CHAPTER 040 - PROHIBITED EMISSIONS

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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

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.

040.015 SPECIFIC CONTAMINANTS

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

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

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

040.020 DUST AND FUMES

It is unlawful for any person to discharge, or cause to be discharged, in any one (1) hour from any source whatsoever, dust or fumes in total quantities in excess of the amount shown in the following table:

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

Process Weight/Hour (Pounds)	Maximum Weight Discharge/Hour (Pounds)
50	.24
100	.46
150	.66
200	.85
250	1.03
300	1.20
350	1.35
400	1.50
450	1.63
500	1.77
550	1.89
600	2.01
650	2.12
700	2.24
750	2.34
800	2.43
850	2.53
900	2.62
950	2.72
1,000	2.80
1,100	2.97
1,200	3.12
1,300	3.26
1,400	3.40
1,500	3.54
1,600	3.66
1,700	3.79
1,800	3.91
1,900	4.03
2,000	4.14
2,100	4.24
2,200	4.34
2,300	4.44

2,400	4.55
2,500	4.64
2,600	4.74
2,700	4.84
2,800	4.92
2,900	5.02
3,000	5.10
3,100	5.18
3,200	5.27
3,300	5.36
3,400	5.44
3,500	5.55
3,600	5.61
3,700	5.69
3,800	5.77
3,900	5.85
4,000	5.93
4,100	6.01
4,200	6.08
4,300	6.15
4,400	6.22
4,500	6.30
4,600	6.37
4,700	6.45
4,800	6.52
4,900	6.60
5,000	6.67
5,500	7.03
6,000	7.37
6,500	7.71
7,000	8.05
7,500	8.39
8,000	8.71
8,500	9.03
9,000	9.36
9,500	9.67
10,000	10.00
11,000	10.63
12,000	11.28
13,000	11.89
14,000	12.50
15,000	13.13
16,000	13.74
17,000	14.36
18,000	14.97
19,000	15.58
20,000	16.19
30,000	22.22
40,000	28.30
50,000	34.30
≥60,000	40.00

040.025 EXCEPTIONS

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

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

SECTION A - GENERAL

1. PURPOSE: To limit particulate material emissions into the ambient air from abrasive blasting operations.
2. APPLICABLITY: The provisions of this Rule shall apply to any abrasive blasting operation.

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

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

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

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

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

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

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

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

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

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

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

11. Sandblasting. Abrasive blasting.

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

13. Steel or Iron Shot/Grit. Abrasives which meet either the Society of Automotive Engineers recommended practices J827 and J444 or Steel Founders' Society of American

Standards 21-68 or 20T-66, as those practices and standards existed on February 24, 1984.

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

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

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

SECTION C - STANDARDS

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

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

   a. Confined blasting.

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

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

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

SECTION D – ADMINISTRATIVE REQUIREMENTS

As adopted, no Administrative Requirements are indicated.

SECTION E – COMPLIANCE AND RECORDS

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

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

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

   a. Date of abrasive blasting activity;

   b. Description of object being blasted;

c. Control measure(s) used; and

d. Amount and type of abrasives used.

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

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

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

SECTION A - GENERAL

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

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

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

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

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

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

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

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

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

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

   a. Paving.

   b. Pre-wetting.

   c. Applying dust suppressants.

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

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

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

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

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

   i. Using dust control implements appropriately.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. Open Areas and Vacant Lots. For the purpose of this regulation, vacant portions of

residential or commercial lots that are immediately adjacent and owned and/or operated by the same individual or entity are considered one vacant open area or vacant lot.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION C - STANDARDS

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

2. STABILIZATION REQUIREMENTS FOR FUGITIVE DUST SOURCES:

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

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

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

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

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

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

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

(1) Maintain a visible crust;

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

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

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

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

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

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

Environmental Protection Agency.

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

(1) Maintain a visible crust;

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

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

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

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

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

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

b. DUST CONTROL PERMIT REVISIONS:

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

Control Permit, such owner and/or operator must still comply with all requirements of this Rule.

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

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

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

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

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

d. EXEMPTIONS:

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

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

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

iii. Playing on a ballfield; and

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

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

i. One unit residential projects;

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

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

iv. Other projects deemed appropriate by the Control Officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. DUST SCHOOL ATTENDANCE: Upon the issuance of a Notice of Violation Citation for Sections C.1, C.2, or C.4 of this Rule upheld by the Board of Health, the person

causing the dust generation shall attend the next available "Dust School" as provided by the Air Quality Management Division of the District Health Department. Failure to attend the "Dust School" shall constitute another violation of the regulations along with the appropriate penalty as specified in Section 020.040 of the District Regulations.

SECTION E –COMPLIANCE AND RECORDS

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

   a. Visible Emissions Observations:

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

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

      (1) Unpaved Parking Lots

         i. Test Methods of Unpaved Roads and Unpaved Lots.

      (2) Unpaved Haul/Access Roads

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

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

         i. Test Methods for Stabilization – Visible Crust Determination.

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

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

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

         v. Test Methods for Stabilization – Rock Test Method.

2. RECORDKEEPING:

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

      (1) The Dust Control Permit shall be kept on the specific job site and

made available to the Control Officer immediately upon request.

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

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

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

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

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

SECTION A – GENERAL

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

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

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

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

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

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

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

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

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

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

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

SECTION C – STANDARDS

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

   a. Durability Index must be greater than 75.

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

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

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

SECTION D – ADMINISTRATIVE REQUIREMENTS

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

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

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

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

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

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

SECTION E – COMPLIANCE AND RECORDS

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

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

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

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

d. The number and dates of sanding events.

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

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

SECTION A – GENERAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION D – ADMINISTRATIVE REQUIREMENTS

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

SECTION E – COMPLIANCE AND RECORDS

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

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

    b. Number of sweepers.

    c. Number of lane miles swept on each date.

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

    e. Major equipment malfunctions, if any.

CHAPTER 040 – PROHIBITED EMISSIONS

040.033 FOOD ESTABLISHMENTS (Adopted 1/90, Amended 12/15/93, Revised 4/23/26)

SECTION A – GENERAL PROVISIONS

1. PURPOSE. To limit particulate matter emissions into the ambient air from solid fuel burning operations in food establishments.

2. APPLICABILITY. The provisions of this section shall apply to any food establishment operations using solid fuel equipment for cooking.

SECTION B - DEFINITIONS

Unless the context otherwise requires, the following terms shall have the meanings set forth below for the purposes of PART 040.033. When a term is not defined in these paragraphs, it shall have the meaning given in the District Board of Health Regulations Governing Air Quality Management (DBOH) CHAPTER 040, PARTS 030.100 through 030.510; Nevada Revised Statutes (NRS) 445B; the Federal Clean Air Act, or common usage, in that order of priority.

FOOD ESTABLISHMENT means a commercial facility that provides food to the public.

PARTICULATE MATTER means any material, except uncombined water such as water vapor and water droplets, which exist in a finely divided form as a solid or liquid at reference conditions, with an aerodynamic diameter smaller than one hundred (100) micrometers.

PM2.5 means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers (microns or μ) as measured by a reference method based on 40 Code of Federal Regulations (CFR) PART 50 Appendix L and designated in accordance with 40 CFR PART 53 or by an equivalent method designated in accordance with 40 CFR PART 53.

SOLID FUEL means a fuel used for cooking that consists of wood or coal.

SO_2 means sulfur dioxide.

SECTION C – APPLICABILITY

1. GENERAL PERMIT. A food establishment that burns solid fuel for cooking food requires a general permit in accordance with PART 030.100 unless the food establishment:

    a. Is part of a facility that has other emission units subject to minor or major source permitting in accordance with DBOH 030.200 and DBOH 030.500, respectively.
    b. Has a consumption rate greater than best systems of control emission thresholds of ten (10) tons per year of PM2.5 for wood (575 tons of wood; equivalent to 460 cords) and forty (40) tons per year of sulfur dioxide (SO_2) for coal (2,000 tons of coal). Facility would require a minor source permit in accordance with DBOH 030.200.

SECTION D - ADMINISTRATIVE REQUIREMENTS

1. CHANGE OF OWNERSHIP OR SIGNIFICANT EQUIPMENT MODIFICATION. The Control Officer or their representative shall be notified, in writing, prior to any change of ownership, significant equipment modification, or new construction per DBOH 030.000.C.2 and 030.100.J.

SECTION E - COMPLIANCE AND RECORDS

1. CURTAILMENT OF BURNING DURING EMERGENCY EPISODES. Should a Stage 2, Stage 3, or Stage 4 emergency episode be declared by the Control Officer or their representative, the food establishment shall comply with a commercial solid fuel burning curtailment if the Control Officer or their representative deems commercial solid fuel burning to be contributing to the emergency episode per DBOH 050.001.C.2.

2. VISIBLE EMISSIONS. No person may permit emissions from the stack or exhaust of a solid fuel cooking equipment to exceed an opacity reading no greater than 20% for a period or periods aggregating more than six (6) minutes in any one-hour period. Emissions created during a fifteen (15) minute start-up period are exempt per DBOH 030.000 B.5.

040.035 OPEN BURNING (Amended 4/88, 8/25/93; Renamed and Revised 09/26/19)

SECTION A – GENERAL

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from open burning.

2. APPLICABILITY: The provisions of this Rule shall apply to any persons conducting open burning within Washoe County.

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

1. Allowable Vegetation. Means only plant material that grew on the property where the burn is to be conducted.

2. Fire Control Agency. Means the local fire protection districts and fire departments that regulate open burning.

3. Nuisance Smoke. Means anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

4. Open Burning. Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.

5. Reasonable Alternatives. Means other means to dispose of allowable vegetation, such as manual removal and disposal of material in a landfill.

6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

7. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

SECTION C – STANDARDS: The following standards shall apply:

1. Open burns include all outdoor fires with the exception of:
   a. Recreational fires;
   b. Prescribed fires; and
   c. Fires set for training purposes as defined in Section 040.040.

1. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.

2. Smoke from open burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Open burning will not be allowed if concentrations of any pollutant are exceeded, or expected to exceed any NAAQS.

3. Open burning is exempt from opacity standards as defined in Section 010.106.

4. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all open burning shall be suspended in accordance with the requirements of Section 050.001.C.

SECTION D – ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply:

1. Open burning within Washoe County shall meet local fire control agency requirements. Fire control agencies shall consider the following criteria when approving open burning and determining permissible burn days:
   a. Consideration of reasonable alternatives to burning and;
   b. Current and forecasted air quality conditions and;
   c. Current and forecasted weather conditions and;
   d. Potential nuisances from smoke and;
   e. Consideration of smoke impacts from all approved open burns.

2. Open burning is not allowed for properties located within: 1) a PM or CO "non-attainment" area as specified in 40 CFR 81.329, or 2) areas with an EPA approved Maintenance Plan for PM or CO, except under one of the following conditions:
   a. Properties 2 acres in size or greater;
   b. Divisions of state or federal government;
   c. Divisions of local municipalities;
   d. Canal and irrigation companies;
   e. The owner of any property where the fire control agency and the 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.

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

1. No persons shall conduct open burning without approval from the local fire control agency.

2. The local fire control agencies shall provide the Control Officer an annual report summarizing the previous year's open burning program. The report shall be submitted annually each year for the previous calendar year activities

040.037 PRESCRIBED BURNING (Revised from 040.035, adopted 05/28/20)

SECTION A – GENERAL

1. PURPOSE: To limit particulate material (PM) emissions and other pollutants released into the ambient air from prescribed burning.

2. APPLICABILITY: The provisions of this Rule shall apply to any federal, state and local fire control agencies and land management agencies conducting prescribed burning within Washoe County.

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

1. Allowable Vegetation. Means only plant material that is identified in the burn plan or project where the burn is to be conducted.

