

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 (SO₂): 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. **APPLICABILITY:** 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. APPLICABILITY: 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 0.33oz/ft²; 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 0.33oz/ft²; 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; Regulation text deleted in its entirety by DBOH 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 PM₁₀ 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 PM₁₀ 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 PM₁₀ 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 PM₁₀, CO, VOCs, and NO_x.

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 liquified 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 (Regulation text deleted in its entirety by DBOH 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 STOVE/FIREPLACE INSERT EMISSIONS

(Amended 9/23/98; Revised 6/19/02, Effective 1/1/03; Revised 2/23/06)

SECTION A – GENERAL

1. PURPOSE: To limit particulate matter emissions and other pollutants discharged into the ambient air from solid fuel burning devices by:
 - a. Setting emission standards and certifying devices;
 - b. Requiring removal of devices that are not certified;
 - c. Restricting materials that can be burned; and
 - d. Limiting the number devices that are not deemed low emitting.
2. APPLICABILITY: The provisions of this regulation apply to any:
 - a. Person that advertises, except when restrictions are noted, sells, offers to sell, or installs any wood stove within the Health District;
 - b. Person that completes, or allows the completion of any:
 - (1) escrow transaction; and/or
 - (2) title change on a residential property.

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. Certified. Means a solid fuel burning device has been certified in accordance with current standards adopted by the U.S. EPA, the State of Oregon, the State of Colorado and/or appears on the Washoe County District Health Department Official List of Certified Wood Stoves; Ref. 40 CFR, Part 60; Oregon Administrative Rules, Chapter 340, Division 21; Colorado Revised Statute, Regulation No. 4. (As noted also in **Section 010.0255**).
3. Certificate of Compliance. A permit issued for a specific location by the Control Officer for a solid fuel burning device deeming the device certified in accordance with this regulation.
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**. (As noted also in **Section 010.045**).

5. Development. Is 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). (As noted also in **Section 010.047**).
6. Fireplace. Means an open hearth or fire chamber or similarly prepared place in which a fire may be made and which 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 (**Section 010.200**) may not be modified to meet the fireplace definition. (Amended 11/16/94). (As noted also in **Section 010.063**).
7. Garbage. Means putrescible animal or vegetable waste. (As noted also in **Section 010.072**).
8. Low emitting. Devices that are considered low emitting include but are not limited to:
 - a. All propane or natural gas-fired devices;
 - b. Pellet stoves;
 - c. Specific models of wood stoves or other solid fuel burning devices that meet a certified emission rate of 1 gram/hour or less of particulate matter; and
 - d. Masonry Heaters that are certified by Colorado Revised Statute, Regulation 4.
9. Notice of Exemption (NOE). 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 property:
 - a. Does not have any Solid Fuel Burning Device;
 - b. Has a fireplace only that does not have doors that are gasketed to make the device airtight; or
 - c. Had an uncertified wood stove removed from the residential property prior to sale.
10. Pellet Stove. Means a solid fuel 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. (As noted also in **Section 010.117**).
11. Removed or Removal. Means a solid fuel burning device is physically taken off the real property. Furthermore, the device must not be stored at any other location on the real property or elsewhere within the Health District without the approval of the Control Officer.

