

NEVADA STATE JOURNAL PROOF OF PUBLICATION

STATE OF NEVADA }
COUNTY OF WASHOE } ss.

IVALOO NICKOVICH

being first duly sworn, deposes and says: That
she is the Principal Clerk of THE NEVADA
STATE JOURNAL, a daily newspaper published
at Reno, in Washoe County, in the State of Nevada.

That the notice OF COUNTY ORDINANCE

of which a copy is hereto attached, was first pub-
lished in said newspaper in its issue dated the

20th day of May, 19 64

and was published in each issue of
said newspaper thereafter for May 27,

the full period of 2 days, the last publication
thereof being in the issue dated the 27th day
of May, 19 64.

Signed *Ivaloo Nickovich*

Subscribed and sworn to before me this

27th day of May, 19 64

Richard J. Taylor
Notary Public.

NOTICE OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN that BILL
No. 105, Ordinance No. 129, AN ORDI-
NANCE CONCERNING AIR POLLU-
TION, ITS REGULATION, CONTROL
AND PROHIBITION; PROVIDING FOR
THE ISSUANCE OF A PERMIT FOR
THE INSTALLATION OF FUEL BURN-
ING EQUIPMENT AND DEFINING EX-
CLUSIONS THERE FROM; CREATING
AN AIR POLLUTION CONTROL OFFI-
CER AND DEPUTIES AND DEFINING
THEIR DUTIES; PRESCRIBING PEN-
ALTIES FOR VIOLATION THEREOF
AND PROVIDING OTHER MATTERS
PROPERLY RELATING THERETO;
AND REPEALING ORDINANCE NO. 79
AND ALL OTHER ORDINANCES OR
PARTS OF ORDINANCES IN CONFLICT
HEREWITH, was proposed on the 5th
day of May, 1964 by Commissioner Mc-
Kissick and final action of adoption was
taken on May 15th, 1964 by the following
vote:
Ayes: Commissioners: Streeter, Sau-
er, Cunningham, McKissick and McKen-
zie
Nays: Commissioners: None
Absent: Commissioners: None
(S) H. K. BROWN,
County Clerk and Clerk of the
Board of County Commissioners,
Washoe County, Nevada
May 20-27, 1964.

SUMMARY: An ordinance regulating, controlling and prohibiting air pollution in Washoe County.

BILL NO. 105

ORDINANCE NO. 129

AN ORDINANCE CONCERNING AIR POLLUTION, ITS REGULATION, CONTROL AND PROHIBITION; PROVIDING FOR THE ISSUANCE OF A PERMIT FOR THE INSTALLATION OF FUEL BURNING EQUIPMENT AND DEFINING EXCLUSIONS THEREFROM; CREATING AN AIR POLLUTION CONTROL OFFICER AND DEPUTIES AND DEFINING THEIR DUTIES; PRESCRIBING PENALTIES FOR VIOLATION THEREOF AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ORDINANCE NO. 79 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

Section 1. Definitions

- (a) "Air Pollution." The emission or escape of particulate matter, smoke, dust, fumes, noxious gases, mists, odors, vapors, or any combination thereof in quantities hereinafter required to be controlled pursuant to the provision hereof.
- (b) "Person, Firm or Corporation." Shall mean any individual, firm, partnership, association, company, corporation or other entity recognized by law. When the term "person" alone is used, it shall include a firm or corporation as herein defined.
- (c) "Air Pollution Control Officer." Shall mean the person designated by the District Health Officer as the head of the Air Pollution Control Department or Division.
- (d) "Deputy Air Pollution Control Officer." As used in this ordinance shall mean the person or persons designated to administer and/or enforce the provisions hereby and shall include but not be limited to, the Air Pollution Control Officer.
- (e) "Particulate Matter." "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (f) "Process Weight Per Hour." "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

1.

- (g) "Dusts." "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, drilling, demolishing, milling, shoveling, conveying, covering, bagging, sweeping, etc.
- (h) "Condensed Fumes." "Condensed Fumes" are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.
- (i) "Combustion Contaminants." "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.
- (j) "Combustible Refuse." "Combustible Refuse" is any combustible waste material containing carbon in a free or combined state other than liquids or gases.
- (k) "Multiple Chamber Incinerator." "Multiple Chamber Incinerator" is any article, machine, equipment, contrivance, structure, or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.
- (l) "Standard Conditions." "Standard Conditions" are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analysis and tests shall be calculated or reported at this gas temperature and pressure.
- (m) "Atmosphere." "Atmosphere" means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.
- (n) "Open Fire." "Open Fire" means any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney.
- (o) "Hearing Board." "Hearing Board" shall mean the board appointed by the District Board of Health.