2. Fire Control Agency: Agencies that are qualified to conduct prescribed burns.

3. Land Management Agency: Agencies that are qualified to conduct prescribed burns.

4. Open Burning. Means the burning of any allowable vegetation wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney. Open burning is defined in Section 040.035.

5. Prescribed Burning. Means any fire purposefully ignited by land management agencies to meet specific land management objectives with controlled application under specified conditions. The definition does not include fire training, residential open burning, or any other type of burning that is not specifically listed in the applicability section of this rule.

6. Recreational Fires. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

7. Smoke Impacts. Means anything that is causing pollution levels to be harmful to humans or become a safety hazard.

SECTION C – STANDARDS: The following standards shall apply:

1. Prescribed burns include all outdoor fires with the exception of:

   a. Residential open burning (defined in Section 040.035);

   b. Recreational fires; and

   c. Fires set for training purposes as defined in Section 040.040.

2. Only allowable vegetation shall be burned. No other materials may be burned at any time within Washoe County.

3. Smoke from prescribed burning shall not contribute to exceedances or violations of any National Ambient Air Quality Standards (NAAQS). Prescribed burning will not be allowed if concentrations of any pollutant are exceeded or expected to exceed any NAAQS.

4. Prescribed burning is exempt from opacity standards as defined in Section 010.106.

5. If the concentrations of an air contaminant/pollutant reach or are predicted to reach levels that constitute a Stage 1 alert as defined in Section 050.001.C, all prescribed burning shall be suspended in accordance with the requirements of Section 050.001.C.

SECTION D – ADMINISTRATIVE REQUIREMENTS: The following administrative requirements shall apply:

1. Agencies conducting prescribed burning in Washoe County shall consider all reasonable alternatives to prescribed burning prior to the issuance of a Smoke Management Permit.

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

1. Prescribed burning within Washoe County shall comply with the Washoe County Health District, Air Quality Management Division's Smoke Management Program.

2. Prescribed burning is allowed during favorable air dispersion conditions. Prescribed burns shall not be subject to the burn limitations of Section 040.035.

3. A Smoke Management Permit must be obtained for all prescribed burns. Smoke Management Permits may only be issued to federal, state, and local fire control agencies and land managers for lands under their control and jurisdiction. The Control Officer shall review the burn plan and set forth conditions of operation to limit the air quality impacts of prescribed burn related emissions.

4. Any application for a Smoke Management Permit must be submitted at least fourteen (14) calendar 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 plan and any other information as required by the Control Officer.

5. All prescribed burns must follow the following Smoke Management Permit conditions:

    a. Permits will not be valid during an air pollution alert, warning, or emergency (as defined by the "District Board of Health Regulations Governing Air Quality Management" Section 050.001.C.1, Emergency Episode Plan). At the determination of such an episode, the Control Officer shall notify each Permittee.

    b. The land manager must notify the Control Officer on the calendar day preceding the burn before the prescribed burn can be ignited.

    c. To minimize smoke impacts and emissions, each land manager will apply the best smoke management and emission reduction techniques.

d. The approved permit, or copy thereof, shall be kept at the prescribed fire site and made available upon request of the Control Officer or their representative.

e. All prescribed burn operations shall be subject to inspection by the Control Officer.

f. The permit is for compliance with Washoe County air pollution control requirements only and is not a permit to violate any existing state laws, rules, regulations, or ordinances regarding fire, zoning, or building.

g. If at any time the Control Officer determines that any condition of the permit is not being complied with, the permit may be revoked for the specific project where non-compliance is occurring. At such time, all burning activities at the site of non-compliance shall be terminated. In addition to revocation of the permit, the Control Officer may take any other enforcement action authorized under state statutes, rules and regulations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

040.046 INCINERATOR BURNING (Adopted 10/25/18)

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.

PROHIBITED EMISSIONS

040.051 WOOD-BURNING DEVICES (Amended 9/23/98; Revised 6/19/02, Effective 1/1/03; Revised 2/23/06, 8/22/13; Revised and Renamed 5/26/16; Revised 2/24/22, Effective 7/1/22)

SECTION A – GENERAL

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

    a. Setting emission standards and certifying devices;
    b. Requiring *removal* of devices that are not *EPA-certified* upon property transfer;
    c. Restricting materials that can be burned; and
    d. Limiting the number of devices that are not deemed low-emitting.

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

    a. Person who advertises, except when restrictions are noted, sells, offers for sale or resale, supplies, installs, or transfers any *wood-burning devices* within Washoe County;
    b. Person that completes, or allows the completion of an escrow transaction in which a residential or *commercial property* transfers ownership;

    c. Person that operates a *wood-burning device* within Washoe County.

3. EXEMPTIONS: The provisions of this regulation do not apply to the following:

    a. Wood Burning-Devices, on residential properties, used for the primary purpose of cooking food;
    b. *Portable Outdoor Wood-Burning Devices*;
    c. Low-Emitting *Wood Heaters* are exempt from the requirements of Section 040.051.C.2;
    d. *Antique Wood Stoves*;
    e. Existing *fireplaces* are exempt from *removal* but count toward the *wood-burning device* limitation established in Section 040.051.C.2;
    f. For a property not going through a process described in Section 040.051.A.2.b, if a *wood-burning device* is being replaced with an *EPA-certified* device, as required by Section 040.051.D.1, it is exempt from the requirements described in Section 040.051.D.3. A dealer's affidavit of sale shall be submitted, and the effect of the change shall be a reduction in emissions;
    g. For a property not going through a process described in Section 040.051.A.2.b, if an *EPA-certified* device is being inserted inside an existing *fireplace*, it is exempt from the requirements described in Section 040.051.D.3. A dealer's affidavit of sale shall be submitted, and the effect of the change shall be a reduction in emissions;
    h. If a property contains a *wood-burning device* that has been rendered *permanently inoperable* as approved by the Control Officer, it is exempt from Section 040.051.C.2;
    i. If a residential parcel's *sole source of heat* is a *wood-burning device*, the parcel is exempt from the requirements established in Section 040.051.E.7;
        (1) For the parcel to be approved for the exemption, the property owner(s) shall submit for approval on the form provided by the Control Officer;
        (2) Upon certification and submittal of the form, the property owner(s) authorize(s) the Control Officer or their representative access to the parcel to inspect and verify the statements made on the form;
        (3) The *sole source of heat* exemption must be renewed on an annual basis.
        (4) If the parcel has a permanently installed furnace or heating system that is not functioning, the exemption is valid for a period not to exceed 30 days to allow for repair or replacement.
            (a) A copy of a repair or replacement estimate from a certified repair company must be included with the application form to be considered for an exemption.

j. For a property going through a process described in Section 040.051.A.2.b, if a *wood heater* was certified with the current EPA certification standard at the time of installation, it is exempt from the requirements described in Sections 040.051.C.2.a.(4), 040.051.C.2.b.(5) and 040.051.C.2.c.(5).
   (1) For *wood heaters* installed after 1990 and prior to May 15, 2015, the *EPA-certified* standard was 7.5 grams of PM per hour;
   (2) For *wood heaters* installed after May 15, 2015, and prior to May 15, 2020, the *EPA-certified* standard was 4.5 grams of PM per hour;
   (3) Approval of this exemption is contingent on the submittal of a complete and accurate inspection report from a certified *wood-burning device* inspector on the form provided and accompanied by the documentation described below and the required fee:
      (a) Photograph of the permanent label attached to the *wood heater* by the manufacturer;
      (b) Documentation certifying compliance with the EPA certification standard at the time of installation;
      (c) A valid building permit documenting the date of installation;
      (d) Documentation shall be submitted to the Control Officer as part of the *Certificate of Compliance* process described in Section 040.051.D.3.a.

k. For a property going through a process described in Section 040.051.A.2.b, if a *wood heater* is required to be *removed* pursuant to Sections 040.051.C.2.a.(4), 040.051.C.2.b.(5) and 040.051.C.2.c.(5), and the *removal* of the *wood heater* would cause *damage*, a one-time exemption of the *removal* requirements established in Sections 040.051.C.2.a.(4), 040.051.C.2.b.(5) and 040.051.C.2.c.(5) may be provided.
   (1) Approval of this exemption is contingent on the submittal of a complete and accurate inspection report from a certified *wood-burning device* inspector on the form provided and accompanied by the documentation described below and the required fee.
      (a) A report from a licensed contractor indicating that *damage* will be caused in the process of removing the *wood heater*;
      (b) Photographs of the *wood heater*, which provide evidence that *damage* would occur during any *removal*;
      (c) Documentation shall be submitted to the Control Officer as part of the *Certificate of Compliance* process described in Section 040.051.D.3.a.

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

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.

Certificate of Compliance. Means a permit issued for a specific property by the Control Officer for a *wood-burning device* deeming the property in compliance with this regulation.

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

Cook Stove. Means a wood stove installed in the kitchen of a *residential property*, 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.

Damage. Means any work that would require the use of equipment, as determined by a licensed contractor, to break masonry, brick or tile in order to remove the *wood-burning device*, and the condition after *removal* is not repaired to a level equivalent to the condition before *removal*.

Destroyed. Means modified in such a manner that the appliance can no longer function as a *wood-burning device* or easily be remodified to function as a *wood-burning device*.

Developed. Residential or *commercial property* in which the owner has received a Certificate of Occupancy.

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

Fireplace. Means a permanently installed masonry *fireplace*; or a factory-built *solid fuel* burning device designed to be used with an air-to-fuel ratio greater than or equal to thirty-five to one and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the *fireplace* design for reasons of safety, building code requirements, or aesthetics.

Garbage. Means putrescible animal or vegetable waste.

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

a. to burn primarily wood but may also be equipped to burn biomass such as corn or wood pellets;
b. not to be located inside structures ordinarily occupied by humans; and
c. to heat spaces or water by the distribution through pipes of a fluid, typically water, heated in the device.

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

Notice of Exemption (NOE). Means a form approved by the Control Officer, ~~,~~ attesting to the fact that the residential or *commercial property*:

a. does not have any *wood-burning device*;
b. has a *fireplace*; or
c. had an *uncertified wood heater* or *hydronic heater removed* from the property prior to sale.

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

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

Pellet Stove. Means a *wood heater* 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.

Permanently Inoperable. Means modified in such a manner that the device can no longer function as a *wood-burning device* or easily be remodified to function as a *wood-burning device*.

Portable Outdoor Wood-Burning Devices. Means any portable outdoor device burning any wood-based fuel for aesthetic or space heating purposes including, but not limited to, burn bowls and chimineas located on parcels zoned for residential use.

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

Residential Property. Means a parcel that contains a dwelling including mobile, manufactured, single, multifamily homes of four or fewer units, and/or land with outbuildings, including but not limited to, barns, sheds, and garages.

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

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.

Sole source of heat. Means one or more *wood-burning devices* which constitute the only source of heating in a residence. No *wood-burning device* or devices shall be considered to be the *sole source of heat* if the residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity or propane.

Solid Fuel. Refers to various forms of solid material that can be burnt to release energy, providing heat and light through the process of combustion.

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

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

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

Undeveloped. Residential or *commercial property* in which the owner has not received a Certificate of Occupancy

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

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

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

a. Free-standing *wood heaters* – *Wood heaters* that are installed on legs, on a pedestal or suspended from the ceiling. These products generally are safety listed under UL-1482, UL-737 or ULC-S627.
b. *Fireplace* insert *wood heaters* – *Wood heaters* intended to be installed in masonry *fireplace* cavities or in other enclosures. These appliances generally are safety listed under UL-1482, UL-737 or ULC-S628.
c. Built-in *wood heaters* – *Wood heaters* that are intended to be recessed into the wall. These appliances generally are safety listed under UL-1482, UL-737, UL- 127 or ULC-S610.

