# PROHIBITED EMISSIONS

## 040.005 VISIBLE AIR CONTAMINANTS (Revised 2/23/06)

A. Except as otherwise provided, it is unlawful for any person to discharge, or cause to be discharged, into the atmosphere from any stationary source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:

1. As dark or darker in shade as that designated as No.1 on the Ringelmann Chart; or

2. Of any opacity equal to or greater than that shade designated as No. 1 on the Ringelmann Chart. (See Section 010.106).

Where the presence of uncombined water, such as water vapor or water droplets, is the only reason for failure of an emission to meet the above limitations, they shall not apply. The burden of proof which establishes the application of this paragraph shall be upon the person seeking to come within its provisions.

## 040.010 PARTICULATE MATTER

Except as otherwise provided in Sections 040.020, 040.030, and 040.051, it is unlawful for any person to discharge or cause to be discharged, into the atmosphere from any source, particulate matter in excess of 0.15 grains per cubic foot of dry gas at standard conditions.

## 040.015 SPECIFIC CONTAMINANTS

It is unlawful for any person to discharge, or cause to be discharged, into the atmosphere any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

A. Sulfur compounds calculated as sulfur dioxide ($SO_2$): 0.2% by volume.

B. Combustion contaminants:0.15 grains per cubic foot of gas calculated to 12% of carbon dioxide (CO2) at standard condition. In measuring the combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12% of carbon dioxide.

## 040.020 DUST AND FUMES

It is unlawful for any person to discharge, or cause to be discharged, in any one (1) 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 defined in this section. Then find this figure in the table, opposite which is the maximum weight of contaminants which may be discharged into the atmosphere in any one (1) hour. As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes three (3) hours to complete, he will divide the weight of all materials in the specific process, in this that "A" may not discharge more than 1.77 pounds in any one (1) hour during the process. Where the process weight per hour falls

between figures in the left hand column, the exact weight of permitted to be discharged may be interpolated.

| Process Weight/Hour (Pounds) | Maximum Weight Discharge/Hour (Pounds) |
|---|---|
| 50 | .24 |
| 100 | .46 |
| 150 | .66 |
| 200 | .85 |
| 250 | 1.03 |
| 300 | 1.20 |
| 350 | 1.35 |
| 400 | 1.50 |
| 450 | 1.63 |
| 500 | 1.77 |
| 550 | 1.89 |
| 600 | 2.01 |
| 650 | 2.12 |
| 700 | 2.24 |
| 750 | 2.34 |
| 800 | 2.43 |
| 850 | 2.53 |
| 900 | 2.62 |
| 950 | 2.72 |
| 1,000 | 2.80 |
| 1,100 | 2.97 |
| 1,200 | 3.12 |
| 1,300 | 3.26 |
| 1,400 | 3.40 |
| 1,500 | 3.54 |
| 1,600 | 3.66 |
| 1,700 | 3.79 |
| 1,800 | 3.91 |
| 1,900 | 4.03 |
| 2,000 | 4.14 |
| 2,100 | 4.24 |
| 2,200 | 4.34 |
| 2,300 | 4.44 |
| 2,400 | 4.55 |
| 2,500 | 4.64 |
| 2,600 | 4.74 |
| 2,700 | 4.84 |
| 2,800 | 4.92 |
| 2,900 | 5.02 |
| 3,000 | 5.10 |
| 3,100 | 5.18 |
| 3,200 | 5.27 |
| 3,300 | 5.36 |
| 3,400 | 5.44 |
| 3,500 | 5.55 |
| 3,600 | 5.61 |
| 3,700 | 5.69 |

| | |
|---|---|
| 3,800 | 5.77 |
| 3,900 | 5.85 |
| 4,000 | 5.93 |
| 4,100 | 6.01 |
| 4,200 | 6.08 |
| 4,300 | 6.15 |
| 4,400 | 6.22 |
| 4,500 | 6.30 |
| 4,600 | 6.37 |
| 4,700 | 6.45 |
| 4,800 | 6.52 |
| 4,900 | 6.60 |
| 5,000 | 6.67 |
| 5,500 | 7.03 |
| 6,000 | 7.37 |
| 6,500 | 7.71 |
| 7,000 | 8.05 |
| 7,500 | 8.39 |
| 8,000 | 8.71 |
| 8,500 | 9.03 |
| 9,000 | 9.36 |
| 9,500 | 9.67 |
| 10,000 | 10.00 |
| 11,000 | 10.63 |
| 12,000 | 11.28 |
| 13,000 | 11.89 |
| 14,000 | 12.50 |
| 15,000 | 13.13 |
| 16,000 | 13.74 |
| 17,000 | 14.36 |
| 18,000 | 14.97 |
| 19,000 | 15.58 |
| 20,000 | 16.19 |
| 30,000 | 22.22 |
| 40,000 | 28.30 |
| 50,000 | 34.30 |
| 60,000 or more | 40.00 |

040.025 EXCEPTIONS

The provisions contained in Sections 040.005 to 040.020, inclusive, do not apply to emissions from open fires (Section 040.035) and fires set for training purposes (Section 040.040).

040.029 ABRASIVE BLASTING (Revised from 040.030; Adopted 5/22/02)

SECTION A - GENERAL

1. PURPOSE: To limit particulate material emissions into the ambient air from abrasive blasting operations.

2. APPLICABLITY: The provisions of this Rule shall apply to any abrasive blasting operation.

SECTION B - DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Abrasive. Any material used in an abrasive blasting operation including but not limited to sand, slag, steel shot, garnet or walnut shells.

2. Abrasive Blasting. The cleaning or preparing of a surface by forcibly propelling a stream of abrasive material against the surface.

3. Abrasive Blasting Equipment. Any equipment used in abrasive blasting operations.

4. Brushoff Blasting. A method of cleanup performed in order to achieve surface uniformity or impurity removal after wet blasting, hydroblasting, or vacuum blasting operations.

5. Confined Blasting. Any abrasive blasting conducted in an enclosure which significantly restricts air contaminants from being emitted to the ambient atmosphere, including but not limited to shrouding, tanks, drydock, buildings, structures.

6. Facility. Any property site at which one or more abrasive blasting operations, either confined or unconfined, are carried out or maintained as part of an identifiable business.

7. Hydroblasting. Any abrasive blasting using high pressure liquid as the propelling force.

8. Multiple Nozzle. More than one nozzle being used to abrasive blast the same surface in such close proximity that their separate plumes are indistinguishable.

9. Owner and/or Operator. Any person who owns, leases, operates, controls, or supervises an abrasive blasting operation subject to the requirements of this Rule.

10. Permanent Abrasive Blasting Operation or Equipment. Any abrasive blasting operation conducted, or abrasive blasting equipment located, in a building which is used, in whole or in part, for abrasive blasting operations.

11. Sandblasting. Abrasive blasting.

12. Source. The impact surface from any single abrasive blasting nozzle.

13. Steel or Iron Shot/Grit. Abrasives which meet either the Society of Automotive Engineers recommended practices J827 and J444 or Steel Founders' Society of American Standards 21-68 or 20T-66, as those practices and standards existed on February 24, 1984.

14. Unconfined Blasting. Any abrasive blasting which does not conform with Sections B.5 or B.10 of this Rule.

15. Vacuum Blasting. Any abrasive blasting in which the spent abrasive and surface material is immediately collected by a vacuum device.

16. Wet Abrasive Blasting. Any abrasive blasting using compressed air as the propelling force, which in the judgment of the Control Officer uses an amount of water adequate to minimize the plume.

SECTION C - STANDARDS

1. VISIBLE EMISSIONS PROHIBITION: The owner and/or operator of any abrasive blasting activity or operation shall not allow visible emissions greater than 40 percent opacity.

2. CONTROL MEASURES: Abrasive blasting operations shall utilize at least one of the following control methods:

   a. Confined blasting.

   b. The use of water injection in the abrasive stream in amounts sufficient to control the plume to the Control Officer's satisfaction.

   c. The use of only California Air Resources Board certified abrasives (less than 1% passing a US #70 sieve) for blasting.

3. Unless the object being treated with abrasives is immovable, the object shall be positioned at least 24 inches above the ground to prevent re-entrainment of dust.

SECTION D – ADMINISTRATIVE REQUIREMENTS

As adopted, no Administrative Requirements are indicated.

SECTION E – COMPLIANCE AND RECORDS

1. COMPLIANCE DETERMINATION: To determine compliance with this Rule, the following test methods shall be conducted.

   a. Opacity shall be determined by observations of visible emissions conducted in accordance with U.S. Environmental Protection Agency Reference Method 9.

2. RECORDKEEPING: Any person who conducts abrasive blasting activities or operations shall maintain daily records documenting, at a minimum, the following:

   a. Date of abrasive blasting activity;

   b. Description of object being blasted;

   c. Control measure(s) used; and

   d. Amount and type of abrasives used.

   Records shall be made available to the Control Officer immediately upon request.

3. RECORD RETENTION: Records required to be maintained in Section E.2 of this Rule shall be retained for at least one (1) year.

040.030 DUST CONTROL (Amended 12/88, 12/15/93, 11/16/94; Revised 7/26/02, Effective 11/1/02)

SECTION A - GENERAL

1. PURPOSE: To limit particulate material emissions into the ambient air from any property, operations or activities that may serve as a fugitive dust source. The effect of this regulation shall be to minimize the amount of PM10 emitted into the ambient air as a result of the impact of human activities by requiring measures to prevent, reduce, or mitigate particulate matter emissions.

2. APPLICABLITY: The provisions of this regulation shall apply to, but are not limited to, the following dust generating activities:

   a. Dismantling or demolition of buildings;
   b. Public or private construction;
   c. Mining;
   d. Processing of sand, gravel, rock or dirt;
   e. Operation of machines or equipment;
   f. Operation and use of unpaved parking facilities;
   g. Operation and use of livestock arenas;
   h. Operation and use of horse arenas;
   i. Operation of feed lots;
   j. Operation and use of raceways for animals or motor vehicles;
   k. Motor vehicle/off road motor vehicle use on vacant land; or
   l. Unpaved roads in the PM10 non-attainment area.

3. Except when engaged in commercial agricultural operations, no person may disturb the topsoil by removing, altering, or overlaying the ground cover through scraping, burning, excavating, storing of fill, application of palliative, or any other method on any real property unless reasonable precautions are taken to prevent generation of dust during both the active development phases and thereafter if the property is to remain unoccupied, unused, vacant or undeveloped.

SECTION B - DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Access Road. Any public or private road open to travel.