Section 2. Air Pollution Prohibited.

It shall be unlawful for any person, firm or corporation to cause, suffer, or allow to be discharged or emitted into the open air smoke, dust, fumes, noxious gases, mists, odors, vapors or particulate matter from any source whatever the shade or appearance of which is equal to or denser than that specified in the subsequent sections of this article.

The intent of this section is to include smoke, dust, fumes, gas vapor, particulate matter, odorous material, and particles of any color, including colors other than black or gray. The use of a standard or standards printed or photographed in black shall not be interpreted to prevent the emission or discharge of uncontaminated aqueous steam to the open air.

Section 3. Permanent and Future Construction.

No person shall hereafter construct, reconstruct, install or alter any fuel burning equipment or any other equipment capable of emitting smoke, gas, vapor, dust, odor, or particulate matter into the open air until an application for installation permit, properly listing and identifying the equipment and stating the means provided or to be provided to assure compliance with this ordinance, has been filed in duplicate by the person, or his authorized agent, in the office of the Air Pollution Control Officer, and an installation permit has been issued by said Air Pollution Control Officer; except as hereinafter enumerated and subject to these same exceptions, no person shall construct, reconstruct, install or alter any such equipment in such manner that it does not conform to such application permit.

The following equipment, repairs, and systems are excluded from the foregoing provisions of this section.

- (a) Gas-fired equipment when standard commercial equipment is used.
- (b) Oil-fired equipment burning No. 1 and No. 2 fuel oil (as specified in Commercial Standard Specifications for fuel oils of the U. S. Department of Commerce, in its latest revision) when standard commercial equipment is used.
- (c) Solid fuel-fired equipment when standard commercial equipment is used and the maximum fuel input will not exceed 350,000 BTU per hour.
- (d) Repairs and minor alterations to previously approved equipment, which do not increase their production capacities.

Section 4. Interference with Performance of Duty.

It shall be unlawful for any person, firm or corporation to interfere or impede the performance of duty of the Air Pollution Control Officer or his designee.

Section 5. The District Board of Health; Powers and Duties.

The District Board of Health shall make such rules and regulations as are necessary for carrying into effect and administering fully the provisions of this ordinance.

The District Board of Health shall recommend amendments to this ordinance as are necessary for the protection of the public health.

Section 6. Air Pollution Control Officer; Powers and Duties.

The Air Pollution Control Officer or his designee shall have

3.

power and authority in his name to enforce the provisions of this Ordinance and the rules and regulations issued thereunder, and to issue citations for violations of this Ordinance. At his discretion, he may issue a warning and give any violator an opportunity to correct the cause of the violation before filing a formal complaint. Such powers, actions, and remedies shall be concurrent and cumulative.

Section 7. Prohibited Emissions.

- (a) Ringelmann Chart. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminants for a period or periods aggregating more than three minutes in any one hour which is:
1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
 2. Of such opacity as to obscure an observer's view to a degree equal to or greater than does a plume of smoke of unburned carbon particles which is as dark as that described in subsection 1 of this section.
- (b) Nuisance. A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which causes injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or has a natural tendency to cause injury or damage to business or property.
- (c) Particulate Matter. Except as otherwise provided in Subsections (d), (e), and (f), a person shall not discharge into the atmosphere from any source particulate matter in excess of 0.4 grain per cubic foot of gas at standard conditions.
- (d) Specified Contaminants. A person shall not discharge into the atmosphere from any single source of emission whatsoever any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:
1. Sulfur compounds calculated as sulfur dioxide (SO₂): 0.2 per cent, by volume.
 2. Combustion contaminants: 0.3 grain per cubic foot of gas calculated to 12 per cent of carbon dioxide (CO₂) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO₂) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 per cent of carbon dioxide (CO₂).
- (e) Scavenger Plants. Where a separate source of air pollution is a scavenger or recovery plant, recovering pollutants which would otherwise be emitted to the atmosphere, the Air Pollution Control Officer may grant a permit to

operate where the total emissions of pollutants is substantially less with the plant in operation than when closed, even though the concentration exceeds that permitted by Section 7 (d) 1. The Air Pollution Control Officer shall immediately make a report in writing upon the granting of any such permit, together with the facts and reasons therefor.