SECTION C – STANDARDS

1. *PARTICULATE MATTER* EMISSION STANDARDS:

   The following emission standards apply to the following new devices manufactured, imported into the United States, and/or sold at retail on or after May 15, 2020, per U.S. EPA Standards of Performance for New Residential *Wood Heaters* (40 CFR 60, subpart AAA) and New Residential *Hydronic Heaters* and Forced-Air Furnaces (40 CFR 60, Subpart QQQQ).

   a. *Wood Heaters*

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

         (a) 2.0 grams of PM per hour (if tested using crib wood); or
         (b) 2.5 grams of PM per hour (if tested using cord wood, with approved method).

   b. *Hydronic Heaters*

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

         (a) 0.10 pounds of PM per million BTU heat output for each burn rate; or
         (b) 0.15 pounds of PM per million BTU heat output for each burn rate (if emissions are tested using cordwood, with approved method).

2. LIMITATION ON NUMBER OF *WOOD-BURNING DEVICES*

a. For residential or commercial properties of parcel size less than 1 acre:

(1) No *wood heaters*, *fireplaces*, or *hydronic heaters* shall be constructed or installed on *undeveloped* parcels;
(2) For *developed* parcels, no new or additional *wood heaters*, *fireplaces*, or *hydronic heaters* shall be constructed or installed;
(a) The replacement of existing *wood heaters*, *fireplaces*, or *hydronic heaters* is permitted pursuant to the requirements described in Section 040.051.A.3.
(3) *Wood heaters* and/or *hydronic heaters* constructed or installed on the parcel prior to the rule adoption date are exempt from the emission standards in Section 040.051.C.1 until such time that the event described in Section 040.051.A.2.b becomes applicable;
(4) Prior to the completion of an event described in Section 040.051.A.2.b, any:

(a) *Uncertified wood heater* shall be:

(i) Replaced with an *EPA-certified* device which meets the current standards at the time of installation, or
(ii) *Removed* from the parcel.

(b) *Hydronic heater* shall be:

(i) *Removed* from the parcel.

b. For residential or commercial properties of parcel size equal to 1 acre or greater and less than 40 acres in size:

(1) One (1) *EPA-certified wood heater* or *fireplace* may be constructed or installed on *undeveloped* parcels;
(2) For *developed* parcels with one (1) or more existing wood burning devices, no new or additional *wood heaters*, *fireplaces*, or *hydronic heaters* shall be constructed or installed;
(a) The replacement of existing *wood heaters*, *fireplaces*, or *hydronic heaters* is permitted pursuant to the requirements described in Section 040.051.A.3.
(3) For *developed* parcels without an existing wood burning device, one (1) *EPA-certified wood heater* may be constructed or installed;
(4) *Wood heaters* and/or *hydronic heaters* constructed or installed on the parcel prior to the rule adoption date are exempt from the emission standards in Section 040.051.C.1 until such time that the event described in Section 040.051.A.2.b becomes applicable;
(5) Prior to the completion of an event described in Section 040.051.A.2.b, any:

(a) *Uncertified wood heater* shall be:

(i) Replaced with an *EPA-certified* device which meets the current standards at the time of installation, or
(ii) *Removed* from the parcel.

(b) *Hydronic heater* shall be:

(i) *Removed* from the parcel.

c. For residential or commercial properties of parcel size equal to 40 acres in size or greater:

(1) One (1) *EPA-certified wood heater*, *fireplace*, or *EPA-certified hydronic heater* may be constructed or installed on *undeveloped* parcels;
(2) For *developed* parcels with one (1) or more existing wood burning devices, no new or additional *wood heaters*, *fireplaces*, or *hydronic heaters* shall be constructed or installed;
(a) The replacement of existing *wood heaters*, *fireplaces*, or *hydronic heaters* is permitted pursuant to the requirements described in Section 040.051.A.3.
(3) For *developed* parcels without an existing wood burning device, one (1) *EPA-certified wood heater* or *EPA-Certified hydronic heater* may be constructed or installed;
(4) *Wood heaters* and/or *hydronic heaters* constructed or installed on the parcel prior to the rule adoption date are exempt from the emission standards in Section 040.051.C.1 until such time that the event described in Section 040.051.A.2.b becomes applicable;
(5) Prior to the completion of an event described in Section 040.051.A.2.b, any:

(a) *Uncertified wood heaters* and/or *hydronic heaters* shall be:

(i) Replaced with an *EPA-certified* device which meets the current standards at the time of installation, or
(ii) *Removed* from the parcel.

d. For residential or commercial parcels in areas designated non-attainment for *particulate matter* or carbon monoxide National Ambient Air Quality Standard as codified in 40 CFR 81.329:

(1) No new or additional *fireplace* or *hydronic heater* may be constructed or installed;
a. The replacement of existing *wood heaters*, *fireplaces*, or *hydronic heaters* is permitted pursuant to the requirements described in Section 040.051.A.3.
(2) *Hydronic heaters* installed on the parcel prior to the rule adoption date are exempt from the emission standards in Section 040.051.C.1 until such time that an event described in Section 040.051.A.2.b becomes applicable;
(3) Prior to the completion of an event described in Section 040.051.A.2.b, any:

(a) *Hydronic heater* shall be:

(i) Replaced with an *EPA-certified* device which meets the current standards at the time of installation, or
(ii) *Removed* from the parcel.

e. For residential or commercial properties in which the *removal* of the *wood-burning device* is required pursuant to this section, the *wood-burning device* may be rendered *permanently inoperable* in lieu of *removal*.

(1) Documentation shall be submitted to the Control Officer as part of the *Certificate of Compliance* process described in Section 040.051.D.3.a;
(2) If at any time a *wood-burning device* that has been previously rendered *permanently inoperable* and approved by the Control Officer goes through an escrow transaction in which a residential or *commercial property* transfers ownership, it shall follow the process established in Section 040.051.D.3.a.

2. VISIBLE EMISSIONS: No person may permit emissions from the *stack* or *chimney* of a *wood-burning device* to exceed an opacity greater than 20% for a period or periods aggregating more than three (3) minutes in any one-hour period. Emissions created during a fifteen (15) minute start-up period are exempt. All other provisions in this regulation, including the prohibition on burning fuels specified in Section 040.051.C.4 or the curtailment of burning during pollution alerts in Section 040.051.E.7, apply during all modes of operation, including startup.

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

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

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

    a. *Seasoned wood* (wood with a moisture content of 20 percent or less) may be sold for immediate use in a *wood-burning device*.
    b. Wood with a moisture content of greater than 20 percent may be sold with a disclosure of the excessive moisture content and a recommended seasoning period to obtain a moisture content of 20 percent or less.

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. No person shall apply for a building permit within Washoe County to install:

   a. an *uncertified wood heater*;
   b. an *EPA-certified wood-burning device* or a *low-emitting device* without a Dealer Affidavit of Sale.

2. WOOD-BURNING DEVICE INSPECTORS: A person may be certified by the Control Officer to inspect and certify that wood-heaters are currently *EPA-certified* or were certified at the time of installation.

   a. To obtain certification, an application shall be submitted to the Control Officer. Certification will be issued upon satisfactory completion of an initial training course provided and set forth by the Control Officer with payment of the fee established by the Board of Health. Annual re-certification shall be required and subject to meeting all the requirements of the Control Officer and payment of the renewal fee.

   b. A certified 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 certified inspector shall indicate:

      (1) whether the *residential property* contains any *wood-burning device*;
      (2) the number of *wood-burning devices* that are *EPA-certified*;
      (3) the number of *wood-burning devices* that are not *EPA-certified*.

3. EXISTING *WOOD-BURNING DEVICES* AND CHANGE OF OWNERSHIP: For any escrow transaction in which a residential or *commercial property* transfers ownership, the current property owner shall obtain either a *Certificate of Compliance* or a *Notice of Exemption*.

   a. *CERTIFICATE OF COMPLIANCE*: Prior to the completion of any escrow transaction in which a residential or *commercial property* transfers ownership, the current property owner shall obtain a *Certificate of Compliance*. The Control Officer shall issue a *Certificate of Compliance*:

      (1) within fourteen (14) calendar days after receipt of a complete and accurate inspection report from a certified *wood-burning device* inspector on the form provided, accompanied by the required documentation and the required fee, unless:

         (a) the report indicates that a *wood-burning device* is *uncertified*. In which case, the device shall be:
            (i) *Removed* from the property, *destroyed* and recycled if recycling is available; or
            (ii) Rendered *permanently inoperable*;
               (1) Following Section D.3.a.(1)(a)(i) and (ii) above, a re-inspection shall be performed by a certified *wood-burning device* inspector before a *Certificate of Compliance* may be issued.
               (2) The re-inspection shall be conducted to confirm the *removal* and destruction or the rendering *permanently inoperable* of the *wood-burning device*.
               (3) If as a result of the re-inspection, it is confirmed that the *wood-burning device* has been *removed* and *destroyed* or rendered *permanently inoperable*, the certified *wood-burning device* inspector shall report this to the Control Officer on the form provided and shall include documentation that the *wood-burning device* has been *removed* and *destroyed* or rendered *permanently inoperable*.

         (b) the Control Officer fails to act within the fourteen (14) calendar day period. After such time, any escrow transaction that requires a *Certificate of Compliance* may be completed in lieu of issuance of said certificate.

(2) If after the issuance of a *Certificate of Compliance* and the property falls of out of escrow, is placed back on the real estate market and re-enters escrow, the *Certificate of Compliance* may be transferred to reflect the new escrow number.
   (a) The request to transfer the *Certificate of Compliance* shall be submitted on the form provided by the Control Officer.
   (b) The form shall be submitted to the Control Officer with the fee established by the Board of Health.
   (c) The Control Officer shall issue the transfer of the *Certificate of Compliance* within fourteen (14) calendar days of receiving a complete and accurate form and the required fee.

b. *NOTICE OF EXEMPTION*: A complete and accurate *Notice of Exemption*, accompanied by the required fee, shall be submitted to the Control Officer within fourteen (14) calendar days after the close of escrow, if:

(1) The residential or *commercial property* does not contain a *wood heater*;
(2) The residential or *commercial property* contains an existing *fireplace* that meets the exemption established in Section 040.051A.3.e;
(3) An *uncertified wood-burning device* has been *removed* from any residential or *commercial property* prior to the close of escrow. The *removal* of any *uncertified wood-burning device* is subject to a verification inspection for a period not to exceed 30 calendar days from the date of close of escrow.

SECTION E – COMPLIANCE AND RECORDS

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

2. LIMITATIONS OF SALE:

    a. New *wood-burning devices* to be sold shall be in compliance with the emission standards set forth in Section 040.051.C.1.
    b. New *wood-burning devices* sold at retail shall have a permanent manufacturer's label indicating they are *EPA-certified* to meet emission limits in Section 040.051.C.1.

3. DEALERS AFFIDAVIT OF SALE:

    a. A person who sells a *wood-burning device* for use within Washoe County shall report the sale to the Control Officer within thirty (30) calendar days from the date of sale on the form provided by the Control Officer.
    b. The form shall be provided by the Control Officer after the person pays the fee established by the Board of Health for that form.
    c. Any person who fails to notify the Control Officer of the sale of a *wood-burning device* will be subject to penalties.

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

    a. remains valid for 270 days, or until the property is transferred or conveyed to a new owner, whichever comes sooner;
    b. does not constitute a warranty or guarantee by the approved inspector or the Control Officer that the *wood-burning device* meets any other standards of operation, efficiency, or safety, except for the emission standards contained in these regulations.