2. Bulk Material. Any material, including but not limited to, earth, rock, silt, sediment, sand, gravel, soil, fill, dirt, mud, demolition debris, cotton, trash, cinders, pumice, saw dust, feeds, grains, fertilizers, and dry concrete, which are capable of producing fugitive dust at any location.

3. Bulk Material Handling, Storage, and/or Transporting Operation. The use of equipment, haul trucks, and/or motor vehicles, such as but not limited to, the loading, unloading, conveying, transporting, piling, stacking, screening, grading, or moving of bulk materials, which are capable of producing fugitive dust at any location.

4. Carry-Out/Trackout. Any and all bulk materials that have adhered to and agglomerate on the exterior surfaces of motor vehicles and/or equipment (including tires) and that have fallen onto a paved public roadway.

5. Control Measure. A technique, practice, or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust. Control measures may include but are not limited to:

   a. Paving.

   b. Pre-wetting.

   c. Applying dust suppressants.

   d. Stabilizing with vegetation, gravel, re-crushed/recycled asphalt or other forms of physical stabilization.

   e. Limiting, restricting, phasing and/or rerouting motor vehicle access.

   f. Reducing vehicle speeds and/or number of vehicle trips.

   g. Limiting use of off-road vehicles on open areas and vacant lots.

   h. Utilizing work practices and/or structural provisions to prevent wind and water erosion onto paved public roadways.

   i. Using dust control implements appropriately.

   j. Installing one or more grizzlies, gravel pads, and/or wash down pads adjacent to the entrance of a paved public roadway to control carry-out and trackout.

   k. Keeping open-bodied haul trucks in good repair, so that spillage may not occur from beds, sidewalls, and tailgates.

   l. Covering the cargo beds of haul trucks to minimize wind-blown dust emissions and spillage.

6. Disturbed Surface Area. A portion of the earth's surface (or material placed thereupon), which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed native condition, thereby increasing the potential for the emission of fugitive dust.

7. Dust Control Implement. A tool, machine, equipment, accessory structure, enclosure, cover, material or supply, including an adequate readily available supply of water and its associated distribution/delivery system, used to control fugitive dust emissions.

8. Dust Control Permit. A written plan describing control measures for a specific project.

9. Dust Generating Activity. Any activity capable of generating fugitive dust.

10. Dust Suppressant. Water, hygroscopic material, solution or water and chemical surfactant, foam, non-toxic chemical stabilizer or any other dust palliative, which is not prohibited for ground surface application by the U.S. Environmental Protection Agency (EPA) or any applicable law, rule, or regulation, as a treatment material for reducing fugitive dust emissions.

11. Freeboard. The vertical distance between the top edge of a cargo container area and the highest point at which the bulk material contacts the sides, front, and back of a cargo container area.

12. Fugitive Dust. The particulate matter, which is not collected by a capture system, which is entrained in the ambient air, and which is caused from human and/or natural activities, such as but not limited to, movement of soil, vehicles, equipment, blasting, and wind. For the purpose of this regulation, fugitive dust does not include particulate matter emitted directly from the exhaust of motor vehicles and other internal combustion engines, from portable brazing, soldering, or welding equipment, or from piledrivers. It does not include emissions from process and combustion sources that are subject to the specific requirements as listed in "Prohibited Emissions" of these regulations.

13. Fugitive Emissions. Emissions of any pollutants, including fugitive dust, which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening. (Amended 7/28/93)

14. Gravel Pad. A layer of washed gravel, rock, or crushed rock which is at least one inch or larger in diameter, maintained at the point of intersection of a paved public roadway and a work site entrance to dislodge mud, dirt, and/or debris from the tires of motor vehicles and/or haul trucks, prior to leaving the work site.

15. Grizzly. A device (i.e., rails, pipes, or grates) used to dislodge mud, dirt and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.

16. Haul Truck. Any fully or partially open-bodied, self-propelled vehicle including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle used for transporting bulk materials.

17. Motor Vehicle. A self-propelled vehicle for use on the public roads and highways of the State of Nevada, including any non-motorized attachments, such as but not limited to, trailers or other conveyances which are connected to or propelled by the actual motorized portion of the vehicle.

18. Off-Road Vehicle. Any self-propelled conveyance specifically designed for off-road use, including but not limited to, off-road or all-terrain equipment, trucks, cars, motorcycles, motorbikes, or motorbuggies.

19. Owner and/or Operator. Any person who owns, leases, operates, controls, or supervises a dust generating activity subject to the requirements of this regulation.

20. Open Areas and Vacant Lots. For the purpose of this regulation, vacant portions of residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.

    a. An unsubdivided or undeveloped tract of land adjoining a developed or a partially developed residential, industrial, institutional, governmental, or commercial area.

b. A subdivided residential, industrial, institutional, governmental, or commercial lot, which contains no approved or permitted buildings or structures of a temporary or permanent nature.

c. A partially developed residential, industrial, institutional, governmental, or commercial lot.

21. Optimum Moisture Content. Water content at which soil can be compacted to the maximum dry weight by modified compacted effort using ASTM Method D1557 for Optimum Soil Content/Maximum Density.

22. Pave. To apply and maintain asphalt, concrete, or other similar material to a roadway surface (i.e., asphaltic concrete, concrete payment, chip seal, or rubberized asphalt).

23. Public Roadways. Any roadways that are open to public travel regardless of ownership.

24. Silt. Any aggregate material with a particle size less than 75 micrometers in diameter, which passes through a No. 200 Sieve.

25. Trackout Control Device. A gravel pad, grizzly, wheel wash system, or a paved area, located at the point of intersection of an unpaved area and a paved roadway, that controls or prevents vehicular trackout.

26. Unpaved Haul/Access Road. Any on-site unpaved road used by commercial, industrial, institutional, and/or governmental traffic.

27. Unpaved Parking Lot. Any area that is not paved and that is used for parking, maneuvering, or storing motor vehicles.

28. Unpaved Road. Any road or equipment path that is not paved. For the purpose of this regulation, an unpaved road is not a horse trail, hiking path, bicycle path, or other similar path used exclusively for purposes other than travel by motor vehicles.

29. Wind-Blown Dust. Visible emissions from any disturbed surface area, which are generated by wind action alone.

30. Work Site. Any property upon which any dust generating activities occur.

SECTION C - STANDARDS

1. VISIBLE EMISSIONS PROHIBITION: The owner and/or operator of a source engaging in dust generating activities shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour.

2. STABILIZATION REQUIREMENTS FOR FUGITIVE DUST SOURCES:

a. Unpaved Parking Lot/Staging Areas: The owner and/or operator of any unpaved parking lot or staging area shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour, and either:

(1) Shall not allow silt loading equal to or greater than 0.33 oz/ft$^2$; or

(2) Shall not allow the silt content to exceed 8 percent.

b. Unpaved Haul/Access Road: The owner and/or operator of any unpaved haul/access road (whether at a work site that is under construction or at a work site that is temporarily or permanently inactive) shall not allow visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour, and either:

(1) Shall not allow silt loading equal to or greater than 0.33 oz/$ft^2$; or

(2) Shall not allow the silt content to exceed 6 percent.

c. Open Area and Vacant Lot or Disturbed Surface Area: The owner and/or operator of an open area and vacant lot or any disturbed surface area on which no activity is occurring shall meet at least one of the following standards:

(1) Maintain a visible crust;

(2) Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;

(3) Maintain a flat vegetative cover (i.e., attached [rooted] vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50 percent;

(4) Maintain a standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominate vertical orientation) that is equal to or greater than 30 percent;

(5) Maintain a standing vegetative cover (i.e., vegetation that is attached [rooted] with a predominant vertical orientation) that is equal to or greater than 10 percent and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements;

(6) Maintain a percent cover that is equal to or greater than 10 percent for non-erodible elements; or

(7) Comply with a standard of an alternative test method upon obtaining the written approval from the Control Officer and the U.S. Environmental Protection Agency.

d. Open Storage Piles: All open storage piles shall be stabilized by utilizing at least one of the following standards:

(1) Maintain a visible crust;

(2) Cover or tarp to prevent visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour;

(3) Adequate moisture to control fugitive dust or apply water to maintain a soil moisture content at a minimum of 12 percent, as determined by ASTM Method D2216-98, or other equivalent as approved by the Control Officer and the Administrator of EPA. For areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM Method D1557-91 (1998) or other equivalent approved by the Control Officer and the Administrator of EPA, maintain at least 70 percent of the optimum soil moisture content;

(4) Stabilize material in the stockpile using a palliative for compliance as described in Sections E.1.b.(3).i and E.1.b.(3).ii of this Rule;

(5) An alternate control measure approved in writing by the Control Officer and the U.S. Environmental Protection Agency.

3. DUST CONTROL PERMIT REQUIREMENTS: The owner and/or operator of a dust generating activity shall apply for and obtain a Dust Control Permit prior to commencement of the dust generating activity. In the Dust Control Permit application, the owner and/or operator shall designate a person responsible for compliance with the "District Board of Health Regulations Governing Air Quality Management." Failure to comply with the provisions of an approved Dust Control Permit shall be deemed a violation of this Rule.

a. ELEMENTS OF A DUST CONTROL PERMIT: The Dust Control Permit shall describe all control measures to be implemented before, after, and while conducting any dust generating activity, including weekends, after work hours, and on holidays.

b. DUST CONTROL PERMIT REVISIONS:

(1) If the Control Officer determines that an approved Dust Control Permit has been followed, yet fugitive dust emissions from any given fugitive dust source still exceed the standards of Section C of this Rule, then the Control Officer shall issue a written notice to the owner and/or operator of such source explaining such determination. The owner and/or operator of such source shall make written revisions to the Dust Control Permit. These revisions shall be made in consultation with the Control Officer and be submitted within three working days of receipt of the Control Officer's written notice. The Control Officer, upon request, may extend such time period. During the time that such owner and/or operator is preparing revisions to the approved Dust Control Permit, such owner and/or operator must still comply with all requirements of this Rule.

(2) The owner and/or operator of a dust generating activity shall provide written notification to the Control Officer upon change of ownership and/or responsibility for said Dust Control Permit. The approved Dust Control Permit shall then apply to the new owner and/or operator for all or a portion of the site in which ownership and/or responsibility is stipulated.

c. PROJECT INFORMATION SIGN: The owner and/or operator of a dust generating activity subject to Section C.3 of this Rule shall comply with the following project information sign requirements:

(1) The project information sign shall be constructed at the main entrance and be visible to the public at all construction sites;

(2) Shall meet the project information sign criteria listed in the Dust Control Permit application; and

(3) Shall remain in place for all phases of the project.

d. EXEMPTIONS:

(1) The following dust generating activities shall be exempt from Sections C.3.a, C.3.b, and C.3.c of this Rule:

i. Dust generating activities requiring a Washoe County Air Quality Management Division stationary source Permit to Operate as specified in Rule 030.200;

ii. Dust generating activities less than one (1) acre in size;

iii. Playing on a ballfield; and

iv. Landscape maintenance. For the purpose of this Rule, landscape maintenance does not include grading, trenching, or any other mechanized surface disturbing activities.