- (f) Dust and Fumes. A person shall not discharge in any one hour from any source whatsoever dust or fumes in total quantities in excess of the amount shown in the following table:

To use the following table, take the process weight per hour as such is defined in Section 1 (f). Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example, 1500 lbs. by 3, giving a process weight per hour of 500 lbs. The table shows that A may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge may be interpolated.

TABLE

<u>Process</u> <u>Wt/hr (lbs)</u>	<u>Maximum Weight</u> <u>Disch/hr (lbs)</u>	<u>Process</u> <u>Wt/hr (lbs)</u>	<u>Maximum Weight</u> <u>Disch/hr (lbs)</u>
50	.24	3400	5.44
100	.46	3500	5.52
150	.66	3600	5.61
200	.852	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	2.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89

TABLE - continued

<u>Process</u> <u>Wt/hr (lbs)</u>	<u>Maximum Weight</u> <u>Disch/hr (lbs)</u>	<u>Process</u> <u>Wt/hr (lbs)</u>	<u>Maximum Weight</u> <u>Disch/hr (lbs)</u>
2100	4.24	14000	12.50
2200	4.34	15000	13.13
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3
3000	5.10	50000	34.3
3100	5.18	60000	40.0
3200	5.27	or	
3300	5.36	more	

See definition in SECTION 1., (f)

Section 8. Exceptions to Section 7. The provisions of Section 7 do not apply to:

- (a) Smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:
 1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
 2. The instruction of public employees in the methods of fighting fire.
- (b) Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- (c) Agricultural operations in the growing of crops, or raising of fowls or animals.
- (d) The use of other equipment in agricultural operations in the growing of crops, or raising of fowls or animals.
- (e) When such fire is used only for the preparation of food for human consumption or for recreational purposes.

Section 9. Open Fires.

A person shall not burn any combustible refuse in any open outdoor fire within the County of Washoe, except:

- (a) When such fire is set, or permission for such fire is given, in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary.
 1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

6.

2. The instruction of public employees in the methods of fighting fire.
- (b) When such fire is set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- (c) When such fire is set in the course of any agricultural operation in the growing of crops, or raising of fowls or animals.

These exceptions shall not be effective when the Air Pollution Control Officer determines:

1. The inversion base is 1500 feet or less above the valley floor (6000 feet mean sea level).
 2. The inversion will hold throughout the day.
- (d) Nothing in this Section shall be construed to prohibit or make unlawful the construction and use of barbecue pits, grills, or outdoor fireplaces, for the preparation of food for consumption by individuals or open fires for recreational purposes.

Section 10. Incinerator Burning.

A person shall not burn any combustible refuse in any incinerator within the County of Washoe as described hereafter except in a multiple chamber incinerator as described in Section 1 (k), or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple chamber incinerator.

Equipment shall be considered equally effective as a multiple chamber incinerator if emissions from such equipment in no way violate any requirement or provision of this ordinance. Incinerator burning is hereby prohibited only in those areas of Washoe County described as follows: all that area of Washoe County lying within the Lake Tahoe Basin; all that area of Washoe County lying within a three (3) miles radius of the City limits of the City of Reno or the City of Sparks.

Section 11. Sulfur Contents of Fuels.

A person shall not burn within County of Washoe at any time any liquid fuel having a sulfur content in excess of 1.5 per cent by weight.

The provisions of this rule shall not apply to:

- (a) The use of liquid fuel to propel or test any vehicle, aircraft, missile or locomotive.
- (b) The use of liquid fuel whenever the supply of gaseous fuel is not physically available to the user due to accident, act of God, act of war, act of public enemy, or failure of supplier.

Section 12. Gasoline Unloading From Tank Trucks and Trailers into Underground Storage Tanks.

A person shall not unload gasoline from any tank truck or

trailer into underground storage tank unless the tank is equipped with a permanent submerged fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank.

When unloading from tank truck or trailer the hose connection to the tank fill pipe shall be a tight leakproof fill connection.

For the purpose of this rule the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of four pounds or greater.

The provisions of the first paragraph of this rule shall not apply to the loading of gasoline into any underground tank installed prior to the date of adoption of rule where the fill line between fill connection and tank is offset.

Section 13. Reduction of Animal Matter.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

- (a) Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second, or
- (b) Processed in a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indication temperature, pressure or other operating conditions.

For the purpose of this Section, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this Section shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

Section 14. Sampling and Testing.