5. FALSIFICATION OF INFORMATION: Any person who falsifies any information associated with any of the following shall be subject to penalties:

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

6. VIOLATION OF VISIBLE EMISSIONS OR PROHIBITED FUELS STANDARDS: A person who violates Sections 040.051.C.3., 040.051.C.4., or 040.051.C.5. shall be issued a warning for the first violation and shall be provided information on proper wood-burning techniques. Subsequent violations shall be subject to penalties.

7. CURTAILMENT OF BURNING DURING EMERGENCY EPISODES: If the concentrations of PM2.5, PM10 or carbon monoxide reach or are predicted to reach the following levels: 35.4 µg/m3 for PM2.5, 154 µg/m3 for PM10, or 9.4 ppm for CO and adverse meteorological conditions are expected to persist, operation of any *wood-burning device* shall be curtailed.

040.055 ODOROUS EMISSIONS (Amended 1/89, Renamed and Revised 10/24/19)

SECTION A – GENERAL

1. PURPOSE: To limit odorous emissions which tend to be:

   a. Offensive to the senses; or

   b. Injurious to health or safety; or

   c. Prevent the enjoyment of life or property.

2. APPLICABLITY: The provisions of this rule shall apply to any anthropogenic odorous emissions into the ambient air.

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

1. Anthropogenic. Caused or produced by humans.

2. Odor Mitigation Plan. A written plan to bring an affected facility into compliance with the standards set in this rule.

3. Residentially Zoned Area. Includes any residential regulatory zone as described by the local municipalities.

SECTION C - STANDARDS

1. ODOROUS EMISSIONS PROHIBITION: The Control Officer may deem an odorous emission a violation if the odor is detectable on a property which is not the source if:

   a. The odor is detectable when one (1) volume of odorous air has been diluted with seven (7) or more volumes of odor free air on any Residentially Zoned Area; or

   b. The odor is detectable when one (1) volume of odorous air has been diluted with fifteen (15) or more volumes of odor free air on any property.

SECTION D – ADMINISTRATIVE REQUIREMENTS

Odor Mitigation Plans as required in Section E of this regulation, must be approved by the Control Officer.

SECTION E – COMPLIANCE AND RECORDS

1. COMPLIANCE DETERMINATION: Measurement by the Control Officer with any instrument, device, or method capable of determining if a prohibited odorous emission has occurred.

2. ODOR MITIGATION PLAN: Upon notice by the Control Officer of a violation of Section C of this rule, the operator of the source facility shall submit an odor mitigation plan within 30 days of receipt of notice. Odor mitigation plans should include the following elements:

a. Facility information:

(1) Name of the facility, physical address of the facility, mailing address of the facility;

(2) Name of the facility owner, phone number of the facility owner, and email address of the facility owner;

(3) Name of the facility operator, phone number of the facility operator, and email address of the facility operator;

(4) Description of facility operations, hours of operation; and

(5) Air Quality Permit to Operate permit number (if applicable).

b. Odorous emission information:

(1) Location and description of odor causing activities; and

(2) Timing and length of odor causing events.

b. Odor Mitigation Practices and Controls:

(1) Staff training;

(2) Procedural activities;

(3) Engineering controls;

(4) Other applicable controls;

(5) System maintenance; and/or

(6) Monitoring of control efficacy.

d. Timeline for implementation of the Odor Mitigation Plan, commencing upon notice from the Control Officer that the Odor Mitigation Plan has been approved.

3. EQUIPMENT FAILURE: All upset or breakdown conditions resulting in increased emissions or air pollutants shall be reported in compliance with District regulations, Section 020.075 and 020.076.

4. RECORDKEEPING:

a. Odor Mitigation Plans shall be made available to all staff in the source facility.

b. All records shall supplied to the Control Officer and available immediately upon request.

5. RECORD RETENTION: Records required to be maintained in Section E.4 of this Rule shall be retained for at least five (5) years.

040.060 SULFUR CONTENT OF FUEL

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

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

1. Solid fuels - 0.7% sulfur, by weight

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

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

$Y = 0.105 X$

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

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

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

040.065 REDUCTION OF ANIMAL MATTER

It is unlawful for any person to burn, or cause to be burned, operate or use, or cause to operate or use, any article, machine, equipment, or other contrivance for the reduction of animal matter unless all gases, vapors, and gas entrained effluents from such an article, machine, equipment or other contrivance are:

A. Incinerated at temperatures of not less than 1400 degrees F for a period of not less than 0.3 seconds; or

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

A person incinerating or processing gases, vapors, or gas entrained effluents, pursuant to this chapter shall provide, properly install and maintain in calibration, in good working order and operation, devices as specified in these regulations or as specified by the Control Officer, for indicating temperature, pressure, or other operating conditions. For the purpose of these regulations, "reduction" is defined as any heated process including rendering, cooking, drying, dehydrating, digesting, evaporation and protein concentration. The provisions or this section shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION A – GENERAL

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

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

   b. Enhanced Vapor Recovery (EVR)

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

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

1. District Approved Vapor Control System means a system that is designed to control vapors released during gasoline transfer operations, and that is certified by either the California Air Resources Board or the New York Department of Environmental Conservation to be at least 95 percent efficient and has been approved by the Control Officer for installation and operation in Washoe County. (Adopted 2/27/91)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. PHASE I EXEMPTIONS:

a. Storage tanks not more than 250 gallons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

040.085 ORGANIC SOLVENTS

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

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

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

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

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

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

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

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

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

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

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

a. All of the following safety switches:

(1) A condenser flow switch and thermostat;

(2) A spray safety switch; and

(3) A vapor level control device.

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

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

than 0.75;

(2) A refrigerated chiller;

(3) A carbon absorption system; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

040.090 CUTBACK ASPHALTS

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

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

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

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

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

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

040.095 OXYGEN CONTENT OF MOTOR VEHICLE FUEL (Amended 9/23/92, 10/25/00, Revised 9/22/05, Suspended 10/24/13)

SECTION A - GENERAL

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

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

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

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

SECTION C - STANDARDS

1. During the Oxygenated Fuels Program Period, no gasoline may be supplied or sold by any person as a final product for fueling motor vehicles within Washoe County, sold at retail, sold to a private or municipal fleet for consumption, or introduced into a motor vehicle in Washoe County by any person, unless the gasoline has at least 2.7% oxygen content by weight.
2. The oxygenate Methyl Tertiary Butyl Ether (MTBE) must not contribute more than 0.05% oxygen by weight to the required 2.7% oxygen by weight (or not more than 0.30% MTBE by volume).

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

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

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

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

SECTION D – ADMINISTRATIVE REQUIREMENTS

1. The Control Officer shall prepare a report to be filed with the Washoe County District

Board of Health by May 1 of each year regarding the results of the oxygenated fuels program. This report shall include an analysis of costs and benefits, investigations of complaints, enforcement activity, and best estimates of air quality improvements resulting from the program.

SECTION E – COMPLIANCE AND RECORDS

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

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

   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.

CHAPTER 040 – PROHIBITED EMISSIONS

NOTE: The *italicized* words and phrases used in this regulation have specific meanings: see SECTION B - DEFINITIONS.

Part 040.110 - ASBESTOS CONTROL STANDARDS (Adopted 3/27/25, Effective 3/27/25)

SECTION A - GENERAL

1. PURPOSE:

The District Board of Health (DBOH) recognizes that airborne *asbestos* is a serious health hazard. *Asbestos* fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma, or asbestosis. The DBOH has adopted this regulation and been delegated by the United States Environmental Protection Agency the authority to enforce the rules found in 40 CFR 61 Subpart M - *Asbestos* to control *asbestos* emissions primarily resulting from *asbestos project*s, *renovation* projects, and *demolition* projects in order to protect the public health.

SECTION B - DEFINITIONS

AHERA BUILDING INSPECTOR means a *person* who has successfully completed the training requirements for a building inspector established by United States Environmental Protection Agency (EPA) *Asbestos* Model Accreditation Plan: Interim Final Rule (40 CFR 763, Appendix C to Subpart E) and whose certification is current.

AHERA PROJECT DESIGNER means a *person* who has successfully completed the training requirements for an abatement project designer established by EPA *Asbestos* Model Accreditation Plan: Interim Final Rule (40 CFR 763, Appendix C to Subpart E) and whose certification is current.

ASBESTOS means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

ASBESTOS-CONTAINING MATERIAL (ACM) means any material containing more than one percent (1%) *asbestos* as determined using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993 or a more effective method as approved or required by EPA. It includes any material presumed to be *asbestos*-containing.

ASBESTOS-CONTAINING WASTE MATERIAL (ACWM) means any waste that contains or is contaminated with *asbestos-containing material*. *Asbestos-containing waste material* includes *asbestos-containing material* that has been removed from a *structure*, disturbed, or deteriorated in a way that it is no longer an integral part of the *structure* or *component*, *asbestos* waste from control equipment, materials used to enclose the work area during an *asbestos project*, *asbestos-containing material* collected for disposal, *asbestos*-contaminated waste, debris, containers, bags, protective clothing, or high efficiency particulate air (HEPA) filters. *Asbestos-containing waste material* does not include samples of *asbestos*-containing material taken for testing or enforcement purposes.

ASBESTOS PROJECT means any activity involving the abatement, *renovation*, *demolition*, removal,

salvage, clean-up or disposal of *asbestos-containing material*, or any other action or inaction that disturbs or is likely to disturb any *asbestos-containing material*. It includes the removal and disposal of *asbestos-containing material* or *asbestos-containing waste material*. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-*asbestos* materials to seal or fill exposed areas where *asbestos* fibers may be released.

ASBESTOS SURVEY means a written report resulting from a thorough inspection performed pursuant to Section C of this Regulation.

ASPHALT SHINGLES means asphalt roofing in shingle form, composed of glass felt or felts impregnated and coated on both sides with asphalt, and surfaced on the weather side with mineral granules. Some asphalt shingle styles are commonly referred to as three-tab shingles.

CATEGORY I NONFRIABLE ACM means *asbestos*-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent *asbestos* as determined using the method specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

CATEGORY II NONFRIABLE ACM means any material, excluding *Category I nonfriable ACM*, containing more than 1 percent *asbestos* as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

COMPETENT PERSON means a *person* who is capable of identifying *asbestos* hazards and selecting the appropriate *asbestos* control strategy, has the authority to take prompt corrective measures to eliminate the hazards, and has been trained and is currently certified in accordance with the standards established by the Nevada Occupational Safety and Health Administration (Nevada OSHA), the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction). A *person* will be deemed competent if they satisfy the requirements found in 40 CFR 61.145 (c) (8).

COMPONENT means any equipment, pipe, structural member, or other item or material.

CONTIGUOUS means touching or adjoining.

CONTROLLED AREA means an area to which only certified *asbestos* workers, the Control Officer or their representative, or other *person*s authorized by the Nevada OSHA, have access; referred to in the federal Occupational Safety & Health Administration regulation 29 CFR Part 1926.1101(b) Definitions as Regulated Area.

DEMOLITION means wrecking, razing, leveling, dismantling, or burning of a *facility*, making the *facility* permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a *facility* (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member.

DISPOSAL CONTAINER means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of *asbestos-containing waste material*.

FACILITY means any institutional, commercial, public, industrial, or residential *structure*, installation, or building (including any *structure*, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, *structure*, or installation that contains a loft used as a dwelling is not considered a residential *structure*, installation, or building. Any *structure*, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

FRIABLE ASBESTOS-CONTAINING MATERIAL means *asbestos-containing material* that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of *demolition*, *renovation*, or disposal. Each of these descriptions is separate and distinct, meaning the term includes *asbestos-containing material* that, when dry, can be:

a. Crumbled by hand pressure or by the forces expected to act upon the material in the course of *renovation*, *demolition*, or disposal.

b. Pulverized by hand pressure or by the forces expected to act upon the material in the course of *renovation*, *demolition*, or disposal; or

c. Reduced to powder by hand pressure or by the forces expected to act upon the material in the course of *renovation*, *demolition*, or disposal.