(2) The Control Officer may exempt the following dust generating activities from the Project Information Sign requirements of Section C.3.c of this Rule:

i. One unit residential projects;

ii. Projects that take less than two weeks to complete;

iii. Line projects (i.e., pipelines, cable access lines, etc.); and

iv. Other projects deemed appropriate by the Control Officer.

4. WORK PRACTICES: When engaged in the specific activities listed in Subsections a and b, the owner/operator of a source shall comply with the following work practices, in addition to any approved control measures in the applicable Dust Control Permit or Permit to Operate, to minimize fugitive dust emissions associated with haul trucks.

a. Bulk Material Hauling Off-Site Onto Paved Public Roadways:

(1) Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment floor, sides, and/or tailgate.

(2) At least one of the following control measures.

i. Cover all haul trucks with a tarp or other suitable closure; or

ii. Bulk materials must contain enough moisture and/or dust suppressant to prevent fugitive dust emissions during transport; or

iii. Load all haul trucks such that the freeboard is not less than six (6) inches.

b. Spillage, Carry-Out, Erosion, and/or Trackout:

(1) Install and maintain a suitable trackout control device that controls and prevents trackout and removes particulate matter from tires and the exterior surfaces of haul trucks and/or motor vehicles that traverse such work site at all exits onto a paved public roadway.

(2) Clean-up spillage, carry-out, erosion, and/or trackout on the following time schedule:

i. At the end of the day, when spillage, carry-out, erosion, and/or trackout extend beyond the project boundaries; or

ii. Immediately at any time during the day if trackout is creating visible fugitive dust emissions for a period or periods accumulating more than 5 minutes in any hour.

c. EXEMPTIONS: The Control Officer may exempt the following work practices from Section C.4 of this Rule:

(1) Construction, maintenance, and/or repair of paved roadways; and

(2) Application of de-icing and traction materials for wintertime driving safety as specified in Rule 040.031, Street Sanding Operations.

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. DUST SCHOOL ATTENDANCE: Upon the issuance of a Notice of Violation Citation for Sections C.1, C.2, or C.4 of this Rule upheld by the Board of Health, the person causing the dust generation shall attend the next available "Dust School" as provided by the Air Quality Management Division of the District Health Department. Failure to attend the "Dust School" shall constitute another violation of the regulations along with the appropriate penalty as specified in Section 020.040 of the District Regulations.

SECTION E –COMPLIANCE AND RECORDS

1. COMPLIANCE DETERMINATION: To determine compliance with this Rule, the following test methods shall be conducted.

a. Visible Emissions Observations:

(1) Visible emissions shall be determined by observations of visible emissions conducted in accordance with U.S. Environmental Protection Agency Reference Method 22 using an observation period of not less than 5 minutes in any hour.

b. Stabilization Observations (Test Methods Text in Appendix A):

(1) Unpaved Parking Lots

i. Test Methods of Unpaved Roads and Unpaved Lots.

(2) Unpaved Haul/Access Roads

i. Test Methods for Stabilization for Unpaved Roads and Unpaved Parking Lots.

(3) Open Areas and Vacant Lot or Disturbed Surface Area: One of the test methods listed below.

i. Test Methods for Stabilization – Visible Crust Determination.

ii. Test Methods for Stabilization – Determination of Threshold Friction Velocity (TFV).

iii. Test Methods for Stabilization – Determination of Flat Vegetative Cover.

iv. Test Methods for Stabilization – Determination of Standing Vegetative Cover.

v. Test Methods for Stabilization – Rock Test Method.

2. RECORDKEEPING:

a. Any person who conducts dust-generating activities subject to Section C.3 of this Rule shall maintain daily records demonstrating compliance with Section C of this Rule.

(1) The Dust Control Permit shall be kept on the specific job site and made available to the Control Officer immediately upon request.

(2) Daily records shall be made available to the Control Officer immediately upon request.

b. Any person who conducts dust-generating activities exempt from Section C.3 of this Rule shall maintain daily records demonstrating compliance with Sections C.1, C.2, and C.4 of this Rule.

(1) Daily records shall be made available to the Control Officer immediately upon request.

3. RECORD RETENTION: Daily records required by Section E.2 of this Rule shall be retained for at least one (1) year following termination of the dust generating activity.

040.031 HIGHWAY DEICING SAND SPECIFICATIONS (Adopted 3/89; Rescinded 2/27/02)

040.031 STREET SANDING OPERATIONS (Adopted 2/27/02)

SECTION A – GENERAL

1. PURPOSE: To reduce the amount of sanding material placed on the roads during storm events. The effect of this rule shall be to reduce the amount of $PM_{10}$ entrained into the ambient air as a result of the roads drying out and vehicles traveling over the sand.

2. APPLICABILITY: The provisions of this regulation shall apply to persons and governmental agencies that apply materials to provide increased traction or de-icing of public paved roads, driveways or parking lots located within Washoe County and south of Township 22N.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Anti-icing. Anti-icing strategies involve applying salt or other chemicals to pavements before snow and ice bond to the road. The salt/chemicals are usually applied in solution form and lower the freezing point of water so roads stay wet, or slushy, longer before turning to ice.

2. Base Sanding Amount. The average amount of street sanding material applied per lane mile driven by maintenance trucks during snow and ice removal operations. The base sanding amount was estimated in pounds per lane mile based on the usage data of each agency during the 1998-1999 winter season.

3. De-icing. De-icing involves applying salt or other chemicals combined with sand to increase traction on roads after the snow and ice have created a bond with the road.

4. Durability Index. The materials resistance to breaking down as defined by American Association of State Highway and Transportation Officials (AASHTO) T-210 or Caltrans Test 229.

5. Hardness Index. The percent loss of weight as determined using "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", as defined by the American Association of State Highway and Transportation Officials (ASSHTO) T-96.

6. Materials. Natural geologic material, including sand, but excluding sodium chloride rock salt and other de-icing chemicals, used to provide increased traction or de-icing on roadways.

7. Percent Fines. The percent material passing a specified sieve size as determined by the American Society for Testing Materials' (ASTM) "Standard Method for Sieve Analysis of Fine and Course aggregates", designation C136-84a.

8. Sanding Event. The operation of equipment for the application of street sanding materials to a public road network each time an application of materials is necessary for traction control and de-icing.

SECTION C – STANDARDS

1. DE-ICING SAND SPECIFICATIONS: no person or governmental agency shall supply for use or place any materials upon any public paved road, driveway, or parking lot, which does not meet the following requirements:

   a. Durability Index must be greater than 75.

   b. The Hardness Index must be less than 33%.

   c. The content of material smaller than 100 mesh sieve must not exceed 4.0 percent fines by weight.

   d. The content of material smaller than 200 mesh sieve must not exceed 2.5 percent fines by weight.

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. DE-ICING MATERIAL APPLICATION: Any governmental agency or any person who contracts with such governmental agency for the purpose of applying street sanding materials for traction control in the District shall submit a plan to reduce the amount of sanding material applied as compared to the base sanding amount.

   a. The plan must be approved by the Control Officer, and must consist of an implementation schedule describing the methods to be used to reduce the amount of sanding material applied compared to the base sanding amount by:

      (1) At least twenty (20) percent during the winter season of 2002-2003;

      (2) At least thirty-five (35) percent during the winter season of 2003-2004;

      (3) At least fifty (50) percent by the winter season of 2004-2005.

   b. The plan must be submitted to the Control Officer by April 1, 2002.

SECTION E – COMPLIANCE AND RECORDS

1. Any governmental agency or any person who contracts with such governmental agency for de-icing/sanding activities within the District shall complete a report and submit it to the Control Officer no later than June 30 of each year, with the following information:

   a. The total number of lane miles that sanding materials are applied for traction control in the agencies' jurisdiction per sanding event.

   b. The total amount of sanding material, salt, and other de-icing or anti-icing agents used during the past winter season.

c. Verification that a laboratory independent of the supplier tested the material used, and proof that the material met the requirements specified in Section 040.031.C.

d. The number and dates of sanding events.

e. Any additional lane miles where sanding materials were applied as a result of requests by law enforcement agencies.

040.032 STREET SWEEPING OPERATIONS (Adopted 2/27/02)

SECTION A – GENERAL

1. PURPOSE: To expedite the sweeper deployment after a sanding event, and to improve the efficiency with regards to particulate emissions of the street sweeping equipment used to clean public roads. The effect of this rule shall be to reduce the amount of $PM_{10}$ entrained into the ambient air as a result of the roads drying out and vehicles traveling over the sand that remains on the roads.

2. APPLICABILITY: The provisions of this regulation shall apply to street sweeping of public roads by a governmental agency or any person who contracts with such governmental agency, if:

   a. The public paved road is located within Washoe County and south of Township 22N;

   b. It is routine street sweeping and part of the agency's best management practices for keeping roads in its network swept; and

   c. The street sweeping is necessary to clean up the material applied during a sanding event for traction control.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Certified Street Sweeping Equipment. A sweeper that has been certified by the California South Coast Air Quality Management District as meeting the Rule 1186 sweeper certification procedures and requirements for $PM_{10}$ efficient sweepers.

2. Materials. Natural geologic material, including sand, but excluding sodium chloride rock salt and other de-icing chemicals, used to provide increased traction or de-icing on roadways.

3. Routine Street Sweeping. It is street sweeping that is regularly performed by a governmental agency or any person who contracts with such governmental agency to keep the public roads clean. It is not ancillary sweeping performed related to construction activities, or enhanced sweeping necessary because of the application of sanding material for traction control.

4. Sanding Event. The operation of equipment for the application of street sanding materials to a public road network each time an application of materials is necessary for traction control and de-icing.

5. Sweeper Deployment. The operation of street sweepers after a sanding event not inclusive of routine street sweeping.

SECTION C – STANDARDS: Any governmental agency and/or its contractor subject to the requirements of this regulation shall:

1. CERTIFIED STREET SWEEPERS: Purchase or lease street sweepers used to perform sweeping after a sanding event or routine street sweeping that are considered certified street sweeping equipment, if the contract date or purchase or lease date is February 1, 2002 or later.