12. Residential Property. Means any structure used as a dwelling including mobile, manufactured, single and multifamily homes and/or land with outbuildings including but not limited to barns, sheds, and garages.
13. Seasoned Wood. Means firewood with a moisture content not exceeding 20%.
14. 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. (As noted also in **Section 010.136**).
15. Solid Fuel Burning Device (device). Means a device that burns wood, or any other nongaseous or non-liquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes including but not limited to a fireplace, wood stove, or pellet stove.
16. Stack or Chimney. Means any flue, conduit, or duct arranged to conduct any smoke, air contaminant or emission to the atmosphere. (As noted also in **Section 010.140**).
17. Treated Wood. Means wood of any species that has been chemically impregnated, painted, or similarly modified.
18. Uncertified. Means a wood stove that cannot be verified as meeting the certified standards and/or does not appear on the Washoe County District Health Department Official List of Certified/Exempt Wood Stoves. (As noted also in **Section 010.145**).
19. Waste Petroleum Products. Means hydrocarbon based or contaminated materials.
20. Wood Heater. Means an enclosed wood burning appliance capable of, and intended for space heating, domestic water heating or indoor cooking and has an air-to-fuel ratio of less than 35 to 1 in the low burn cycle. It also must have a usable firebox volume less than twenty (20) cubic feet, weigh less than 800 kilograms and have a minimum burn rate less than five (5) kilograms per hour. Appliances that are described as prefabricated fireplaces and are designed to accommodate doors or other accessories that would create the air starved operating conditions of a wood heater, must meet the emission standards if they meet the criteria in the above definition with those accessories in place. (As noted also in **Section 010.200**).
21. Wood Stove. For purposes of this regulation may be a:
 - a. wood heater;
 - b. pellet stove;
 - 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 firepits, gas-fired fireplaces or cook stoves. (Revised 9/23/98) (As noted also in **Section 010.205**).

SECTION C – STANDARDS

1. **PARTICULATE MATTER EMISSION STANDARD:** The particulate matter emission standard is 7.5 grams or less of particulate matter per hour for a non-catalytic appliance or 4.1 grams or less of particulate matter per hour for a catalytic appliance. If the U.S. Environmental Protection Agency adopts a wood stove/fireplace emission standard, which is more stringent, that emission standard supersedes the standard in this section and becomes effective on the date that the U.S. Environmental Protection Agency standard becomes effective.
2. **CERTIFICATION:** A wood stove shall be considered certified for purposes of these regulations as defined in **040.051.B.2**.
3. **EXISTING DEVICES:**
 - a. Upon the transfer or conveyance of any residential property, currently installed or existing wood stove(s) that are uncertified must be removed or replaced with certified or low emitting device(s), prior to the completion of any:
 - (1) escrow transaction; and/or
 - (2) title change on a residential property.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 040.051.C.3.a** for an Antique wood stove. Persons requesting the exemption must provide proof of antiquity.
 - c. **RENOVATION/REMODEL:** If a residential property is undergoing a renovation/remodel, and not changing ownership, the existing wood stove(s) may be moved and re-installed, or the same type of fireplace(s) may be re-built. New or additional solid fuel burning devices are prohibited in accordance with the limitations set forth in **040.051.C.7** of this regulation.
4. **VISIBLE EMISSIONS:** No person may permit emissions from the stack or chimney of a solid fuel burning device to exceed an opacity greater than that shade designated as No. 2 on the Ringelmann Chart 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.

5. PROHIBITED FUELS: A person shall not cause or allow any of the following materials to be burned in a solid fuel 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 fuel burning device

6. CONDITIONS FOR SELLING WOOD: A person selling wood for use in a solid fuel 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.

7. LIMITATION ON NUMBER OF SOLID FUEL BURNING DEVICES:
 - a. New Installations: The number of certified wood stoves or fireplaces installed on any property for which a building or set-up permit is issued shall not exceed one per acre.
 - b. Existing Property: In dwelling units or commercial/public facilities existing on the effective date of this regulation, installation of additional solid fuel burning devices is prohibited.
 - c. The above limitations do not apply to devices that are defined as low emitting (**Section B.8.** of this regulation).

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. No local government authority within the Health District may issue a building permit to any person to install an uncertified, or U.S. EPA exempt wood stove.
2. WOOD STOVE INSPECTORS: A person may be approved by the Control Officer to inspect and certify that wood stoves are currently, or have been in the past, certified per **Section 040.051**.

- a. To obtain approval, an application must be submitted to the Control Officer. Approval will be issued upon satisfactory completion of all requirements set forth by the Control Officer and 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 must indicate:
 - (1) Whether the residential property contains any solid fuel burning device;
 - (2) The number of wood stoves which are certified;
 - (3) The number of wood stoves which are not certified.
3. EXISTING WOOD STOVES AND CHANGE OF OWNERSHIP: In order to complete any escrow transaction, and/or title change on any residential property, the current property owner must obtain either a Certificate of Compliance or a Notice of Exemption:
- a. The Control Officer shall issue a Certificate of Compliance if:
 - (1) An inspection report from an approved Wood Stove Inspector is submitted that demonstrates the residential property contains allowable wood burning devices.
 - i. If the report indicates that a wood stove is uncertified, the wood stove must be removed from the residential property and re-inspection by an approved inspector is required.
 - (2) The Control Officer shall issue a Certificate of Compliance not later than seven (7) working days after receipt of a completed inspection report from an approved Wood Stove Inspector.
 - i. If the Control Officer fails to act within the seven (7) working day period, 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 Office within ten (10) working days of the close of escrow and/or title change, if:
 - (1) The residential property does not contain a wood stove.