Such materials include, but are not limited to, *thermal system insulation*, *surfacing material*, Nicolet roofing paper and similar *asbestos* papers.

HOMOGENEOUS AREA means an area of *surfacing material*, *thermal system insulation* material, or a miscellaneous material that is uniform in color or texture. Unless approved otherwise by the Control Officer or their representative, rubble piles, debris piles, ash, soil, and similar materials are not *homogeneous area*s.

LEAK-TIGHT CONTAINER means a dust-tight and liquid tight *disposal container*, at least 6-mil thick, that encloses *asbestos-containing waste material* and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

NONFRIABLE ASBESTOS-CONTAINING MATERIAL means *asbestos-containing material* that is not friable (e.g., when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of *demolition*, *renovation*, or disposal).

NONFRIABLE ASBESTOS-CONTAINING ROOFING means an *asbestos*-containing roofing material where all the following apply:

a. The roofing is a nonfriable *asbestos-containing material*;

b. The roofing is in good condition and is not peeling, cracking, or crumbling;

c. The roofing binder is petroleum-based and *asbestos* fibers are suspended in that base with individual fibers still encapsulated; and

d. The roofing binder exhibits enough plasticity to prevent the release of *asbestos* fibers in the process of removing and disposing of it.

OWNER'S AGENT means any *person* who leases, operates, controls, or is responsible for an *asbestos project*, *renovation*, *demolition*, or property subject to 040.110 of this Regulation. It also includes the *person*(s) submitting a notification pursuant to Section D of this Regulation and/or performing the *asbestos survey*.

PERSON means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

REGULATED ASBESTOS-CONTAINING MATERIAL (RACM) means

a. Friable *asbestos* material,

b. *Category I nonfriable ACM* that has become friable,

c. *Category I nonfriable ACM* that will be or has been subjected to sanding, grinding, cutting, or abrading, or

d. *Category II nonfriable ACM* that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of *demolition* or *renovation* operations regulated by this rule.

RENOVATION means altering a *structure* or *component* in any way, other than *demolition*.

SINGLE-FAMILY RESIDENCE means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile (permanent and primary residence) both prior to and after *renovation* or *demolition*, and can demonstrate such to the Control Office or their representative upon request (e.g., utility bills). This term includes houses, mobile homes, trailers, detached garages, outbuildings, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include multiple unit buildings (e.g., duplexes and condominiums with five or more units) or multiple-family units, nor does this term include any mixed-use building (e.g., a business being operated out of a residence), *structure*, or installation that contains a residential unit. This term does not include *structure*s used for structural fire training exercises (Prohibited Emissions, 040.040 and 40 CFR 61, Subpart M), *structure*s previously subject to the federal *asbestos* NESHAP (40 CFR 61, Subpart M), *structure*s that are part of a larger installation (e.g., military base, company housing, apartment complex, housing complex, institution, industrial operation, etc.), or government ordered *demolition*s.

STRUCTURE means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial buildings, mobile homes, bridges, "smoke" stacks, pole-buildings, canopies, lean-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

SURFACING MATERIAL means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing material on structural members, or other material on surfaces for decorative purposes.

SUSPECT ASBESTOS-CONTAINING MATERIAL means material that has historically contained *asbestos* including, but not limited to, *surfacing material*, *thermal system insulation*, roofing material, fire barriers, gaskets, flooring material, and cement siding. Suspect *asbestos-containing material* must be presumed to be *asbestos-containing material* unless demonstrated otherwise (e.g., as determined using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993).

THERMAL SYSTEM INSULATION (TSI) means material applied to pipes, fittings, boilers, tanks, ducts, or other structural *component*s to prevent heat loss or gain.

VISIBLE EMISSIONS means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.

WALLBOARD SYSTEM means wallboard where joint compound and tape is specifically applied to cover nail holes, joints, and wall corners. It does not mean "add on materials" such as sprayed on materials, paints, textured ceilings, or wall coverings. A *wallboard system* where joint compound and tape have become an integral system (40 CFR 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an *asbestos-containing material*.

WASTE GENERATOR means any owner or *owner's agent* that generates, produces, or is in part or whole, responsible for an activity that results in *asbestos*-containing waste material.

WORKDAY means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.

SECTION C - ASBESTOS SURVEY REQUIREMENTS

1. Except as provided for in Section C.6 of this Regulation, it shall be unlawful for any *person* to cause or allow any *renovation*, *demolition*, or *asbestos project* at a regulated *facility* unless the property owner or the *owner's agent* first obtains an *asbestos survey*, performed by an *AHERA building inspector*.

2. *Asbestos Survey* Procedures.

    a. An *asbestos survey* must consist of a written report resulting from a thorough inspection performed by an *AHERA building inspector*. The *AHERA building inspector* must use the procedures in EPA regulations 40 CFR 763.86 or an alternate *asbestos survey* method pursuant to Section C.6.b of this Regulation. The inspection, and resulting *asbestos survey* report, must be performed to determine whether materials, *component*s, or *structure*s to be worked on, renovated, removed, disturbed, impacted, or demolished (including materials on the outside of *structure*s) contain *asbestos*.

    b. Except as provided for in Section C.6 of this Regulation, only an *AHERA building inspector* may determine, by performing an *asbestos survey*, that a material is not a *suspect asbestos-containing material* (ACM) and that a suspect ACM does not contain *asbestos*.

    c. The required number of bulk *asbestos* samples must be collected per the sampling procedures detailed in EPA regulations 40 CFR 763.86 and analyzed pursuant to this Article to determine that *suspect ACM* does not contain *asbestos*.

(1) *Surfacing Material* - An *AHERA building inspector* shall collect, in a statistically random manner, a minimum of three bulk samples from each *homogeneous area* of any *surfacing material* that is not assumed to be *ACM*, and shall collect the samples as follows:

(a) At least three (3) bulk samples shall be collected from each *homogeneous area* that is 1,000 square feet or less.

(b) At least five (5) bulk samples shall be collected from each *homogeneous area* that is greater than 1,000 square feet but less than or equal to 5,000 square feet.

(c) At least seven (7) bulk samples shall be collected from each *homogeneous area* that is greater than 5,000 square feet.

(2) *Thermal System Insulation (TSI)*

(a) Except as provided in paragraphs (2).(b)-(d) of this section and 40 CFR 763.87(c), an accredited inspector shall collect, in a randomly distributed manner, at least three bulk samples from each *homogeneous area* of *TSI* that is not assumed to be *ACM*.

(b) Collect at least one bulk sample from each *homogeneous area* of patched *TSI* that is not assumed to be *ACM* if the patched section is less than 6 linear or square feet.

(c) In a manner sufficient to determine whether the material is *ACM* or not *ACM*, collect bulk samples from each insulated mechanical system that is not assumed to be *ACM* where cement or plaster is used on fittings such as tees, elbows, or valves, except as provided under 40 CFR 763.87(c)(2).

(d) Bulk samples are not required to be collected from any *homogeneous area* where the accredited inspector has determined that the *TSI* is fiberglass, foam glass, rubber, or other non-*suspect asbestos-containing material.*

(3) Miscellaneous material - An *AHERA building inspector* shall collect, in a manner sufficient to determine whether material is *ACM* or not *ACM*, at least two (2) bulk samples from each *homogeneous area* of any miscellaneous material that is not assumed to be *ACM*.

(4) Bulk samples must be analyzed by laboratories accredited by the National Institute of Standards and Technology's (formerly the National Bureau of Standards) National Voluntary Laboratory Accreditation Program (NVLAP), or an equivalent standard approved by the Control Officer or their representative. Except for *wallboard system*s as defined in Section B, bulk samples shall not be composited for analysis.

(5) Bulk samples shall be analyzed for *asbestos* content by polarized light microscopy (PLM) using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993 or a more effective method as approved or required by EPA.

3. *Asbestos Survey* Report.

These requirements apply to *asbestos survey*s, regardless of when they were performed. Except where additional information is required pursuant to EPA Regulation 40 CFR 763.85, *asbestos survey*s shall contain, at a minimum, all the following information:

a. General Information.

(1) Date that the inspection was performed;

(2) *AHERA Building Inspector* signature, certification number, date certification expires, and name and address of entity providing *AHERA Building Inspector* certification;

(3) Site address(es) / location(s) where the inspection was performed;

(4) Description of the *structure*(s) / area(s) inspected (e.g., use, approximate age, and approximate outside dimensions);

(5) The purpose of the inspection (e.g., pre-*demolition asbestos survey, renovation* of second floor, removal of acoustical ceiling texturing due to water damage, etc.), if known;

(6) Detailed description of any limitations of the *asbestos survey* (e.g., inaccessible areas not inspected, survey limited to *renovation* area, etc.);

(7) Identify and describe all *homogeneous area*s of *suspect asbestos-containing materials*, except where limitations of the *asbestos survey* identified in Section C.3.a.(6) (paragraph above) prevented such identification and include whether each homogeneous material is *surfacing material*, *thermal system insulation*, or miscellaneous material;

(8) Identify materials presumed to be *ACM*;

(9) Exact location where each bulk *asbestos* sample was taken (e.g., schematic and/or other detailed description sufficient for any *person* to match the material(s) sampled and tested to the material(s) on site);

(10) Complete copy of the laboratory report for bulk *asbestos* samples analyzed, which includes all the following:

(a) Laboratory name, address and NVLAP certification number;

(b) Bulk sample numbers;

(c) Bulk sample descriptions;

(d) Bulk sample results showing *asbestos* content;

(e) Name of the *person* at the laboratory that performed the analysis; and

(f) Chain of Custody.

b. Information Regarding *ACM*s (including those presumed to contain *asbestos*).

(1) Describe the color of each *ACM*;

(2) Identify the location of each *ACM* within a *structure*, on a *structure*, from a *structure*, or otherwise associated with the project (e.g., schematic and/or other detailed description);

(3) Provide the approximate quantity of each *ACM* (generally in square feet or linear feet); and

(4) Describe the condition of each *ACM* (e.g., good, damaged). If the *ACM* is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, fire damage).

4. *Asbestos Survey* Posting.

Except as provided for in Section C.6 of this Regulation, a complete copy of an *asbestos survey* must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by the Control Officer or their representative and all *person*s at the work site. This applies even when the *asbestos survey* performed by an *AHERA Building Inspector* states there are no *asbestos-containing materials* in the work area. During *demolition*, if it is not practical to post the *asbestos survey*, it must be readily accessible and made readily available for inspection by the Control Officer or their representative and all *person*s at the *demolition* site.

5. *Asbestos Survey* Retention.

The property owner, *owner's agent*, and the *AHERA building inspector* that performed the *asbestos survey* (when the *asbestos survey* has been performed by an *AHERA building inspector*), shall retain a complete copy of the *asbestos survey* for at least 24 months from the date the inspection was performed and provide a copy to the Control Officer or their representative upon request.

6. Exceptions.

a. Presuming Suspect *ACM*s are *ACM*s.

It is not required that an *AHERA building inspector* evaluate (e.g., sample and test) any material presumed to be *ACM*. If material is presumed to be *ACM*, this determination shall be posted by the property owner or the *owner's agent* in a readily accessible and visible area at the work site for all *person*s at the work site. The determination shall include a description, approximate quantity, and location of presumed *ACM* within a *structure*, on a *structure*, from a *structure*, or otherwise associated with the project. The property owner, *owner's agent*, and the *person* that determined that material would be presumed to be *ACM*, shall retain a complete copy of the written determination for at least 24 months from the date it was made and shall provide a copy to the Control Officer or their representative upon request. Except for Section C.1-6, all other requirements of this Regulation remain in effect.

b. Alternate *Asbestos Survey*.