2. MAINTENANCE OF SWEEPERS: Operate and maintain the certified street sweeping equipment in accordance with the manufacturer's specifications.

3. SANDING EVENT SWEEPING: After a sanding event, clean all streets where sanding materials have been applied for traction control as expeditiously as weather and road conditions permit after the application of the sanding material.

    a. Beginning November 1, 2003, the District will define expeditiously as within four (4) days from the last sanding event or as soon as weather and road conditions permit.

4. ROUTINE STREET SWEEPING: Routinely sweep streets not related to a sanding event a minimum once per month, or more frequently as defined by the agency as their best management practices for street sweeping.

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. Upon request of the Control Officer any governmental agency and /or its contractor shall provide proof to verify that any street sweeper acquired was certified street sweeping equipment at the time of purchase.

SECTION E – COMPLIANCE AND RECORDS

1. Any governmental agency or any person who contracts with such governmental agency for street sweeping activities within the District shall complete a report and submit it to the Control Officer no later than June 30 of each year with the following information regarding sweeper deployment:

    a. Dates - List each date necessary to complete all lane miles where sanding materials were applied, or until there is another sanding event.

    b. Number of sweepers.

    c. Number of lane miles swept on each date.

    d. Type of equipment used (recorded as a percentage of lane miles swept per type of sweeper).

    e. Major equipment malfunctions, if any.

040.033 FOOD ESTABLISHMENTS (Adopted 1/90, Amended 12/15/93)

Food establishments operating devices to cook food that emit more than two (2) pounds per day of air emissions, must obtain a Permit to Operate. Whenever there is a change of ownership, significant equipment modification, or new construction, establishments with emissions exceeding ten (10) pounds per day must apply Best Available Control Technology (BACT). All restaurants exceeding 20 pounds/day must meet the BACT requirement no later than July 1, 1994. BACT may include, but is not limited to, the use of grooved griddles, exhaust control, mist eliminator systems, etc. Emissions will be calculated using the latest available emission factors for this source and all emissions will be considered, including, but not limited to $PM_{10}$, CO, VOCs, and NOx.

040.035 OPEN FIRES (Amended 4/88, 8/25/93)

A. As used in this section, "open fire" includes all outdoor fires which are not confined in a District approved incinerator, except those which are set during camping and other recreational activities for the purpose of preparing food or for warmth. It is unlawful to burn, or cause to be burned, any combustible refuse in any outdoor waste burner, unless that burner is an incinerator with a valid Permit to Operate, approved by the Control Officer and in compliance with the provisions of Sections 040.010, 040.046, 040.050 and 040.055. Prescribed burns are governed by the rules of part D of this section.

B. Except as provided in this section and Section 040.040, no person may burn or cause to be burned, any material in an open fire within the Health District without a valid open burning permit. Under no condition shall an open fire be used to dispose of any vegetative material or other solid waste within the Truckee Meadows hydrographic basin, except as provided under Section 040.035 (C).

C. Effective September 1, 1993, within the Truckee Meadows hydrographic basin may be issued only to the following persons:

1. Divisions of local municipalities;

2. Divisions of state or federal government;

3. Operators of agricultural facilities greater than 2 acres in size;

4. Operators of ditch and water delivery facilities;

5. The owner of any property where the fire control agency and the Air Quality Control Officer jointly determine based on an on-site inspection, that a public safety hazard exists and no other reasonable alternative exists for eliminating that hazard.

6. Open burn permits may be issued to any person for burning to be conducted outside the Truckee Meadows hydrographic basin.

D. All open burning permits within the Health District must comply with the following terms, conditions and limitations:

1. Open burn permits within the Health District shall be issued by the appropriate fire control agency. Such permits may only be issued for burning from March 1 through October 31.

2. The permit shall set forth conditions of burning which will limit the impact of burn related emissions. Materials other than vegetation, such as construction debris, wood, rubber, plastics, household refuse, etc. may not be burned. The fire control agencies shall attach to each open burn permit an information packet which shall be provided by the Air Quality Control Officer.

3. Open burn permits shall be issued by the fire control agencies only in cases where no reasonable or cost effective alternatives exist.

4. The fire control agencies shall notify the Air Quality Control Officer of all open burn permits at the time of issuance upon request. The Air Quality Control Officer shall provide a form for making such notification.

5. Fire control agencies shall notify the Air Quality Control Officer at least five (5) days in advance of any periods for which they plan to allow open burning.

6. The fire control agencies shall have responsibility for the physical inspection each site and the materials to be burned to determine compliance with fire safety and other applicable codes and requirements prior to the burn.

7. The open burn permit holder shall contact the local fire control authority to determine if open burning is allowed on the day on which the permittee plans to burn. Open burning permits may be suspended whenever the Air Quality Control Officer determines that adverse meteorological conditions exist.

8. A copy of the open burn permit shall be available at the site of the open burn and shall be presented to the fire control agency representative and/or Air Quality Control Officer upon request.

9. All provisions and conditions imposed by the permit must be strictly followed by the permit holder. Failure of the permittee to comply with all such provisions and conditions constitutes a violation of these regulations.

10. Compliance with all applicable codes and requirements for open burning is the responsibility of the person(s) obtaining and using the open burn permit.

E. The Control Officer may allow prescribed burning in forest areas during favorable air dispersion conditions. For the purposes of this regulation, a prescribed burn shall mean the controlled application of fire to natural vegetation under specified conditions. Prescribed burns shall not be subject to the burn period limitations of Section 040.035 (C)

A prescribed burning permit, issued by the Air Quality Control Officer, shall be required for all prescribed burns. Prescribed burn permits may only be issued to local fire control authorities or managers of the Forest Service, Bureau of Land Management and Nevada Division of Forests for lands under their control and jurisdiction. The Air Quality Control Officer shall review the smoke management portion of the burn prescription and set forth conditions of operation to limit the air quality impacts of burn related emissions.

Any application for a prescribed burn permit must be submitted at least ten (10) days in advance of the burn. The application shall include the agency overseeing the burn, a responsible person to be contacted in relation to the burn, the area to be burned, a copy

of the burn prescription and any other information as required by the Air Quality Control Officer. The burn prescription shall be available at the site of the burn and shall be presented to the Air Quality Control Officer upon request.

040.040 FIRES SET FOR TRAINING PURPOSES (Amended 11/18/92, 7/26/00)

A. The chief of any regularly organized fire department or district, shall apply to the Control Officer for a limited permit prior to setting any fire for the purposes of training fire department employees in methods of fire suppression. The Control Officer may specify and limit the type of material that may be burned, specify and limit the day or days on which the material may be burned and impose such other conditions as he deems necessary. The fire shall be conducted in strict accordance with the conditions imposed by the Control Officer and/or fire agency and violation of any such conditions constitutes a violation of these regulations.

Except for small fires set for the purpose of training any person in the use of hand held fire extinguishers, the Fire Agency shall provide notification to the District Health Department at least 72 hours prior to the burn time specified. This notification shall include the date and time of the burn, the location, and a description of the material to be burned. The complete notification shall constitute the required permit application under NRS445.586.

B. The administrative head of any post-secondary educational institution governed by the provisions of Chapter 394 of NRS, and the administrative head of any branch of the University of Nevada System, may apply to the Control Officer for an annual Permit to Operate a fire training facility in the Health District for purposes of training persons in methods of fire suppression. The Control Officer shall not issue the permit unless the facility is or will be:

1. Registered and in compliance with all applicable requirements contained in the source registration and operation chapter of these regulations; and

2. Operated by the post-secondary educational institution or branch of the University of Nevada.

C. Each fire training facility shall be operated in compliance with the following conditions:

1. Restricted to using only liquefied petroleum gas (LPG, propane) or natural gas as the fuel for training fires.

2. During the months of March through October, no training fire may be conducted before 9:00 a.m. each day.

3. During the months of November through February, no training fire may be conducted before 10:00 a.m. each day.

4. When the Control Officer notifies the operator of the facility that high pollution levels exist, or are expected to occur within the Health District, no fire may be set for training purposes. The Control Officer shall immediately notify the operator of the facility when training fires may again be conducted.

D. At the time of issuance or renewal of a Permit to Operate, the Control Officer may impose, in writing, such further conditions on operation as are necessary to meet the purpose of these regulations as set forth in Subsection A of Section 020.0051 hereof.

E. A Permit to Operate for a fire training facility expires on the anniversary of the date of its issuance and may be renewed by the Control Officer.

F. Violation of any condition specified or imposed pursuant to Subsections C or D of this section constitutes a major violation and the permittee shall be subject to the penalties specified therefore in Section 020.040 of these regulations.

040.045 REFUSE BURNING (Rescinded 9/23/92)

040.046 INCINERATOR BURNING

The incinerator must incorporate a multiple chambered design or be of such design that the Control Officer declared it to be of equal efficiency.

A. Multiple chambered consists of three (3) or more refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. In addition, there shall be approved auxiliary burners in the primary and secondary combustion chambers, and an approved flue gas washer on all new installations providing the nearest property line is within 100 feet of the incinerator.

B. Multiple chambered pathological incinerator is any multiple chambered incinerator used to dispose of pathological wastes, wet garbage, or other high moisture content materials and must incorporate solid hearth construction, with drying shelves for wet wastes and auxiliary heating units to insure temperatures of 1400 degrees F to 1800 degrees F, for not less than 0.3 seconds.

Before constructing or operating any incinerator an Authorization to Build and a Permit to Operate must be obtained from the Control Officer. (See Section 030).

040.050 INCINERATOR EMISSIONS

No person shall cause, suffer, allow or permit the discharge into the atmosphere from any multiple chambered incinerator, or approved incinerator, any visible air contaminants for a period or period aggregating more than one (1) minute in any one (1) hour which is:

A. As dark or darker in shade than that designated as No. 1 on the Ringelmann Chart; or

B. Of an opacity to or greater than an air contaminant designated as No. 1 on the Ringelmann Chart.

040.051 WOOD-BURNING DEVICES (Amended 9/23/98; Revised 6/19/02, Effective 1/1/03; Revised 2/23/06, 8/22/13; Revised and Renamed 5/26/16)

SECTION A – GENERAL:

1. PURPOSE: To limit particulate matter emissions and other pollutants discharged into the ambient air from wood-burning devices (devices) by:

   a. Setting emission standards and certifying devices;

   b. Requiring removal of devices that are not EPA-certified upon property transfer;

   c. Restricting materials that can be burned; and

   d. Limiting the number of devices that are not deemed low-emitting.

