities arising out of the construction, maintenance, or operations described in a permit issued hereunder, and as it may be subsequently modified pursuant to the terms and conditions of these Rule and Regulations.

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TEHAMA COUNTY AIR POLLUTION CONTROL DISTRICT
Rule 2:20 Emissions Statement
Adopted 3/01/22

1. Purpose: This Rule establishes the requirements for the submittal of an annual emissions statement from stationary sources in accordance with the requirements of the 1990 Clean Air Act [Section 182(a)(3)(B)].

2. Applicability: The requirements of this Rule are applicable to any stationary source which emits or may emit oxides of nitrogen (NOx) or reactive organic compounds (ROCs).

3. Requirements:

3.1. The owner or operator of any stationary source that is subject to this Rule shall provide the Tehama County Air Pollution District (District) with a written emissions statement showing actual emissions or operational data allowing the District to estimate actual emissions from that source. Emissions calculations shall be based on emission factors approved by the Air Pollution Control Officer (APCO) and the United States Environmental Protection Agency (U.S. EPA).

3.2. The emissions statement shall be on a form or in a format specified by the APCO and shall contain emissions data for the time period specified by the APCO. Emissions statements shall be submitted annually.

4. Administrative Requirements:

4.1. The APCO may waive the requirements of Section 3 of this Rule to any class or category of stationary sources which emit less than 25 tons per year of NOx or ROCs if the District provides the California Air Resources Board (CARB) with an emissions inventory of sources emitting less than 25 tons per year of NOx or ROCs, based on the use of emission factors established by or other methods acceptable to the U.S. EPA.

4.2. All official documents submitted to the District shall contain a certification signed and dated by a responsible official of the company attesting that the information contained in the submitted documents is accurate to the best knowledge of the individual certifying the submission. The requirements of this Section apply to, but are not limited to, the emissions statement required in Section 3 of this Rule.

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