A written alternate *asbestos survey* method shall be prepared and used on occasions when conventional sampling methods required in EPA regulations 40 CFR 763.86 cannot be exclusively performed (all other *asbestos survey* requirements in Section C of this Regulation apply). For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof (e.g., when materials are not intact or *homogeneous area*s are not identifiable). Conventional sampling methods shall not be used for rubble or debris piles, and ash or soil unless approved otherwise in writing by the Control Officer or their representative. If conventional sampling methods cannot exclusively be used and material is not presumed to be *ACM*, alternate *asbestos survey* methodology must be used alone or, when possible, in combination with conventional survey methodology. An alternate *asbestos survey* methodology typically includes random sampling according to a grid pattern (e.g., random composite bulk samples at incremental 1' depths from 10' x 10' squares of a debris pile) but is not limited to such. An illustration of how the principles of such sampling techniques is applied can be found in the EPA publication, *Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies*, EPA/600/R-92/128, July 1992.

c. *Demolition*, *Renovation*, or Fires Set for Public Safety Training Purposes.

*Asbestos survey*s need to be performed by an *AHERA Building Inspector* for *demolition*, *renovation*, or fires set for public safety training purposes.

d. Underground Storage Tanks.

An *asbestos survey* is not required prior to *renovation* or *demolition* of an underground storage tank. However, if suspect *ACM* is identified during the *renovation* or *demolition* of an underground storage tank, work shall cease until it is determined pursuant to Section C of this Regulation whether or not the suspect *ACM* is *ACM*. All other requirements of this Regulation remain in effect.

SECTION D - NOTIFICATION (PERMIT) REQUIREMENTS

1. General Requirements.

Except as provided for in Section D.1.h, it shall be unlawful for any *person* to cause or allow any work on an *asbestos project* or *demolition* unless a complete notification, including the required fee, and any additional information requested, has been submitted to the Control Officer or their representative, in accordance with the notification waiting period requirements in Section D.1.a of this Regulation. Unless otherwise approved or required by the Control Officer or their representative, the notification must be submitted by the property owner or *owner's agent*. Notifications will not be accepted if the earliest project start date is greater than 365 days from the date of submittal.

a. When the Notification Waiting Period Begins.

The notification waiting period shall begin on the *workday* a complete notification is postmarked or received by the Control Officer or their representative and shall end after the notification waiting period defined in this section has passed (e.g., The notification waiting period for a notification submitted at the Air Quality Management Division (AQMD) place of business after the last pickup

time on a Friday shall not begin until the following Monday. A 10-day notification period means work on an *asbestos project* or *demolition* can begin on day 11.). A notification is considered complete when all information requested on the notification, including the required fee and any additional information requested by the Control Officer or their representative, is received. The notification waiting period shall not begin for incomplete notifications (e.g., unpaid fees, notifications where the *asbestos project* start date and/or completion date and/or *demolition* start date is listed as "To Be Determined", when types and quantities of *asbestos* to be removed are unknown, etc.).

b. Project Duration.

The duration of an *asbestos project* shall be commensurate with the amount of work involved. The duration of the project may take into account applicable scheduling limitations (e.g., *asbestos* removal that needs to be done in phases, based on scheduling limitations determined by the property owner). The daily *asbestos project* work schedule must be provided by the owner or *owner's agent* to the Control Officer or their representative upon request.

c. Projects Involving Asbestos Abatement in Multiple *Structure*s or Multiple Areas of a *Facility*

Notification is required if the total combined quantity of *RACM* to be removed meets or exceeds any of the *asbestos project* thresholds at the *facility*. This includes *contiguous* properties having the same owner or *contiguous* properties with the same owner separated only by a public right-of-way (e.g., alley or roadway). A single notification must be submitted listing the total quantity of *RACM* to be removed, including an addendum of the quantity to be removed from each *structure*.

d. Projects Involving the *Demolition* of Multiple *Structure*s.

A separate *Demolition* Notification must be submitted for each parcel where a *structure* or *structure*s will be demolished.

e. Notification Expiration.

Notifications are valid for no more than 365 days from the earliest original notification start date. A new notification shall be submitted to the Control Officer or their representative for work to be performed beginning or continuing more than 365 days from the earliest original notification start date and shall be accompanied by the appropriate fee established by the DBOH as specified in the fee schedule. The Control Officer or their representative may revoke a notification for cause (e.g., providing any false material statement, representation, or certification). Reason(s) for revocation shall be provided to the owner or *owner's agent*. If a notification is revoked, a new notification shall be submitted with the appropriate fee established by the DBOH as specified in the fee schedule.

f. Notification Posting.

A copy or printout of the notification and all amendments to the notification must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by the Control Officer or their representative and all *person*s at the *asbestos project* or *demolition* site. During *demolition*, if it is not practical to post the *asbestos survey*, it must be readily accessible and made readily available for inspection by the Control Officer or their representative and all *person*s

at the *demolition* site.

g. Notification Retention.

The property owner and *owner's agent* (including the *person* that filed the notification), shall retain a complete copy of all notification records for at least 24 months from the date the notification was filed with the AQMD and provide a copy to the Control Officer or their representative upon request.

h. Notification Exceptions.

(1) *Asbestos Project* Thresholds.

Notification is not required for *asbestos project*s involving less than 260 linear feet, 160 square feet or 35 cubic feet (per *structure*, per calendar year) of any *RACM*. Owners and/or *owner's agent*s must file notification once the 260 linear feet,160 square feet or 35 cubic feet has been reached on any *asbestos project* or multiple *asbestos project*s (per *structure*, per calendar year).

(2) Nonfriable *ACM*s: Caulking, Window-Glazing, Roofing.

Except for nonfriable roofing removed in accordance with Section H.2 (Leaving *Nonfriable Asbestos-Containing Roofing* Material in Place During *Demolition*) or Section H.3 (Exception for Hazardous Conditions), notification is not required for removal and disposal of the following *nonfriable ACM*s where the *nonfriable ACMs* will remain nonfriable: caulking, window-glazing, or roofing (roofing used on roofs versus other applications). All other *asbestos project*s and *demolition* requirements remain in effect except as provided by this rule.

(3) *Single-Family Residence*s.

For an *asbestos project* involving a *single-family residence* a notification is not required. A *demolition* of a *single-family residence* does require notification which must be submitted by the *owner's agent* on approved forms. All other *asbestos project* and *demolition* requirements remain in effect except as provided by this rule.

(4) Underground Storage Tanks.

Notification is not required for *demolition* of underground storage tanks with no *asbestos*. All other *asbestos project* and *demolition* requirements remain in effect except as provided by this rule.

(5) *Demolition* of *Structure*s with a Projected Roof Area less than or equal to 120 Square Feet.

Notification is not required for *demolition* of *structure*s with a projected roof area less than or equal to 120 square feet unless *ACM* is present. If *ACM* is present, *asbestos project* notification requirements apply. All other requirements remain in effect except as provided by this rule.

(6) Abandoned *ACM*.

The Control Officer or their representative may waive part or all of the notification waiting period and project fee, by written authorization, for removal and disposal of abandoned (without the knowledge or consent of the property owner) *ACM*s and for *demolition* of abandoned *structure*s. All other requirements remain in effect.

(7) Emergencies.

The advance notification period does not apply if an *asbestos project* or *demolition* must be conducted immediately because of any of the following:

(a) There was a sudden, unexpected event that resulted in a public health or safety hazard;

(b) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;

(c) *ACM*s were encountered that were not identified during the *asbestos survey*; or

(d) The project must proceed to avoid imposing an unreasonable financial burden.

(8) State of Emergency.

If a state of emergency is declared by an authorized local, state, or federal governmental official due to a storm, flooding, or other disaster, the Control Officer or their representative may temporarily waive part or all the project fee(s) by written authorization. The written authorization shall reference the applicable state of emergency, what fee(s) will be waived, to what extent the fee(s) will be waived, and the effective date(s) of the fee(s) waiver.

(9) Annual Notification.

A property owner or owner's agent may file one or more annual notifications if all the following conditions are met:

(a) If more than one annual notification is filed for the same real property, there must not be duplication of *structure*s listed on the annual notifications.

(b) The total amount of *ACM* for all *asbestos project*s performed under an annual notification is less than or equal to 259 linear feet and less than or equal to 159 square feet per *structure*, per calendar year.

(c) The annual notification is valid for one calendar year.

(d) The annual notification is exempt from the requirements in Sections D.1.b and D.1.e. All other requirements apply.

(e) Quarterly reporting forms approved by the Control Officer or their representative shall be completed and received by the Control Officer or their representative for the first calendar quarter by April 15, for the second calendar quarter by July 15, for the third calendar quarter

by October 15, and for the fourth calendar quarter by January 15. Quarterly reports shall be filed with the Control Officer or their representative even when no *asbestos-containing material* is removed for the respective reporting period.

2. Revisions.

Mandatory Revisions

Revisions must be submitted by the *person* or party that originally submitted the notification unless that *person* or party explicitly names another *person* or party that is authorized to file a revision. A revision shall be submitted to the Control Officer or their representative for any of the following changes in notification, must be submitted in accordance with Section D.1 and if applicable, shall be accompanied by the appropriate non-refundable fee as set forth in the fee schedule:

a. Project Cancellation.

Cancellation of a project filed under a notification.

b. Job Size.

Increases in the job size category, which increase the fee or changes the advance notification period. For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted. When there is an increase in the job size category which increases the fee, the additional quantities of *ACM* must be itemized on the notification form.

c. Type of Asbestos.

Changes in the type or new types of *ACM* that will be removed. All types and quantities of *ACM* must be itemized on the notification form.

d. Start / End Dates.

Changes in the project date (i.e., *asbestos* removal start date, *asbestos* removal end date or earliest *demolition* start date). This includes placing a project "on hold" (e.g., an *asbestos project* is temporarily delayed, and a new project date has not been determined). Placing a project "on hold" is limited to *asbestos project*s where the remaining types and quantities of *ACM* to be removed are known. When placing a project "on hold", the remaining types and quantities of *ACM* to be removed from each *structure* shall be itemized on the notification form. If an *asbestos project* date is placed "on hold", a notification taking it "off hold" must be filed prior to work on the *asbestos project* resuming.

e. Completion Date.

Except as provided below, in the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to the Control Office or their representative and shall be accompanied by the appropriate non-refundable fee as set forth in the fee schedule. Where

the notification project type indicates *asbestos* removal, the last completion date on record refers to the last *asbestos* removal completion date on record.

(1) Completion Date Extension.

Where the notification project type indicates *asbestos* removal only or *asbestos* removal and *demolition*, the last *asbestos* removal completion date on record has already passed, when an *asbestos survey* was performed that was designed to address the full scope of the *renovation* or *demolition* being performed, and when *ACM*s are discovered unexpectedly prior to or during *renovation* or *demolition* and those materials were not identified in an *asbestos survey*, the owner or *owner's agent* may request that the Control Officer or their representative accept an amendment under this section for removal of additional *ACM*. In making the request, the owner or *owner's agent* shall submit a copy of the *asbestos survey* to the Control Officer or their representative. If the Control Officer or their representative does not approve an amendment under this section, a new notification must be submitted pursuant to Section D.1 of this rule for removal of additional *ACM*.

f. Adding *Structure*s.

Adding one or more *structure*s to a previously submitted notification.

(1) Revisions cannot be used to add *structure*s to a previously submitted notification unless one or more of the following applies:

(a) The *structure*(s) meet(s) the definition of a *single-family residence* and the last completion date on record has not passed; or

(b) The *structure*(s) is/are added prior to the earliest start date listed on the original notification.

(2) The multiple *asbestos project* and *demolition* requirements in Section D.1.c and other applicable requirements apply.

