

Chapter 91

AIR QUALITY CONTROL §

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91.0 Purpose: This chapter aids the implementation of the Air Quality Subelement, Land Use Element, of the Goals and Policies, and the 1992 Air Quality Plan, for the purpose of attaining and maintaining applicable state and federal air quality standards and TRPA thresholds.

91.1 Applicability: The provisions of this chapter apply to direct sources of air pollution in the Tahoe Region, including certain motor vehicles registered in the Region, combustion heaters installed in the Region, open burning, stationary sources of air pollution, and idling combustion engines.

91.2 Vehicle Inspection And Maintenance Program: TRPA adopted an inspection/maintenance program for certain vehicles registered in the carbon-monoxide (CO) non-attainment area as a CO control measure in the 1992 Air Quality Plan. The California Air Resources Board included this provision in its official State Implementation Plan (SIP). To avoid duplication of effort in implementation of an inspection/maintenance program, TRPA shall work with the affected state agencies to plan for the application of state inspection/maintenance programs to the Tahoe Region. Before TRPA requests the states to implement an inspection/ maintenance program in the Tahoe Region, TRPA will determine what the expected benefits from such a program are, based on the latest available scientific information.

91.3 Combustion Appliances: The following air quality standards shall be met by combustion appliances.

91.3.A Gas Heaters: The following standards apply to natural gas or propane-fired water heaters or central furnaces to be installed in the Region.

- (1) Emission Standards: Natural gas or propane-fired water heaters or central furnaces installed in the Region shall meet the following emission standards:

§ Amended August 26, 1999

- (a) Water heaters shall not emit greater than 40 nanograms of nitrogen oxide (as NO₂) per joule of heat output. Water heaters installed in mobile homes shall not emit greater than 50 nanograms of nitrogen oxide (as NO₂) per joule (80 lb per billion Btu) of heat output.
 - (b) Central furnaces shall not emit greater than 40 nanograms of nitrogen oxide (as NO₂) per joule of useful heat delivered to the heated space.
 - (c) Central furnaces with rated input of 175,000 Btu or greater, combination units with a cooling rate of greater than 65,000 Btu per hour, and water heaters with a rated heat input of 75,000 Btu or greater, shall be reviewed under the standards contained in Section 91.5.
- (2) List of Approved Heaters: TRPA shall maintain a list of gas heaters that are in compliance with the air quality standards in Subparagraph 91.3.A(1). The list shall include the names and model numbers of the heaters. A heater certified by the South Coast Air Quality Management District of California under SCHEMED Rules 1111 and 1121 shall be considered in compliance with Subparagraph 91.3.A.(1).
- (3) Exemptions: The requirements of Subsection 91.3.A shall not apply to the following:
- (a) Decorative gas appliances certified under ANSI Standard Z21.50.
 - (b) Gas central furnaces installed in mobile homes or gas heaters installed in recreational vehicles.
 - (c) Wall mounted gas heaters, other than water heaters, that are not central furnaces as defined in Section 2.2.

91.3.B Wood Heaters: The sale of wood heaters which do not meet the emission standards of this subsection is prohibited in the Tahoe Region. Wood heaters to be installed, in the Region, either as new or replacement units, shall meet the requirements of this subsection. Coal shall not be used as a fuel source.

- (1) Emission Standards: Wood heaters installed in the Region shall meet the following emission standards for total suspended particulates of smoke emissions:
- (a) Catalytic wood heaters shall not cause emissions of greater than 5.5 grams per hour. Following July 1, 1990, catalytic wood heaters shall not cause emissions of more than 4.1 grams per hour.
 - (b) Non-catalytic wood heaters shall not cause emissions of greater than 9.0 grams per hour. Following July 1, 1990, non-catalytic wood heaters shall not cause emissions of more than 7.5 grams per hour.