2. APPLICABILITY: The provisions of this regulation apply to any:

   a. Person who advertises, except when restrictions are noted, sells, offers for sale or resale, supplies, installs, or transfers any wood-burning devices within the Health District;

   b. Person that completes, or allows the completion of any:

      (1) escrow transaction;

      (2) title change on a residential property;

      (3) title change on a commercial property that contains a wood-burning device.

   c. Person that operates a wood-burning device within the Health District.

SECTION B – DEFINITIONS: For the purpose of this regulation, the following definitions shall apply.

1. Antique wood stove. Means a wood stove built before 1940 that has an ornate construction and a current market value substantially higher than a common wood stove manufactured in the same time period.

2. Certificate of Compliance. Means a permit issued for a specific location by the Control Officer for a wood-burning device deeming the device EPA-certified and in compliance in accordance with this regulation.

3. Commercial Property. Means any structure used to conduct business including public or private offices, retail, industrial, institutional, or multi-unit residential having more than four dwelling units.

4. Cook Stove. Means a wood stove installed in the kitchen, which is primarily designed for cooking and has a stovetop and an oven. It may also be equipped with gas burners. This wood stove is exempt from the emission standards and requirements of Section 040.051.

5. Development. Means a group of multifamily dwelling structures built on a parcel of land with common amenities. Examples of a development include but are not limited to: condominiums, apartments, and townhouses. (Adopted 5/23/90).

6. EPA-Certified. Means a wood-burning device that has been certified in accordance with current standards adopted by the U.S. EPA (40 CFR 60, subpart AAA and subpart QQQQ).

7. Fireplace. Means an open hearth or fire chamber or similarly prepared place in which a fire may be made and that is built in conjunction with a chimney. It may have doors, provided they are not designed with gaskets, air intake controls or other modifications, which create an air starved operating condition. Wood-burning devices initially classified as a wood heater may not be modified to meet the fireplace definition. (Amended 11/16/94).

8. Garbage. Means putrescible animal or vegetable waste.

9. Hydronic Heater. Means a wood-burning device designed:

   a. to burn primarily wood but may also be equipped to burn biomass such as corn or wood pellets;

   b. not to be located inside structures ordinarily occupied by humans; and

   c. to heat spaces or water by the distribution through pipes of a fluid, typically water, heated in the device.

10. Low-emitting device. Means a wood-burning device certified by the manufacturer, to meet an emission rate of 1.0 gram or less of particulate matter per hour.

11. Notice of Exemption (NOE). Means a form approved by the Control Officer, containing the notarized signatures of both the buyer and seller, attesting to the fact that the previously occupied residential or commercial property:

    a. does not have any wood-burning device;

    b. has a fireplace that does not have doors that are gasketed to make the device airtight; or

    c. had an uncertified wood stove removed from the property prior to sale.

12. NSPS. Means New Source Performance Standards. Section 111 of the Clean Air Act authorizes the EPA to develop technology based standards, which apply to specific categories of stationary sources. These standards are referred to as New Source Performance Standards (NSPS) and are found in 40 CFR 60. The NSPS apply to new, modified and reconstructed affected facilities in specific source categories, such as New Residential Wood Heaters (40 CFR 60, subpart AAA) and New Residential Hydronic Heaters and Forced-Air Furnaces (40 CFR 60, subpart QQQQ).

13. Particulate Matter (PM). Means any material, except uncombined water such as water vapor and water droplets, which exists in a finely divided form as a solid or liquid at reference conditions.

14. Pellet Stove. Means a wood-burning device designed to heat the interior of a building. It is a forced draft heater with an automatic feed, which supplies appropriately sized feed material or compressed pellets of wood, or other biomass material to the firebox.

15. Removed or Removal. Means a wood-burning device is physically taken off the real property. Furthermore, the device shall not be stored at any other location on the real property or elsewhere within the Health District without the approval of the Control Officer.

16. Residential Property. Means any structure used as a dwelling including mobile, manufactured, single, multifamily homes of four or fewer units, and/or land with outbuildings, including but not limited to, barns, sheds, and garages.

17. Seasoned Wood. Means firewood with a moisture content not exceeding 20%.

18. Smoke. Means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material present in sufficient quantity to be observable or, as a suspension in gas of solid particles in sufficient quantity to be observable.

19. Wood-Burning Device (device). Means a device that burns wood, or any other solid fuel that contains wood. The device is used for aesthetic or space-heating purposes including, but not limited to, a fireplace, wood stove, pellet stove, or hydronic heater.

20. Stack or Chimney. Means any flue, conduit, or duct arranged to conduct any smoke, air contaminant or emission to the atmosphere.

21. Treated Wood. Means wood of any species that has been chemically impregnated, painted, or similarly modified.

22. Uncertified. Means a wood-burning device that cannot be verified as meeting the current standards adopted by the U.S. EPA (40 CFR 60, subpart AAA and subpart QQQQ) and/or does not appear on the Washoe County Health District Official List of Certified.

23. Waste Petroleum Products. Means hydrocarbon-based or contaminated materials.

24. Wood Heater. Means an enclosed, wood-burning-appliance capable of and intended for residential space heating or space heating and domestic water heating. These devices include, but are not limited to, adjustable burn rate wood heaters, single burn rate wood heaters, and pellet stoves. Wood heaters may or may not include air ducts to deliver some portion of the heat produced to areas other than the space where the wood heater is located. Wood heaters include, but are not limited to:

    (1) Free-standing wood heaters – Wood heaters that are installed on legs, on a pedestal or suspended from the ceiling. These products generally are safety listed under UL-1482, UL-737 or ULC-S627.

(2) Fireplace insert wood heaters – Wood heaters intended to be installed in masonry fireplace cavities or in other enclosures. These appliances generally are safety listed under UL-1482, UL-737 or ULC-S628.

(3) Built-in wood heaters – Wood heaters that are intended to be recessed into the wall. These appliances generally are safety listed under UL-1482, UL-737, UL-127 or ULC-S610.

25. Wood Stove. Means a(n):

a. former name for one of the devices currently defined as a wood heater;

c. prefabricated, zero clearance fireplace or a fireplace heat form with doors or other accessories, which cause the fireplace to function as a wood heater; or

d. wood heater inserted in a fireplace.

Wood stoves do not include open masonry fireplaces, barbecue devices, portable fire pits, gas–fired fireplaces or cook stoves. (Revised 9/23/98).

SECTION C – STANDARDS:

1. PARTICULATE MATTER EMISSION STANDARDS:

The following emission standards apply to the following new devices manufactured, imported into the United States, and/or sold at retail on or after May 15, 2015, per U.S. EPA Standards of Performance for New Residential Wood Heaters (40 CFR 60, subpart AAA) and New Residential Hydronic Heaters and Forced-Air Furnaces (40 CFR 60, subpart QQQQ).

a. Wood Heaters

(1) Step 1 Emission Limits - effective May 15, 2015 through May 14, 2020:

(a) 4.5 grams of PM per hour.

(2) Step 2 Emission Limits - effective May 15, 2020:

a) 2.0 grams of PM per hour (if tested using crib wood); or

(b) 2.5 grams of PM per hour (if tested using cord wood, with approved method).

b. Hydronic Heater

(1) Step 1 Emission Limits - effective May 15, 2015 through May 14, 2020:

(a) 0.32 pounds of PM per million BTU heat output (weighted average), with a cap of 18 grams per hour for individual test runs.

(2) Step 2 Emission Limits - effective May 15, 2020:

(a) 0.10 pounds of PM per million BTU heat output for each burn rate; or

(b) 0.15 pounds of PM per million BTU heat output for each burn rate (if emissions are tested using cordwood, with approved method).

The old NSPS limits of 7.5 grams or less of PM per hour continue to apply to existing wood stoves until they are either replaced with EPA-certified wood heaters or when the property changes ownership.

If the U.S. EPA adopts a more stringent emission standard, that emission standard supersedes the standard in this section and becomes effective for all new devices on the date that the U.S. EPA standard becomes effective.

2. LIMITATION ON NUMBER OF WOOD-BURNING DEVICES:

a. Wood Heater

(1) New Installations:

(a) Only EPA-certified wood heaters shall be installed on any residential or commercial property located within the Health District.

(b) The number of EPA-certified wood heaters to be installed on any residential or commercial property for which a building or set-up permit is issued shall not exceed one on a parcel of one or more acres.

(2) Existing Property:

Installation of additional wood-burning device is prohibited in existing residential or commercial properties, unless it is a low-emitting device as defined in Section B.10.

(3) Existing Wood-burning Device(s):

(a) Upon the transfer or conveyance of any residential or commercial property, each wood heater that is uncertified shall be removed or replaced with an EPA-certified wood heater, or other low-emitting device, prior to the completion of any:

(i.) escrow transaction; and/or

(ii.) title change.

Rendering a device inoperable is not acceptable in lieu of removal.

(b) The Control Officer, on a case-by-case basis, may approve an exemption from Section C.3.a. for an antique wood–stove. Persons requesting the exemption must provide proof that the wood stove is an antique wood stove, as defined in 040.051.B.1.

(4) Renovation/Remodel:

(a) If a residential or commercial property is undergoing a renovation/remodel that requires the temporary relocation of the wood heater(s), and there is no change of ownership, the existing wood heater(s) may be:

(i) re-installed; or

(ii) replaced with EPA-certified wood heater(s).

(b) Additional wood heaters are prohibited in accordance with the limitations set forth in Section C.2.a.(1) of this regulation.

b. Fireplace

(1) New Installations:

(a) Installation of any fireplace is prohibited on any residential or commercial property located within a particulate matter or carbon monoxide non-attainment area as defined in 40 CFR 81.329.

(b) The number of fireplaces to be installed on any residential or commercial property for which a building or set-up permit is issued shall not exceed one on a parcel of one or more acres located outside of a particulate matter or carbon monoxide non-attainment area as defined in 40 CFR 81.329, and no such fireplaces shall be installed on parcels less than one acre.

(2) Existing Property:

Installation of additional fireplaces is prohibited in existing residential or commercial properties.

(3) Existing Devices:

(a) Upon the transfer or conveyance of any residential or commercial property, existing fireplace(s) are exempt from removal to avoid potentially compromising the structural integrity of the building prior to the completion of any:

(i) escrow transaction; and/or

(ii) title change.

(4) Renovation/Remodel:

(a) If a residential or commercial property is undergoing a renovation/remodel, and there is no change of ownership, the existing fireplace(s) can only be replaced with EPA-certified wood heater(s).