SECTION E - ASBESTOS DISTURBANCE

1. Removal to Prevent Disturbance.

Except as provided in Section H of this Regulation, it shall be unlawful for any *person* to cause or allow any *renovation*, *demolition*, or other action or inaction that may:

a. Disturb *ACM* without first removing all *asbestos-containing material* in accordance with the requirements of this Regulation; or

b. Damage a *structure* so as to preclude access to *ACM* for future removal, without first removing all *ACM* in accordance with the requirements of this Regulation.

2. Conditions that will Likely Result in Disturbance.

Except as provided in Section H of this Regulation, it shall be unlawful for any *person* to create or allow

a condition, involving an existing *structure* or *component*, that will likely result in the disturbance of *asbestos-containing material* (e.g., not removing all *ACM* in a *structure* scheduled for *demolition*; not completely removing *ACM* identified for removal by the last *asbestos* removal completion date on record; leaving *ACM* in a state that makes it more susceptible to being disturbed; *ACM* that is peeling, delaminating, crumbling, blistering, or other similar condition; etc.).

3. Reuse.

   ACM (as determined in Section C.3.b.(4) when an *asbestos survey* is performed) may not be removed for reuse, stored for reuse, or transported for reuse. *ACM* will not be reused, and it must be handled and disposed of in accordance with this Regulation.

4. If Disturbance Occurs.

   Suspect *ACM* that has been disturbed must be removed as soon as possible and disposed of in accordance with this Regulation unless an *asbestos survey*, performed in accordance with Section C of this Regulation, demonstrates that suspect *ACM*s are not *ACM*s.

SECTION F - PROCEDURES FOR ASBESTOS PROJECTS

1. Training Requirements.

   It shall be unlawful for any *person* to cause or allow any work on an *asbestos project* at a regulated *facility* defined by these regulations, unless it is performed by *person*s trained and certified in accordance with the standards established by the State of Nevada Department of Business and Industry Industrial Relations, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current. This certification requirement does not apply to *asbestos project*s conducted in an owner-occupied, *single-family residence* performed by the resident owner of the dwelling.

2. Standard *Asbestos Project* Work Practices.

   Standard *asbestos project* work practices require manual removal methods unless otherwise approved by the Control Officer or their representative. Examples of mechanical work practices which may be approved include, but are not limited to, the use of a stationary fixed blade attached to a motorized vehicle for removal of *asbestos*-containing floor tile and self-contained shot blasting equipment fitted and operated with HEPA filtration. The use of mechanical work practices to remove *ACM*s will result in those materials being classified as *RACM* regardless of the category or initial condition of the *ACM* determinations found in an *asbestos survey*, performed in accordance with Section C of this Regulation. Standard *asbestos* work practices require removal of *ACM* using all procedures described in Section F.2.a-f. Except as provided in Sections H.1-3 of this Regulation, it shall be unlawful for any *person* to cause or allow the removal or disturbance of *ACM* unless all the following requirements are met:

   a. *Controlled Area*.

      The *asbestos project* shall be conducted and maintained in a *controlled area*, clearly marked by barriers and *asbestos* warning signs. Access to the *controlled area* shall be restricted to authorized personnel only, including occasions when *asbestos* abatement is not actively occurring (e.g., when

workers are on break or off-site).

b. Negative Pressure Enclosure.

If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

c. Wetting *ACM* Prior to and During Removal.

(1) Absorbent *ACM*s, such as *surfacing material* and *thermal system insulation*, shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated absorbent *ACM* exposed during removal shall be immediately saturated with a liquid wetting agent and kept wet until sealed in *leak-tight container*s.

(2) Nonabsorbent *ACM*s, such as cement *asbestos* board or vinyl *asbestos* tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent *asbestos-containing material* exposed during removal shall be immediately coated with a liquid wetting agent and kept wet until sealed in leak-tight containers.

(3) Metal *component*s (such as valves, fire doors, and reactor vessels) that have internal *ACM* do not require wetting of the *ACM* if all access points to the *ACM* are welded shut or the *component* has mechanical seals, which cannot be removed by hand, that separate the *ACM* from the environment.

d. Handling.

Except for *surfacing material* being removed inside a negative pressure enclosure, *ACM* that is being removed, has been removed, or may have fallen off *component*s during an *asbestos project* shall be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

e. *Asbestos-Containing Waste Material*.

(1) All absorbent, *asbestos-containing waste material* shall be kept saturated with a liquid wetting agent until sealed in *leak-tight container*s. All nonabsorbent, *asbestos-containing waste material* shall be kept coated with a liquid wetting agent until sealed in *leak-tight containers*.

(2) All *asbestos-containing waste material* resulting from an *asbestos project* shall be sealed in *leak-tight container*s as soon as possible after removal, but no later than the end of each work shift.

(3) The exterior of each *leak-tight container* shall be free of all *asbestos* residue and shall be permanently labeled with an *asbestos* warning sign as specified by the federal Occupational Safety and Health Administration.

(4) Immediately after sealing, each *leak-tight container* shall be permanently marked with the date the material was collected for disposal, the name of the *waste generator*, and the address at

which the waste was generated. This marking must be made at the site where the waste was generated and must be readable without opening the container.

(5) *Leak-tight container*s shall not be dropped, thrown, slid, or otherwise damaged.

(6) *Asbestos-containing waste material* shall be stored in a *controlled area* until transported to, and disposed of at, a waste disposal site approved to accept *asbestos-containing waste material*.

f. *Visible Emissions*

No *visible emissions* shall result from an *asbestos project*.

SECTION G - PROCEDURES FOR NONFRIABLE ASBESTOS-CONTAINING ROOFING MATERIAL

All the following *asbestos* removal methods shall be employed for *nonfriable asbestos-containing roofing* material as defined in Section B of this Regulation:

1. The nonfriable *asbestos*-containing roofing material shall be removed using methods, such as spud bar and knife, which do not render the material friable. *Non-friable asbestos-containing roofing* materials subjected to sanding, grinding, cutting, or abrading shall be considered *RACM* and subject to Section D – Notification (Permit) Requirements and Section F – Procedures for Asbestos Projects.

2. After being removed, *nonfriable asbestos-containing roofing* material shall be carefully lowered to the ground or the floor, not dropped, thrown, or otherwise damaged and transferred to a *disposal container* as soon as possible after removal. In no case shall the transfer occur later than the end of each work shift.

3. Each *disposal container* shall be transported to, and disposed of at, an approved waste disposal site in compliance with applicable local, state, and federal regulations.

4. No *visible emissions* shall result from an *asbestos project*.

SECTION H - ALTERNATE MEANS OF COMPLIANCE

1. Alternate *Asbestos Project* Work Practices for Removing *ACM* Prior to *Renovation* or *Demolition*.

Unless otherwise approved by the Control Officer or their representative in writing, alternate means of compliance must be used where standard *asbestos project* work practices in Section F.2 cannot be utilized to remove *ACM* (financial considerations aside) prior to *renovation* or *demolition*; when *ACM* has been disturbed or is otherwise no longer intact (e.g., when *demolition* has already occurred or a similar situation exists, typically leaving a pile / area of debris, rubble, ash, or soil); or when mechanical methods are used for removal. Projects performed under this section must be performed under the alternate *asbestos project* work practice notification category and must comply with all the following:

a. Qualifications of *Person*(s) Preparing an Alternate Work Plan (AWP).

An *AHERA Project Designer* must evaluate the work area, the type and quantity (known or estimated) of *ACM*, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be as effective as the work practices in Section F.2 of this

Regulation.

b. AWP Contents.

The AWP must contain all the following information:

(1) Reason(s) why standard work practices cannot be utilized;

(2) Date(s) the work area was evaluated by the *person*(s) that prepared the AWP;

(3) Site address(es) / location(s) where the inspection was performed;

(4) The purpose of the evaluation (e.g., *asbestos* removal from an electrical *structure* or *component* where standard wet methods cannot be utilized, removal and disposal of a debris pile resulting from a fire-damaged *structure*, etc.);

(5) If an *asbestos survey* was performed, include a copy, or incorporate it by reference;

(6) All procedures that will be followed for controlling *asbestos* emissions during the *asbestos project*;

(7) Procedures that will be followed for the final inspection of the property to ensure that *ACM* has been removed and disposed of in accordance with applicable regulations;

(8) A statement that the AWP will be as effective as the work practices in Section F.2;

(9) Signature(s) of the *person*(s) that prepared the AWP; and

(10) *AHERA Project Designer*, certification number, date certification expires, and name and address of entity providing *AHERA Project Designer* certification.

c. *Asbestos Survey*.

If an *asbestos survey* is not performed pursuant to Section C of this Regulation, it must be presumed that the *asbestos project* involves *friable* and *nonfriable ACM*.

d. AWP Procedures.

The AWP must identify in detail all procedures that will be followed for controlling *asbestos* emissions during the *asbestos project* (e.g., during *asbestos* removal, when workers are off-site, etc.). All procedures and requirements in the AWP must be followed. Unless alternate procedures are specified in the AWP by an *AHERA Project Designer*, the AWP shall include all the requirements in Section H.1.d.(1)-(6), below.

(1) *Controlled Area*.

The *asbestos project* shall be conducted in a *controlled area*, clearly marked by barriers and

asbestos warning signs. Access to the *controlled area* shall be restricted to authorized personnel only. The *controlled area* shall protect *person*s outside the *controlled area* from potential exposure to airborne *asbestos*.

(2) Wetting.

All materials and debris shall be handled in a wet condition.

(a) Absorbent materials shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately.

(b) Nonabsorbent materials shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during the removal. They shall be wetted after removal, as necessary, to ensure they are wet when sealed in *leak-tight container*s. Any dry surfaces exposed during removal shall be wetted immediately.

(3) *Asbestos-containing waste material*s.

(a) All *asbestos-containing waste material* and/or *asbestos* contaminated waste material shall be kept wet and shall be sealed in *leak-tight container*s while still wet, as soon as possible after removal but no later than the end of each work shift.

(b) The exterior of each *leak-tight container* shall be free of all *asbestos* residue and shall be permanently labeled with an *asbestos* warning sign as specified by the federal Occupational Safety and Health Administration.

(c) Immediately after sealing, each *leak-tight container* shall be permanently marked with the date the material was collected for disposal, the name of the *waste generator*, and the address at which the waste was generated. This marking must be readable without opening the container.

(d) *Leak-tight container*s shall be kept leak-tight.

(e) The *asbestos-containing waste material* shall be stored in a *controlled area* until transported to an approved waste disposal site.

(4) Air Monitoring.

Procedures that shall be followed for air monitoring at the outside perimeter of the *controlled area*, both upwind and downwind, to ensure that the *asbestos* fiber concentrations do not exceed a net difference (between concurrent upwind and downwind monitoring results) of 0.01 fibers per cubic centimeter (f/cc) as determined by the NIOSH Manual of Analytical Methods, Method 7400 (*asbestos* and other fibers by PCM).

(a) The procedures shall require that any air sampling cassette(s) that become(s) overloaded with dust be immediately replaced. Work shall stop until an *AHERA Project Designer* has re-

evaluated the engineering controls for dust control, revised the AWP as necessary, and the owner or *owner's agent* implements all revisions to the AWP.

(b) The Control Office or their representative shall immediately be notified by the owner or *owner's agent* if the airborne fiber concentrations exceed a net difference of 0.01 f/cc and work shall stop until an *AHERA Project Designer* has re-evaluated the engineering controls, revised the AWP as necessary, and the owner or *owner's agent* implements all revisions to the AWP.

(5) *Competent Person*.

(a) A *competent person* shall be present for the duration of the *asbestos project* (includes *demolition*) and shall observe work activities at the site.

(b) The *competent person* shall stop work at the site to ensure that friable *ACM* found in the debris, which can readily be separated, is removed from the main waste stream, and is placed and maintained in *leak-tight container*s for disposal.