- (2) The residential property contains any solid fuel burning device that is to be removed before the close of escrow and/or title change, then the Notice of Exemption can not be submitted until the solid fuel burning device is removed from the property.

The buyer and seller of any residential 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 stove.

SECTION E – COMPLIANCE AND RECORDS

1. DEALERS AFFIDAVIT OF SALE

- a. A person who sells a wood stove within the Health District must report the sale to the Control Officer within thirty (30) 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 is subject to the penalties set forth in **Section 020.040**.

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

- a. Remains valid until the residential property is transferred or conveyed to a new owner or nine (9) months, whichever comes sooner.
- b. Does not constitute a warranty or guarantee by the approved inspector or the Control Officer that the wood stove meets any other standards of operation, efficiency or safety, except the emission standards contained in these regulations.

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

- a. Wood Stove Inspection;
- b. Certificate of Compliance;
- c. Notice of Exemption; or
- d. Dealer's Affidavit of Sale

is subject to the penalties set forth in **Section 020.040**, and may be subjected to the applicable penalties prescribed by law for perjury. The revocation of the Control Officer's approval to conduct wood stove inspections or revocation of a Certificate of Compliance may also be a result.

4. VIOLATION OF VISIBLE EMISSIONS OR PROHIBITED FUELS STANDARDS: A person who violates **Sections C.4, C.5 or C.6** 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 the penalties set forth in **Section 020.040**.
5. CURTAILMENT OF BURNING DURING POLLUTION ALERTS: If the concentrations of an air containment reach or are predicted to reach levels that constitute a Stage 1 alert as defined in **Section 050.005**, operation of any Solid Fuel Burning Device shall be suspended in accordance with the requirements of **Section 050.015.A.5**.

040.0512 **EXISTING WOOD STOVE/FIREPLACE INSERT - REPLACEMENT**
(Amended 11/18/92, 11/16/94, 9/23/98; Text deleted in its entirety by DBOH 6/19/02)

040.0514 **LIMITATION ON NUMBER OF SOLID FUEL BURNING DEVICES** (Adopted 5/23/90, Amended 11/16/94, 9/23/98; Text deleted in its entirety by DBOH 6/19/02)

040.052 **OUTDOOR WOOD-FIRED BOILERS** (Adopted 11/16/06)

SECTION A – GENERAL

1. PURPOSE: To limit particulate matter emission and other pollutants discharged into the ambient air from outdoor wood-fired boilers by prohibiting the installation of any outdoor wood-fired boiler(s).
2. APPLICABILITY: The provisions of this regulation shall apply to any person seeking to install an outdoor wood-fired boiler within the Health District.

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

1. Outdoor Wood-Fired Boiler. Means a fuel burning device designed: (1) to burn primarily wood; (2) not to be located inside structures ordinarily occupied by humans, and, (3) to heat spaces or water by the distribution through pipes of a fluid, typically water, heated in the device.

SECTION C – STANDARDS

1. All outdoor wood-fired boilers are prohibited from installation in the Health District.

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. No local government authority within the Health District shall issue a building permit to any person to install an outdoor wood-fired boiler.

SECTION E – COMPLIANCE AND RECORDS

1. The installation of any outdoor wood-fired boiler shall constitute a major violation and be subject to civil or criminal penalties as provided in **Sections 020.040 and 020.042.**

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 its 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 of 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)

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. Control of gasoline vapors from the fueling of vehicles (Phase II).
 - c. 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. Building, Structure, Facility or Installation means all of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" (i.e. which have the same first two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock Number 4101-0066 and 003-005-00176, respectively).