(b) In the event that an incident occurred beyond the owner's control that renders the residential or commercial property uninhabitable, and the property is being rebuilt and not changing ownership, the damaged fireplace(s) may be replaced with EPA qualified fireplace(s) similar in capacity to the damaged fireplace(s).

(c) Additional fireplaces are prohibited in accordance with the limitations set forth in Section C.2.b.(1) of this regulation.

c. Hydronic Heater

(1) New Installations:

(a) Only EPA-certified hydronic heaters as defined in Section C.1.b. of this regulation shall be installed on any residential or commercial property located within the Health District.

(b) The number of EPA-certified hydronic heaters to be installed on any residential or commercial property for which a building or set-up permit is issued shall not exceed one on a parcel of forty (40) or more acres located outside of a particulate matter or carbon monoxide non-attainment area as defined in 40 CFR 81.329.

(c) Any additional wood-burning device(s) to be installed on any residential or commercial property that contains an EPA-certified hydronic heater must be low-emitting as defined in Section B.10 of this regulation.

(2) Existing Property:

Installation of any hydronic heater is prohibited on existing residential or commercial properties.

(3) Existing Devices:

(a) Upon the transfer or conveyance of any residential or commercial property, existing hydronic heater(s) that are uncertified shall be removed or replaced with EPA-certified or low-emitting hydronic heater(s) prior to the completion of any:

(i) escrow transaction; and/or

(ii) title change.

Rendering a hydronic heater inoperable is not acceptable in lieu of removal.

(4) Renovation/Remodel:

(a) If a residential or commercial property is undergoing a renovation/ remodel that requires the temporary relocation of the hydronic heater(s), and there is no change of ownership, the existing hydronic heater(s) may be:

(i) re-installed; or

(ii) replaced with qualified hydronic heater(s) that meet(s) EPA standards.

(b) New or additional hydronic heaters are prohibited in accordance with the limitations set forth in Section C.2.c.(1) of this regulation.

3. VISIBLE EMISSIONS: No person may permit emissions from the stack or chimney of a wood-burning device to exceed an opacity reading no greater than 20% for a period or periods aggregating more than three (3) minutes in any one-hour period. Emissions created during a fifteen (15) minute start-up period are exempt. All other provisions in this regulation, including the prohibition on burning fuels specified in Section C.4 or the curtailment of burning during pollution alerts in Section E.7, apply during all modes of operation, including startup.

4. PROHIBITED FUELS: A person shall not cause or allow any of the following materials to be burned in a wood-burning device:

a. asphaltic products;
b. books and magazines;
c. garbage;
d. paints;
e. colored/wrapping paper;
f. plastic;
g. rubber products;
h. treated wood;
i. waste petroleum products;
j. fuel wood that is not seasoned;
k. coal; or
l. any other material not intended by a manufacturer for use as a fuel in a solid fuelwood-burning device.

5. CONDITIONS FOR SELLING WOOD: A person selling wood for use in a wood-burning device shall comply with the following:

a. Seasoned wood (wood with a moisture content of 20 percent or less) may be sold for immediate use in a wood-burning device.

b. Wood with a moisture content of greater than 20 percent may be sold with a disclosure of the excessive moisture content and a recommended seasoning period to obtain a moisture content of 20 percent or less.

SECTION D – ADMINISTRATIVE REQUIREMENTS:

1. No local government authority within the Health District may issue a building permit to any person to install:

   a. an uncertified wood-burning device;

   b. an EPA-certified wood-burning device or a low-emitting device without receiving a Certificate of Compliance from the Control Officer.

2. WOOD-BURNING DEVICE INSPECTORS: A person may be approved by the Control Officer to inspect and certify that wood heaters are currently EPA-certified.

   a. To obtain approval, an application shall be submitted to the Control Officer. Approval will be issued upon satisfactory completion of an initial training course provided and set forth by the Control Officer with payment of the fee established by the Board of Health. Annual approval may be renewed upon meeting all the requirements of the Control Officer and payment of the renewal fee.

   b. An approved inspector shall report the result of each inspection on a form provided by the Control Officer after the fee established by the Board of Health is paid. The approved inspector shall indicate:

      (1) whether the residential property contains any wood-burning device;

      (2) the number of wood-burning devices that are EPA-certified;

      (3) the number of wood-burning devices that are not EPA-certified.

3. EXISTING WOOD-BURNING DEVICES AND CHANGE OF OWNERSHIP: Prior to the completion of any escrow transaction, and/or title change on any residential or commercial property, the current property owner shall obtain either a Certificate of Compliance or a Notice of Exemption:

   a. The Control Officer shall issue a Certificate of Compliance:

      (1) within fourteen (14) calendar days after receipt of a completed inspection report from an approved Wood-burning Device Inspector, unless:

         (a) the report indicates that a wood-burning device is uncertified~~,~~. In which case, the device must be removed from the property and re-inspection performed by an approved Wood-burning Device Inspector before a Certificate of Compliance can be issued.

         (b) the Control Officer fails to act within the fourteen (14) calendar

day period. After such time, any escrow transaction and/or title change that requires a Certificate of Compliance may be completed in lieu of issuance of said Certificate.

b. A Notice of Exemption shall be submitted to the Control Officer within fourteen (14) calendar days after the close of escrow and/or title change, if:

(1) the residential or commercial property does not contain a wood-burning device.

(2) an uncertified wood-burning device has been removed from any residential or commercial property prior to the close of escrow and/or title change. The removal of any uncertified wood-burning device is subject to a verification inspection for a period not to exceed 30 calendar days from the date of close of escrow.

The buyer and seller of any residential or commercial property shall observe any disclosure statements supplied by the real estate agents relating to the requirement under this regulation for the inspection of any wood-burning device.

SECTION E – COMPLIANCE AND RECORDS:

1. The installation of any wood-burning device without a Dealer's Affidavit of Sale shall constitute a major violation and be subject to civil or criminal penalties.

2. LIMITATIONS OF SALE:

a. New wood-burning devices to be sold shall be in compliance with the emission standards set forth in Section C.1. of this regulation.

b. New wood-burning devices sold at retail shall have a permanent label indicating they are certified to meet emission limits in Section C.1. of this regulation.

3. DEALERS AFFIDAVIT OF SALE:

a. A person who sells a wood-burning device for use within the Health District shall report the sale to the Control Officer within thirty (30) calendar days from the date of sale on the form provided by the Control Officer.

b. The form shall be provided by the Control Officer after the person pays the fee established by the Board of Health for that form.

c. Any person who fails to notify the Control Officer of the sale of a wood-burning device will be subject to penalties.

4. CERTIFICATE OF COMPLIANCE: A Certificate of Compliance issued pursuant to this section:

a. remains valid until the property is transferred or conveyed to a new owner or 270 calendar days, whichever comes sooner.

b. does not constitute a warranty or guarantee by the approved inspector or the Control Officer that the wood-burning device meets any other standards of operation, efficiency, or safety, except the emission standards contained in these regulations.

5. FALSIFICATION OF INFORMATION: Any person who falsifies any information associated with a:

a. Wood-burning Device Inspection;

b. Certificate of Compliance;

c. Notice of Exemption; or

d. Dealer's Affidavit of Sale

will be subject to penalties.

6. VIOLATION OF VISIBLE EMISSIONS OR PROHIBITED FUELS STANDARDS: A person who violates Sections C.3., C4., or C.5. of this regulation shall be issued a warning for the first violation and shall be provided information on proper wood-burning techniques. Subsequent violations would be subject to penalties.

7. CURTAILMENT OF BURNING DURING POLLUTION ALERTS: If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, operation of any wood-burning device shall be suspended in accordance with the requirements of Section 050.001.C.

040.0512 EXISTING WOOD STOVE/FIREPLACE INSERT – REPLACEMENT (Amended 11/18/92, 11/16/94, 9/23/98; Rescinded 6/19/02)

040.0514 LIMITATION ON NUMBER OF SOLID FUEL BURNING DEVICES (Adopted 5/23/90, Amended 11/16/94, 9/23/98; Rescinded 6/19/02)

040.052 OUTDOOR WOOD-FIRED BOILERS (Adopted 11/16/06, Rescinded 5/26/16)

040.055 ODOROUS OR GASEOUS CONTAMINANTS (Amended 1/89)

It is unlawful for any person to discharge, or cause to be discharged, from any source whatsoever, any quantity of odorous or gaseous emissions, materials, or air contaminants of any kind or description, which is, or tends to be, offensive to the senses, or injurious or detrimental to repose, health, and safety, or which in any way unduly interferes with or prevents the comfortable enjoyment of life or property by any property owners, residents or the general public.

The Control Officer may deem an odor complaint a confirmed violation if he is able to verify the odor episode by reliable methods including, but not limited to: 1) actual ambient measurements of a known substance at a level greater than it's odor threshold; or 2) verification of odors on-site by the Control Officer; or 3) at least 75% of a group of eight or more people selected by the Control Officer, when exposed to the odor, find it objectionable to their senses at ambient levels in areas accessible to the public.

The Control Officer may require, by notice in writing, any source with two or more violations of this regulation within a one year period, to submit a plan to reduce odorous emissions. This plan must demonstrate how the source will reduce emissions to a level that will eliminate any odor episode occurrences in the future. The plan must be submitted within 60 days of the receipt of the Control Officer's notice, and must be implemented within a reasonable period of time thereafter, as determined by the Control Officer.

040.060 SULFUR CONTENT OF FUEL

A. Less than 250 million BTU per hour heat input:

It is unlawful for any person to sell or to burn, or cause to be burned, within the Health District at any time, fuels having a sulfur content in excess of the following amounts:

1. Solid fuels - 0.7% sulfur, by weight

2. Gaseous or liquid fuels - 1.0% sulfur, by weight

B. For 250 million or more BTU per hour heat input the allowable emissions shall be calculated by use of the following formula:

$Y = 0.105 X$

Where X = maximum heat input, millions of BTU's per hour.

Y = allowable rate of sulfur emissions, pounds per hour.

C. Fuels with sulfur contents exceeding the above limitations may be used if it can be shown that adequate sulfur removal equipment is present to limit the sulfur emissions into the atmosphere to the same degree as if fuels with the proper sulfur content had been used.

040.065 REDUCTION OF ANIMAL MATTER

It is unlawful for any person to burn, or cause to be burned, operate or use, or cause to 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 1400 degrees F for a period of not less than 0.3 seconds; or

B. Processed in a manner determined by the Control Officer to be equal to or more effective than the above method for the purpose of air pollution control.