The District Board of Health shall decide which testing and sampling procedures are to be used and specifically set forth the same in rules and regulations made by it. In the event a violation is alleged of any provision of this ordinance, the person, firm or corporation so charged is, upon written request to the Air Pollution Control Officer, entitled to receive the results of all sampling and testing upon which the complaint is based.

Section 15. Hearing Board - Composition; Powers and Duties; Appeals to the Board of County Commissioners.

A Hearing Board composed of five members, selected by the

District Board of Health, and shall hold office at the pleasure of the District Board of Health, is hereby created.

- (a) One member shall be a physician and one member shall be a professional engineer with appropriate background. The other three members should preferably be skilled and experienced in the field of air pollution and/or combustion processes.
- (b) The District Attorney shall be the legal advisor to the Hearing Board.
- (c) The Hearing Board, on its own motion or at the written request of any person, shall hold a hearing to determine under what conditions, and to what extent suspension of operation and enforcement of this Ordinance is necessary and will be permitted.
- (d) After a Public Hearing, the Hearing Board may suspend the enforcement and operation of this Ordinance for a reasonable period of time, but in no event to exceed six months, with respect to any person where such enforcement would cause serious hardship to such person, and substantially curtail the operation of his business because of the circumstances or conditions involved therein. The Hearing Board may, under such circumstances and in the interest of justice, limit the application of the whole or any part of this Ordinance to such person as provided herein. Any such determination made by the Hearing Board shall be in writing, shall state fully the reason therefor, and shall be filed with the District Board of Health and the Board of County Commissioners and a copy shall be sent by mail to the applicant.
- (e) The Hearing Board, at the expiration of the time limit set for suspension of the operation of this Ordinance, may extend the time limit without a hearing upon recommendation of the Air Pollution Control Officer.
- (f) An appeal to the Board of County Commissioners of Washoe County may be taken by any person aggrieved by a decision of the Hearing Board. An appeal must be made in writing and filed with the Washoe County Clerk within 15 days after the written determination of the Hearing Board is filed with the Board of County Commissioners. The Board of County Commissioners upon timely receipt of an appeal shall set a public hearing on the appeal. When an appeal is taken, the Board of County Commissioners, after a public hearing, may affirm or reverse the action of the Hearing Board and/or exercise any of the powers granted herein to the Hearing Board.

Section 16. Penalties.

Any person, individual, firm, partnership, association, company, corporation or other entity recognized by law found violating or failing to comply with any provisions of this Ordinance shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) and/or imprisonment in jail for not more than 6 months; and, each day of any such violation shall constitute a separate offense, subject to the foregoing penalties as to fine and imprisonment.

Section 17. Validity.

If any section, subsection, clause, phrase or provision of this Ordinance is for any reason to be invalid, such decision shall not affect the validity of the remaining portion. The Board of County Commissioners hereby declares that if it had known of any invalidity of any such section, subsection, clause, phrase or provision thereof at the time of passage of this Article, it would have passed the remainder thereof without such invalid portion.

Section 18. Repealing.

- (a) Bill No. 38, Ordinance No. 79 of Washoe County entitled: "AN ORDINANCE CONCERNING AIR POLLUTION AND ITS CONTROL; PROVIDING FOR THE ISSUANCE OF A PERMIT FOR THE INSTALLATION OF FUEL BURNING EQUIPMENT AND DEFINING CERTAIN EXCLUSIONS THEREFROM; CREATING AN AIR POLLUTION INSPECTOR AND DEFINING HIS DUTIES; PRESCRIBING PENALTIES THEREFOR; AND OTHER MATTERS PROPERLY RELATING THERETO," is hereby repealed and shall be of no force and effect from and after the effective date of this Ordinance.
- (b) Those provisions of any other ordinance of Washoe County or parts of ordinances in conflict or inconsistent herewith are hereby repealed but only to the extent of such conflict or inconsistency.

Section 19. Effective Date.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS §244.100.

Proposed on the 5th day of May, 1964.
Proposed by Commissioner McKissick
Passed on the 15th day of May, 1964.

Vote:	Commissioners:	<u>Streeter, Sauer, Cunningham</u>
Ayes:	Commissioners:	<u>McKissick and McKenzie</u>
Nayes:	Commissioners:	<u>None</u>
Absent:	Commissioners:	<u>None</u>

J. C. McKenzie
Chairman of the Board

ATTEST: [Signature]
County Clerk

This Ordinance shall be in force and effect from and after the 27th day of May, 1964.