2. Control Officer means the District Health Officer of the Washoe County Health District or the person designated by said District Health Officer to enforce these local air pollution control ordinances and regulations as approved by said District Board of Health created pursuant to the inter-local agreement of the City of Reno, the City of Sparks, and the County of Washoe, Nevada.
3. District Approved Vapor Control System is a system which is designed to control vapors that are 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)
4. Enhanced Vapor Recovery (EVR) shall mean equipment which complies with the Enhanced Vapor Recovery (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.
5. Gasoline includes any petroleum distillate having a Reid vapor pressure of four (4) pounds per square inch or greater.
6. Gasoline Dispensing Facility (GDF) is a facility which dispenses gasoline to the end user.
7. Leak-Free means a liquid leak no greater than three (3) drops per minute. (Adopted 2/27/91)
8. Major 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 unburied, including the addition, replacement or removal of any underground storage tank at the facility. Major 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.
9. 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. May also be referred to as Stage I vapor recovery. (Adopted 2/27/91, Revised 10/22/97)
10. Phase II means gasoline vapor recovery from vehicle fuel tanks during vehicle refueling operations from stationary tanks. May also be referred to as Stage II vapor recovery. (Adopted 2/27/91, Revised 10/22/97)
11. Submerged Fill Pipe means any fill pipe the discharge opening of which 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 which is loaded from the side, submerged fill pipe shall mean any fill pipe the discharge opening of which is entirely submerged when the liquid level is two (2) times the fill pipe diameter above the bottom of the tank.

12. Topping Off to 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)
13. Vapor-Tight 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 which is uninfluenced by any specific emission permit unit. (Adopted 2/27/91)
14. Volatile Organic Compounds means any volatile compound containing carbon with the exception of the following:

carbon monoxide	carbon dioxide
carbonic acid	metallic carbides
metallic carbonates	ammonium carbonate
methane	ethane
acetone	CFC-11
CFC-22	CFC-23
CFC-113	CFC-114
CFC-115	HCFC-123
HCFC-124	HCFC-141b
HCFC-142b	HFC-125
HFC-125a	HFC-134
HFC-134a	HFC-143a

Non-volatile organic materials are not considered VOC. (Revised 10/25/95)

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 (251 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 both the storage container and the delivery vehicle, 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. Each delivery vehicle shall be designed and maintained in a vapor-tight condition. A vapor laden vehicle may only be refilled at a facility equipped with a vapor control system which meets the requirements contained in Section 040.075 of these regulations.
- f. All Phase I vapor recovery systems shall have a poppetted drybreak on the vapor return.
- g. All newly-constructed Phase I vapor recovery systems shall be of a two-point configuration, which means that the system shall have a separate connection for liquid gasoline and a separate connection for vapor recovery. Newly-constructed systems shall include, for the purposes of this regulation, all construction projects where one or more underground tanks are installed or replaced.

2. PHASE I EXEMPTIONS:

- a. Storage tanks with a capacity of less than 251 gallons.
- b. Storage tanks installed prior to the date of adoption of this regulation with an annual throughput of less than 60,000 gallons that were not previously equipped with Phase I vapor recovery.

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

A person shall not transfer, permit transfer, or provide equipment for the transfer of gasoline from a stationary storage container to which gasoline has been transferred from another container subject to the provisions of paragraph C1, above, into any motor vehicle fuel tank of greater than 19 liters (5 gallons) capacity unless;

- a. The dispensing unit used to transfer the gasoline from the stationary storage container to the motor vehicle fuel tank is equipped with a "District Approved

Vapor Control System"; and

- b. The vapor recovery system is operating in accordance with the manufacturer's specifications and shall be maintained to be "leak-free", "vapor-tight", and in good working order; and
- c. Equipment subject to this regulation is operated and maintained with none of the following defects:
 - (1) A nozzle boot which is torn in one or more of the following manners:
 - i. Triangular shaped or similar tear 1/2 inch or more to a side.
 - ii. A hole 1/2 inch or more in diameter.
 - iii. A slit 1 inch or more in length.
 - iv. Damaged face plate or flexible cone.
 - (2) Nozzle shut-off mechanisms which malfunction in any manner.
 - (3) Vapor return lines (including such components as swivels, anti-recirculation valves, and underground piping) which malfunction or are blocked or restricted.
 - (4) A vapor processing unit which is inoperative.