A person incinerating or processing gases, vapors, or gas entrained effluents, pursuant to this chapter shall provide, properly install and maintain in calibration, in good working order and operation, devices as specified in these regulations or as specified by the Control Officer, for indicating temperature, pressure, or other operating conditions. For the purpose of these regulations, "reduction" is defined as any heated process including rendering, cooking, drying, dehydrating, digesting, evaporation and protein concentration. The provisions or this section shall

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

040.070 STORAGE OF PETROLEUM PRODUCTS (Revised 10/22/97)

A. A person shall not place, store or hold, in any stationary tank, reservoir or other container of more than 40,000 gallons capacity, any petroleum liquid having a vapor pressure of 1.5 pounds per square inch or greater under actual storage conditions, unless such tank, reservoir or container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss into the atmosphere, or unless it is designed and equipped with either of the following vapor control devices properly installed and in good working order an operation or other equipment of equal efficiency:

1. A floating roof, consisting of a pontoon-type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal to close the space between the roof edge and the tank wall. The control equipment provided for herein shall not be used if the gasoline or petroleum liquid has a pressure of 11.0 pounds per square inch or greater under actual storage conditions. All tank gauging and sampling devices shall be vapor-tight except when gauging or sampling is taking place.

2. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices vapor-tight except when gauging or sampling is taking place.

When a vapor control device of the type specified in Paragraph 1 is in use, there shall be no visible holes, tears or other openings except stub drains which shall be equipped with a cover, seal or lid. The cover seal or lid shall be in a closed position at all times except when the device is in actual use. Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, shall be set to open when the roof is being floated off the roof leg supports or at manufacturers' recommended setting.

B. Monitoring reports and other records required pursuant to Subpart K of 40 CFR60 NSPS shall be made available for inspection when requested by the Control Officer.

040.075 ORGANIC LIQUID LOADING (Adopted 2/27/91)

A. A person shall not load organic liquids with a vapor pressure of 1.5 psia or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any;

1. Loading facility or terminal constructed or refurbished prior to December 17, 1980;

a. which loads up to 75,700 liters (20,000 gallons) of organic liquids on an annual average daily basis unless the facility or terminal is equipped with and uses a top submerged fill pipe or bottom fill.

b. which loads 75,700 liters (20,000 gallons) or more of organic liquid on an annual average daily basis unless the facility or terminal is equipped with and uses a vapor collection and processing system which limits the emission of hydrocarbons to eighty (80) milligrams per liter of all organic liquids loaded.

2. Loading facility or terminal constructed or refurbished after December 17, 1980;

a. which loads up to 18,925 liters (5,000 gallons) of organic liquids on an annual average daily basis unless the facility or terminal is equipped with and uses a top submerged fill pipe or bottom fill.

b. which loads 18,925 liters (5,000 gallons) or more of organic liquid on an annual average daily basis unless the facility or terminal is equipped with and uses a vapor collection and processing system which limits the emission of hydrocarbons to thirty-five (35) milligrams per liter of all organic liquids loaded.

Compliance with this emission limitation shall be determined by using the methods described in Appendix A of the EPA document "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: EPA 450/2-77026." Loading shall be accomplished in such a manner that the mixture of vapor and air displaced from the delivery vessel is vented only to the vapor recovery and disposal system. The loading device shall be equipped and operated in such a manner that the equipment is "leak-free" and "vapor-tight."

B. Vapor Recovery System Requirements - Loading Rack; The system shall be maintained and operated in a manner that prevents gauge pressure in the delivery tank from exceeding 18 inches (46 cm) of water column during product loading.

040.080 GASOLINE TRANSFER AND DISPENSING FACILITIES (Adopted 2/27/91; Revised 10/22/97, 4/22/05, 12/20/12, 3/23/17)

SECTION A – GENERAL

1. PURPOSE: The purpose of this regulation is to control and reduce emissions of volatile organic compounds (VOC)s from the sale and distribution of gasoline by requiring:

a. Control of gasoline vapors during the transfer and storage into stationary containers (Phase I)

b. Enhanced Vapor Recovery (EVR)

2. APPLICABILITY: All gasoline dispensing and storage facilities within the Health District. Certain requirements, including exemptions, are defined within the rules – differing standards apply to various operations within the gasoline-dispensing infrastructure.

SECTION B – DEFINITIONS: For the purpose of these regulations, the following definitions shall apply:

1. District Approved Vapor Control System means a system that is designed to control vapors released during gasoline transfer operations, and that is certified by either the

California Air Resources Board or the New York Department of Environmental Conservation to be at least 95 percent efficient and has been approved by the Control Officer for installation and operation in Washoe County. (Adopted 2/27/91)

2. Enhanced Vapor Recovery (EVR) means equipment that complies with the EVR requirements, approved pursuant to California Air Resources Board regulation CP-201 "Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities", specifically, the use of the equipment certified through Executive Order by the California Air Resources Board to meet those requirements.

3. Gasoline means any petroleum distillate having a Reid vapor pressure of four (4) pounds per square inch or greater.

4. Gasoline Dispensing Facility (GDF) means a facility that dispenses gasoline to the end user.

5. Major GDF Modification means the modification of an existing GDF that makes it subject to the same requirements to which a new installation is subject. This includes any modification of the Phase I vapor control system that causes any part of an underground storage tank top to be exposed, including the addition, replacement, or removal of any underground storage tank at the facility. Major GDF modification also includes 1) any modification to the Phase II vapor control system that involves the removal, addition or replacement of 50 percent or more of the buried vapor piping; or 2) addition or replacement of 50 percent or more of the buried product piping.

6. Phase I means gasoline vapor recovery from stationary tanks during the transfer of gasoline from delivery vehicles to stationary tanks used for re-fueling motor vehicles or equipment. It may also be referred to as Stage I vapor recovery. (Adopted 2/27/91, Revised 10/22/97)

7. Phase II means gasoline vapor recovery from vehicle fuel tanks during vehicle refueling operations from stationary tanks. It may also be referred to as Stage II vapor recovery. (Adopted 2/27/91, Revised 10/22/97)

8. Submerged Fill Pipe means any fill pipe of which the discharge opening is entirely submerged when the liquid level is six (6) inches or more above the bottom of the tank, or when applied to a tank hat is loaded from the side, submerged fill pipe means any fill pipe of which the discharge opening is entirely submerged when the liquid level is two (2) times the fill pipe diameter above the bottom of the tank.

9. Topping Off means an attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically. The filling of those vehicle tanks which, because of the nature and configuration of the fill pipe, causes premature shut off of the dispensing nozzle, and which are filled only after the seal between the fill pipe and the nozzle is broken, shall not be considered topping off. (Adopted 2/27/91)

10. Vapor-Tight means a reading of less than 10,000 ppm, above background, as methane, when measured at a distance of one centimeter from the leak source with a portable hydrocarbon detection instrument. Background is defined as the ambient concentration of organic compounds determined at least three meters upwind from any equipment to be inspected and that is uninfluenced by any specific emission permit unit. (Adopted 2/27/91)

SECTION C – STANDARDS: For the purpose of these regulations, the following standards shall apply:

1. GASOLINE TRANSFER INTO STATIONARY STORAGE CONTAINERS (PHASE I).

   A person shall not transfer, permit the transfer, or provide equipment for the transfer of gasoline from any tank truck, trailer, or railroad tank car into any stationary storage container with a capacity of more than 950 liters (250 gallons) unless all of the following requirements are met:

   a. Such container is equipped with a permanent submerged fill pipe, and

   b. A "District Approved Vapor Control System" is utilized, preventing the release to the atmosphere of not less than 95 percent by weight, of organic compounds in the vapors displaced. The displaced vapors shall be recovered by a vapor control system involving the transfer of fuel from the distribution vehicle to the stationary storage vessel, and

   c. The system shall contain a "leak-free" and "vapor-tight" gasoline fill connector and vapor return line to the delivery vehicle of at least 7.6 cm. (3 inches ) nominal diameter, and

   d. The vapor control equipment at the facility shall be maintained in such a way that the vapor control system meets the specifications set forth in this section at all times, and

   e. Delivery vehicles shall be designed and maintained in a leak free and vapor-tight condition. A vapor laden vehicle may only be refilled at a facility equipped with a vapor control system that meets the requirements contained in Section 040.075 of these regulations.

   f. Phase I vapor recovery systems shall have a poppetted drybreak on the vapor return.

   g. All newly constructed GDFs or existing facilities subject to a major GDF modification, as defined in this regulation, shall be required to install, operate, and maintain a certified EVR Phase I vapor recovery system upon completion of construction or modification.

2. PHASE I EXEMPTIONS:

   a. Storage tanks not more than 250 gallons.

3. GASOLINE TRANSFER INTO VEHICLE FUEL TANKS (PHASE II).

   a. Newly constructed or existing facilities subject to a major GDF modification, as defined in this regulation, shall be exempt from the requirements to install a Phase II vapor recovery system. If an owner/operator of a new facility prefers to install a Phase II vapor recovery system, the equipment must be installed in accordance with the certification requirements and manufacturer's specifications to ensure the equipment is maintained as leak-free and vapor-tight and in good working order.

1) Owners/Operators of existing facilities previously equipped with Phase II vapor recovery systems may:

2) Decommission the Phase II vapor recovery equipment upon completion of the installation of an EVR Phase I vapor control system; or

3) Continue to operate the Phase II vapor recovery equipment in accordance with the certification requirements and manufacturer's specifications to ensure the equipment is maintained as "leak-free", "vapor-tight", and in good working order.

b. Whenever the Control Officer determines that a Phase I or Phase II vapor recovery system or any component is not operating in compliance with these regulations, the Control Officer shall mark such system or component "out of Order". No person shall use or permit the use of such marked component or system until it has been repaired, replaced, or adjusted, as necessary, and the Control Officer has re-inspected it or has authorized its use pending re-inspection.

SECTION D – ADMINISTRATIVE REQUIREMENTS: For the purpose of these regulations, the following administrative requirements shall apply:

1. Except as exempted in these regulations, a written Authority to Construct shall be required to construct, erect, alter or replace any equipment that may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. A single Authority to Construct may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices shall be required before issuance of an Authority to Construct. An Authority to Construct is not needed for routine operation and maintenance. This includes maintenance prescribed by the manufacturer, replacement of worn or broken components with like equipment, etc. All modifications, which are major GDF modifications as defined in these regulations, shall require an Authority to Construct permit.

2. No local government authority within the Health District may issue a building permit to any person who wishes to operate, construct, establish, or relocate or modify any stationary source that requires an authority to construct or permit to operate until the Authority to Construct or Permit to Operate has been issued by the Control Officer.