(c) The *competent person* shall stop work if AWP procedures are not being followed and shall ensure that work does not resume until procedures in the AWP are followed.

(6) Separation of Materials.

If the project involves separation of clean(ed) materials from debris piles (e.g., rubble, ash, soil, etc.) that contain or are contaminated with *ACM*s, the material separation procedures shall be included in the AWP. In addition to these procedures, the following requirements apply:

(a) The AWP shall identify what materials will be separated from the *ACM* waste stream and shall describe the procedures that will be used for separating and cleaning the materials. All materials removed from the *asbestos-containing waste material* stream shall be free of *ACM*.

(b) A *competent person* shall ensure that materials being diverted from the *asbestos-containing waste material* stream are free of *ACM*.

e. *Visible Emissions*.

No *visible emissions* shall result from an *asbestos project*.

f. Record Keeping.

(1) The AWP shall be kept at the work site for the duration of the project and made available to the Control Officer or their representative upon request. The property owner or *owner's agent* and *AHERA Project Designer* that prepared the AWP shall retain a complete copy of the AWP for at least 24 months from the date it was prepared and make it available to the Control Officer or their representative upon request.

(2) Complete copies of other *asbestos*-related test plans and reports (e.g., testing soil for *asbestos*,

air monitoring for *asbestos*, etc.) associated with the project shall also be retained by the property owner or *owner's agent* for at least 24 months from the date it was performed and made available to the Control Officer or their representative upon request. The *person*(s) preparing and performing such tests shall also retain a complete copy of these records for at least 24 months from the date it was prepared and make it available to the Control Officer or their representative upon request.

g. Other Requirements.

All applicable local, state, and federal regulations must be complied with.

2. Leaving *Nonfriable Asbestos-Containing Roofing* Material in Place During *Demolition*.

Nonfriable asbestos-containing roofing material as defined in Section B of this Regulation may be left in place during *demolition*, except for *demolition* by burning if it remains nonfriable during all *demolition* activities (including handling and disposal).

3. Exception for Hazardous Conditions.

When the exception for hazardous conditions is being utilized, all the following apply:

a. *Friable and nonfriable ACM* need not be removed prior to *demolition*, if it is not accessible (e.g., *asbestos* cannot be removed prior to *demolition*) because of hazardous conditions such as *structure*s or buildings that are structurally unsound, *structure*s or buildings that are in danger of imminent collapse, or other conditions that are immediately dangerous to life and health.

b. An authorized government official or a licensed structural engineer must determine in writing that a hazard exists, which makes removal of *ACM* dangerous to life or health. The determination must be retained for at least 24 months from the date it was prepared and made available to the Control Officer or their representative by the property owner or *owner's agent* upon request.

c. An *AHERA Project Designer* must evaluate the work area, the type and quantity (known or estimated) of *ACM*, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be protective of public health. The AWP must contain all the following information:

(1) Date(s) the work area was evaluated by the *person*(s) that prepared the AWP;

(2) Site address(es) / location(s) where the inspection was performed;

(3) A copy of the hazardous conditions determination from a government official or licensed structural engineer;

(4) If an *asbestos survey* was performed, include a copy, or incorporate it by reference;

(5) All procedures that will be followed for controlling *asbestos* emissions during the *asbestos project*;

(6) A statement that the AWP will be protective of public health;

(7) Signature(s) of the *person*(s) that prepared the AWP; and

(8) Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the *person*(s) that prepared the AWP.

d. AWP Procedures.

The requirements of Section H.1.c-g of this Regulation and all other applicable requirements, including those specified in the AWP, shall be complied with.

SECTION I - DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL

1. *Asbestos-Containing Waste Material* Disposal Requirements

All *asbestos-containing waste material* shall be deposited as soon as is practical by the *waste generator* at a waste disposal site in compliance with applicable local, state, and federal regulations.

2. Waste Tracking Requirements.

It shall be unlawful for any *person* to cause or allow the disposal of *asbestos-containing waste material* unless all the following requirements are met:

a. Maintain waste shipment records, beginning prior to transport, using a separate form for each *waste generator* that includes all the following information:

(1) The name, address, and telephone number of the *waste generator*.

(2) The approximate quantity in cubic meters or cubic yards.

(3) The name and telephone number of the disposal site operator.

(4) The name and physical site location of the disposal site.

(5) The date transported.

(6) The name, address, and telephone number of the transporter.

(7) Accurate detailed description of the type of *asbestos-containing waste material* being disposed of.

(8) A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.

b. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the *asbestos-containing waste material* is delivered. If requested by the disposal site operator, a copy of the AWP or written determination as specified pursuant to Sections H.1-3 of this Regulation shall also be provided to the disposal site owner or operator at the same time the *asbestos-containing waste material* is delivered.

c. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the *waste generator* within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.

d. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the *waste generator* within 45 calendar days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer or their representative. Include in the report, a copy of the waste shipment record and cover letter signed by the *waste generator*, explaining the efforts taken to locate the *asbestos* waste shipment and the results of those efforts.

e. Retain a copy of all waste shipment records for at least 24 months from the date it was generated, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site. A copy of *asbestos project* notifications and corresponding waste shipment records shall be provided to the Control Office or their representative upon reguest.

3. Temporary Storage Site.

A *person* may establish a temporary storage site for the purpose of collecting and temporarily storing *asbestos-containing waste material* if it is approved by the Control Officer or their representative and all the following conditions are met:

a. A complete application for Temporary Storage of *asbestos* containing waste material is submitted to and approved by the Control Office or their representative.

b. The application must be accompanied by a non-refundable fee as set in the fee schedule.

c. Accumulated *asbestos-containing waste material* shall be kept in a controlled storage area posted with *asbestos* warning signs and accessible only to authorized *person*s, including the Control Office or their representative.

d. All *asbestos-containing waste material* shall be stored in *leak-tight containe*rs which are maintained in leak-tight condition.

e. The storage area must be locked except during transfer of *asbestos-containing waste material*.

f. Storage, transportation, disposal, and return of the waste shipment record to the *waste generator* shall not exceed 90 calendar days.

4. Disposal of Asbestos Cement Pipe.

Asbestos cement pipe used on public rights-of-way, public easements, and places receiving the prior written approval of the Control Officer or their representative may be buried in place if the pipe is left intact (e.g., not moved, broken or disturbed) and covered with at least 3 feet or more of non-*asbestos* fill material. All *asbestos* cement pipe fragments that are 1 linear foot or less and other *asbestos-containing waste material* shall be disposed of at a waste disposal site authorized to accept such waste. Pipe bursting *asbestos* cement pipe or other *ACM* is prohibited.

SECTION J - COMPLIANCE WITH OTHER RULES

Other government agencies have adopted rules that may apply to *asbestos* regulated under these rules including, but not limited to, the U.S Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, and the Nevada Occupational Safety and Health Administration. Nothing in the DBOH's rules shall be construed as excusing any *person* from complying with any other applicable local, state, or federal requirement.

SECTION K - PROHIBITION ON USE OR SALE OF ASBESTOS-CONTAINING MATERIALS FOR SURFACING, LANDSCAPING OR PAVING

The Control Officer or their representative may require testing for the asbestos content of any material represented as being suitable or used for surfacing, including landscaping or paving operations. For the purposes of this regulation, surfacing means the act of covering any surface used for pedestrian, vehicular, or non-vehicular travel; or decoration, including, but not limited to, roads, road shoulders, streets, access roads, alleys, lanes, driveways, parking lots, playgrounds, yard areas, trails, squares, plazas, and fairgrounds.

1. Effective October 1, 2000, no *person* shall import, use, sell, supply, or offer for sale or supply in Washoe County, any of the following materials for surfacing, including landscaping or paving operations:

    a. Serpentine or serpentine rock material,

    b. Any rock material that has been tested and found to have an asbestos content of 0.25 percent or more. The asbestos content of rock materials shall be determined using California Air Resources Board Test method 435, or an equivalent method approved by the Control Officer or their representative.

2. After October 1, 2000, any existing supplies of materials listed under Section K.1.a-b may only be sold for use in locations outside of Washoe County.

SECTION L - FEE FOR ASBESTOS SAMPLING

If the Control Officer or their representative deems an onsite sampling evaluation for asbestos is necessary for investigation or enforcement action on the improper removal, storage, demolition or disposal of *asbestos-containing materials*, the owner of the property shall pay a fee per sample set by the DBOH.

CHAPTER 040 – PROHIBITED EMISSIONS

NOTE: The *italicized* words and phrases used in this regulation have specific meanings: see SECTION B - DEFINITIONS.

Part 040.115 – ACKNOWLEDGMENT OF ASBESTOS ASSESSMENT (AAA)
(Adopted 3/27/25, Effective 3/27/25)

SECTION A - GENERAL
1. PURPOSE:

The District Board of Health (DBOH) recognizes that airborne *asbestos* is a serious health hazard. *Asbestos* fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma, or asbestosis. The DBOH has adopted this local regulation to identify potential sources of asbestos and control the release of airborne asbestos fibers in order to protect public health.

SECTION B – DEFINITIONS

ASBESTOS means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.

ASBESTOS SURVEY means a written report resulting from a thorough inspection performed pursuant to Section C of PART 040.110.

DEMOLITION means wrecking, razing, leveling, dismantling, or burning of a *facility*, making the *facility* permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a *facility* (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member.

FACILITY means any institutional, commercial, public, industrial, or residential *structure*, installation, or building (including any *structure*, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, *structure*, or installation that contains a loft used as a dwelling is not considered a residential *structure*, installation, or building. Any *structure*, installation or building that was previously subject to this subpart is not excluded, regardless of its current use or function.

RENOVATION means altering a *structure* or *component* in any way, other than *demolition*.

STRUCTURE means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial buildings, mobile homes, bridges, “smoke” stacks, pole-buildings, canopies, lean-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).

SUSPECT ASBESTOS-CONTAINING MATERIAL means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material (excluding asphalt

shingles), fire barriers, gaskets, flooring material, and cement siding. Suspect asbestos-containing material must be presumed to be asbestos-containing material unless demonstrated otherwise (e.g., as determined using the method specified in the EPA publication, Method for the Determination of Asbestos in Building Materials, EPA/600/R-93/116, July 1993).

SECTION C – ADMINISTRATIVE REQUIREMENTS

1. Applicability

    a. An AAA is required prior to obtaining a building permit for a *demolition* or *renovation* at a regulated *facility* unless at least one of the exemptions in Section C.2 is satisfied. The requirement to complete an *asbestos survey* as specified in PART 040.110 applies to every project where disturbance of a *suspect asbestos-containing materials* may occur regardless of the length, area, or volume of disturbance.

2. Exemptions:

    a. The project will not disturb more than 260 linear feet, 160 square feet, or 35 cubic feet of *suspect asbestos-containing material*.
    b. The project will only disturb material that is known to not contain *asbestos* such as wood, metal, and glass.

3. AAA Application Requirements

    a. In order for an AAA application to be considered complete, the following must be included:

        (1) Complete application;
        (2) Complete *asbestos survey* and report as defined in SECTION 040.110.C;
        (3) Building plans identifying areas of *demolition* or *renovation;* and
        (4) Any required fees.

SECTION D – COMPLIANCE AND RECORDS

1. Failure to follow the regulations set forth in this PART shall constitute a violation and may be subject to warnings, civil or criminal penalties, and/or stop work orders.
2. Any person who falsifies any information contained within SECTION 040.115.C.2 may be subject to warnings, civil or criminal penalties, and/or stop work orders.
3. Depending on the results of the asbestos survey and scope of work, applicants may be subject to PART 040.110 and 40 CFR PART 61 Subpart M.
4. AAA and *asbestos survey* must be maintained on site and made available to the Control Officer or their representative immediately on request.

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.