Any tank may be opened for gauging or inspection when loading operations are not in progress provided that such tank is not pressurized.

The requirements of **Section 040.080** do not apply to deliveries made to completely fill stationary tanks for the purpose of leak testing provided that such deliveries do not exceed 1,000 gallons at each facility.

Prohibition of use: whenever the Control Officer determines that a Phase II vapor recovery system, or any component thereof, contains a defect as described by 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.

4. PHASE II EXEMPTIONS:

- a. Facilities with an annual throughput of less than 240,000 gallons of gasoline. Persons requesting such an exemption shall certify their eligibility annually and maintain adequate records as specified by the Control Officer.
- b. Vehicle to vehicle refueling.

- c. Facilities which exclusively refuel vehicles that are not motor vehicles as defined by the Nevada Revised Statute 482.135.
- d. Any stationary tank with a fuel storage capacity of 1001 gallons or less.

5. ENHANCED VAPOR RECOVERY (EVR) REQUIREMENTS

Facilities which are subject to the requirements of 040.080 C (3) of these regulations (Phase II vapor controls) shall be required to install equipment which meets the "Enhanced Vapor Recovery (EVR)" requirements, with the compliance dates and requirements for installation of this equipment as follows:

- a. Gasoline Dispensing Facilities (GDFs) which undergo any major modification as defined in this regulation, shall be required to install Phase I vapor control equipment which is certified to meet the Phase I portion of the Enhanced Vapor Recovery (EVR) requirements for the entire facility upon completion of the modification.
- b. All Gasoline Dispensing Facilities (GDFs) shall be exempt from requirements to install equipment which meets the Phase II portion of Enhanced Vapor Recovery (EVR) rules.

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

- 1. **AUTHORITY TO CONSTRUCT REQUIREMENTS:** Except as exempted in these regulations, a written Authority to Construct shall be required to construct, erect, alter or replace any equipment which 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 modifications as defined in these regulations, shall require an Authority to Construct permit.
- 2. **BUILDING PERMIT ISSUANCE:** 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 which 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. IMPLEMENTATION: A person shall not offer for sale, sell or install within the 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.

A person shall not install or modify Phase I or 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**.

A person shall not operate or allow the operation of Phase I or 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. RECORD REQUIREMENTS: All Gasoline Dispensing Facilities (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 or Phase II vapor controls is certified and approved for such applications shall also be maintained by the operator for a period of at least 3 years. All records as required above shall be provided to the Control Officer upon request.
2. COMPLIANCE DEMONSTRATIONS: 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 Gasoline Dispensing Facilities (GDFs) that install new equipment which alters the Phase I or Phase II vapor systems such that a new Authority to Construct permit is required, shall have 30 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. POSTING OF OPERATING INSTRUCTIONS: 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 and is prohibited.

4. **COMPLIANCE SCHEDULE:** All new gasoline dispensing facilities, or those existing facilities commencing underground storage tank replacement which receive 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.

Any existing facilities which have been exempt under **Subsection 040.080 C(2.)** above, and later increase their annual throughput to an amount in excess of 240,000 gallons of gasoline, shall be required to install Phase II vapor controls in compliance with the provisions of this rule within one year of the date that the facility throughput exceeds the 240,000 gallon threshold. Once the annual throughput of 240,000 gallons has been exceeded, the facility can no longer be considered exempt under **Subsection 040.080 C(2.)**.

Any existing facilities which have been required to install Phase II vapor controls under these regulations, and which later decrease their annual throughput to an amount less than 240,000 gallons may not remove or disconnect the Phase II vapor controls.

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 (diluent) 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. **APPLICABILITY:** 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 (Regulation text deleted in its entirety by DBOH 4/22/98)

040.105 COLLECTION/SUBMISSION OF COMPLIANCE DATA (Regulation text incorporated into Section 040.095 E.2 by DBOH 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.