3. A person shall not offer for sale, sell, or install within the Health District, any Phase I or Phase II vapor recovery equipment unless such equipment is "District Approved Vapor Control System" equipment. Such equipment shall also be approved by the appropriate local fire protection agency for the jurisdiction in which it is installed.

4. A person shall not install or modify Phase I gasoline vapor recovery equipment, exclusive of repair or replacement of like parts, unless an Authority to Construct has been obtained pursuant to Section 030.002.

5. A person shall not operate or allow the operation of Phase I gasoline vapor recovery equipment prior to the submission of a Registration Application and issuance of a Permit to Operate from the District pursuant to Section 030.200.

6. A person shall not install or modify Phase II gasoline vapor recovery equipment, exclusive of repair or replacement of like parts, unless an Authority to Construct has been obtained pursuant to Section 030.002.

7. A person shall not operate or allow the operation of Phase II gasoline vapor recovery equipment prior to the submission of a Registration Application and issuance of a Permit to Operate from the District pursuant to Section 030.200.

SECTION E – COMPLIANCE AND RECORDS: For the purpose of these regulations, the following compliance and record requirements shall apply:

1. All GDFs shall keep records of the quantities and types of fuels sold or dispensed. GDFs seeking to comply with these regulations through one or more of the various exemptions provided for under these rules shall keep records sufficient to demonstrate that compliance and shall retain them for a period of at least 3 years.

   Records to demonstrate that equipment installed in compliance with required Phase I vapor controls is certified and approved for such applications shall be maintained by the operator for a period of at least 3 years.

   All maintenance logs must be maintained as required above and shall be provided to the Control Officer upon request. The maintenance logs must be maintained by the operator for a period of at least 3 years.

2. The Control Officer may require the operator of a source to provide any applicable data to demonstrate compliance with the conditions of the Permit to Operate. Requested data must be provided in a timely manner, as specified by the Control Officer. Failure to provide this data as requested by the Control Officer constitutes a violation of the conditions of the Permit to Operate, and the affected source would be subject to a citation under these regulations, suspension of their Permit to Operate, or both.

All GDFs that install new equipment that alters the Phase I or Phase II vapor systems such that a new Authority to Construct permit is required, shall have 30 calendar days to perform testing to show that the system has been properly installed. The specific procedures and standards to be used for each type of system test shall be established by the Control Officer.

3. The operator of each retail facility utilizing a Phase II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles utilized at the station, and shall include a warning that "Topping Off" may result in spillage or re-circulation of gasoline, which is prohibited.

4. All new gasoline dispensing facilities or those existing facilities commencing underground storage tank replacement that receives an initial building permit after July 1, 1991 shall be in compliance with the provisions of this rule at the time gasoline is first received or dispensed.

040.085 ORGANIC SOLVENTS

A. A person shall not use, in any dry cleaning operation, organic solvents containing 4% or more by volume of any volatile organic compound unless the emissions of the discharged organics are reduced by 90% or more.

B. After January 1, 1980, any person who employs solvent metal cleaning (degreasing) shall utilize a device for such cleaning which includes the following equipment:

1. A container for the solvent and articles being cleaned:

2. An apparatus or cover that prevents the solvent from evaporating when not processing work in the degreaser;

3. A facility for draining cleaned parts such that the drained solvent is returned to the container;

4. A permanent, conspicuous label, which lists each of the operating requirements contained Subsection C; and

5. For cold solvent cleaning, if the vapor pressure of the solvent is greater than 33 millimeters of mercury, or 0.6 pounds per square inch at 38 degrees C or, if the solvent is heated above 50 degrees C, one of the following control devices:

a. A freeboard such that the freeboard ratio is equal to or greater than 0.75;

b. A water cover if the solvent is insoluble in and heavier than water; or

c. Any other system of equivalent control such as a refrigerated chiller or carbon absorber.

6. The following equipment shall be used in open-top vapor degreasing or conveyorized degreasing:

a. All of the following safety switches:

(1) A condenser flow switch and thermostat;

(2) A spray safety switch; and

(3) A vapor level control device.

b. Any or all of the following major control devices so that overall emissions are reduced by 85% by weight:

(1) A freeboard such that the freeboard ratio is equal to or greater than 0.75;

(2) A refrigerated chiller;

(3) A carbon absorption system; or

(4) A control system which has a control efficiency equivalent to any of the above.

c. For conveyorized degreasers, the following additional control devices:

(1) A drying tunnel or other device such as a rotating basket to prevent cleaned parts from carrying out solvent liquid or vapor; and

(2) Minimized openings, entrances and exits which silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is either less than ten (10) centimeters or less than 10% of the width of the opening.

C. After January 1, 1980, any person who engages in solvent metal cleaning (degreasing) must conform to the following operating requirements:

1. The degreasing equipment and emission control equipment must be operated and maintained in a proper working order.

2. A person shall not allow any solvent to leak from any portion of the degreasing equipment.

3. A person shall not store or dispose of any solvent in such a manner as to cause or allow its evaporations into the atmosphere.

4. A person shall not remove or open any device designed to cover the solvent except to process work in or perform maintenance on the degreaser.

5. A person shall drain cleaned parts for at least fifteen (15) seconds after cleaning or until dripping ceases (cold solvent cleaning only).

6. If a solvent flow is used, a person shall use only a continuous, fluid stream (not a fine, atomized, or shower type spray) and the pressure shall be such that it does not cause liquid solvent to splash outside of the solvent container.

7. Solvent agitation, where necessary, shall be attained through pump recirculation or by means of a mixer. (Air agitation of the solvent bath shall not be used).

8. To minimize solvent carry-out in open-top vapor degreasers, a person shall:

a. Place parts on racks to allow for full drainage;

b. Move parts in and out of the degreaser at less than 3.3 meters per minute;

c. Degrease the work load in the vapor zone at least thirty (30) seconds or until condensation ceases; and

d. Allow parts to dry within the degreaser until visually dry.

9. To minimize solvent carry-out in conveyorized degreasers, a person shall;

   a. Place parts on racks to allow for full drainage; and

   b. Maintain vertical conveyor speed at less than 3.3 meters per minute.

040.090 CUTBACK ASPHALTS

Commencing January 1, 1981, a person shall not cause, allow, or permit the sale, offering for sale, use or application of cutback asphalt or solvents (diluents) for any highway paving or maintenance operation within the Health District unless:

A. The use or application commences on or after November 1 of any year and ceases not later than March 31 of the following year.

B. Long life (longer than one (1) month) stockpile storage is necessary.

C. The asphalt is to be used solely as a penetrating prime coat for aggregate bases prior to paving or a penetrating seal coat on existing road surfaces.

D. The application to stress relief courses of pavement overlays is required; or

E. The user can demonstrate that there will be no emissions of organic compounds from the asphalt under conditions of normal use. Cut-Back and emulsified asphalts for which 5% or less of the total solvent distills at or below 500 degrees F (corrected to standard pressure) will be considered to have no emissions of organic compounds under normal use. Distillation tests shall be ASTM D 402 and D 244 respectively.

040.095 OXYGEN CONTENT OF MOTOR VEHICLE FUEL (Amended 9/23/92, 10/25/00, Revised 9/22/05)

SECTION A - GENERAL

1. PURPOSE: To reduce carbon monoxide emissions from motor vehicles during the Oxygenated Fuels Program Period.

2. APPLICABLITY: The provisions of this Rule shall apply to any person supplying, selling, or introducing gasoline as a final product for fueling motor vehicles within Washoe County.

SECTION B - DEFINITIONS: For the purpose of this regulation, the following definition shall apply.

1. Oxygenated Fuels Program Period: The period from October 1 through January 31.

SECTION C - STANDARDS

1. During the Oxygenated Fuels Program Period, no gasoline may be supplied or sold by any person as a final product for fueling motor vehicles within Washoe County, sold at retail, sold to a private or municipal fleet for consumption, or introduced into a motor vehicle in Washoe County by any person, unless the gasoline has at least 2.7% oxygen content by weight.

2. The oxygenate Methyl Tertiary Butyl Ether (MTBE) must not contribute more than 0.05% oxygen by weight to the required 2.7% oxygen by weight (or not more than 0.30% MTBE by volume).

3. Gasoline dispensers shall be labeled in accordance with 40 CFR 80.35(a) and include the following:

   a. Each gasoline pump stand from which oxygenated gasoline is dispensed at a retail outlet in the control area shall be affixed during the control period with a legible and conspicuous label which contains the following statement: "The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles".

   b. The posting of the above statement shall be in block letters of no less than 20-point bold type, in a color contrasting with the intended background. The label shall be placed on the vertical surface of the pump on each side with gallonage and price meters and shall be on the upper two-thirds of the pump, clearly readable to the public.

   c. The retailer shall be responsible for compliance with the labeling requirements of this Section.

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. The Control Officer shall prepare a report to be filed with the Washoe County District Board of Health by May 1 of each year regarding the results of the oxygenated fuels program. This report shall include an analysis of costs and benefits, investigations of complaints, enforcement activity, and best estimates of air quality improvements resulting from the program.

SECTION E – COMPLIANCE AND RECORDS

1. Any person supplying or selling gasoline within Washoe County must retain fuel delivery invoices, notes, or orders for gasoline. All fuel delivery invoices, notes, or orders for gasoline containing oxygenate shall clearly state the type of oxygenate used and the intended or estimated percent of oxygen content by weight or the intended or estimated percent of oxygenate content by volume.

2. The Control Officer may collect or require the submission of fuel samples, fuel delivery invoices, or information on oxygen content of gasoline to determine compliance with Section C of this Rule.

3. Records required by Section E.1 of this Rule shall be maintained for a minimum of one (1) year and be made available to the Control Officer upon request.

040.100 REID VAPOR PRESSURE FOR GASOLINE (Rescinded 4/22/98)

040.105 COLLECTION/SUBMISSION OF COMPLIANCE DATA (Rescinded 9/22/05)

040.200 DIESEL ENGINE IDLING (Amended 12/15/93)

Except as otherwise provided in this subsection, a person shall not idle the engine of a diesel truck or a bus for more than 15 consecutive minutes. The provisions of this subsection do not apply to a diesel truck or a bus:

A. Which is an emergency vehicle.

B. Used for the removal of snow.

C. Used to repair or maintain other motor vehicles.

D. Which is traveling on a public right of way from one place to another.

E. The engine of which must idle to perform a specific task for which it is designed such as well drilling, trenching or hoisting. Such a diesel truck or a bus may not idle for more than 15 consecutive minutes during an air pollution emergency episode stage declared by the Health Authority.

F. When idling is necessary as part of a maintenance procedure performed at a repair facility.