- (c) Wood heaters certified to meet the above standards by the U.S. EPA under 40 CFR Part 60 or the Oregon Woodstove Certification Program, shall be deemed in compliance with the above standards. Pellet fueled wood heaters labeled as exempt from 40 CFR Part 60 shall be deemed in compliance with the above standards.
- (2) Limitations: Wood heaters shall be sized appropriately for the space they are designed to serve. Multi-residential projects of five or more units, tourist accommodations, commercial, recreation and public service projects shall be limited to one wood heater per project area.
- (3) Wood Heater Retrofit Program: Effective January 1, 1993, prior to any sale, transfer or conveyance of any building, all existing wood heaters in the building, excluding legally existing open fireplaces which are not primary heat sources, shall be in conformance with the emission standards contained in subsection 91.3.B.
 - (a) Compliance with this section shall be evidenced by a statement of the seller made under penalty of perjury, on a form provided by TRPA, that all existing wood heaters in the building, excluding legally existing open fireplaces which are not primary heat sources, either conform to the emission standards in subsection 91.3.B or have been replaced with conforming units, or that the structure does not contain any existing wood heaters. The statement shall be submitted to TRPA prior to the sale, transfer or conveyance.
 - (b) A statement of wood heater conformance shall be required for any subsequent sales, transfers or conveyances.

91.3.C Other Combustion Appliances: Combustion appliances not specifically limited by Subsections 91.3.A or 91.3.B shall be reviewed under the standards contained in Section 91.5.

91.4 Open Burning: The regulations set forth in this Section shall supplement applicable federal, state, county, and local regulations. Open burning, for the purposes of this Code, shall not include recreational fires.

91.4.A Performance Standards: Open burning activities shall meet all standards and time requirements specified by local governmental agencies and applicable fire protection and air pollution control agencies.

91.4.B Specific Standards: Notwithstanding the provisions of 91.4.A, the following specific standards shall apply to open burning in the Tahoe Region:

- (1) Prescribed Burning: Prescribed burning may be permitted pursuant to the provisions of Chapter 72.

- (2) Disposal: Open burning for any purpose related to the disposal of petroleum wastes, tires, garbage, tar, wood waste, residential rubbish and any other similar materials, including burning of automobile wreckage, is prohibited.
- (3) Hazard Reduction And Pest Control: Open burning of cleared vegetation is prohibited except where otherwise authorized by a permit from a fire protection agency for purposes of hazard reduction or pest control. Permits issued shall be based on criteria established by TRPA and the Region's fire protection agencies.
- (4) Wood Wastes: The burning of cleared vegetation and other wood waste associated with construction activities shall be prohibited. Such wastes shall be removed to a place specified by TRPA.
- (5) Practice Burns: Practice burns conducted by fire control agencies or other entities shall comply with all applicable local, state, and federal laws.

91.5 New Stationary Source Review: Emissions from new stationary sources in the Region shall be limited as follows:

91.5.A Environmental Assessment: If the projected emissions from new stationary sources for the peak 24-hour period exceed any of the limits in Table I, below, the applicant shall prepare an environmental assessment. Projected emissions for the peak 24-hour period shall be based on the design capacity. At a minimum, the environmental assessment shall determine the net emissions for the peak 24-hour period, the net emissions for a period not less than 90 days, and shall determine any impacts resulting from the net emissions. If the source exceeds the limits for carbon monoxide in Table I, below, and the source is located in a TRPA, federal, or state designated non attainment area for carbon monoxide, the environmental assessment shall also include ambient modeling.

TABLE I

Pollutant	Kilograms	Pounds
Nitrogen Oxides	3.0	6.6
Particulate Matter Less Than 10 Microns	2.0	4.4
Volatile Organic Compounds	8.0	17.6
Sulfur Dioxide	3.0	6.6
Carbon Monoxide	10.0	22.0

91.5.B Significant Environmental Impacts: Any new stationary source of air pollution that produces emissions for the peak 24-hour period beyond any of the limits in Table II below, shall be considered to have a significant adverse environmental impact.

TABLE II

Pollutant	Kilograms	Pounds
Nitrogen Oxides	11.0	24.2
Particulate Matter Less Than 10 Microns	10.0	22.0
Volatile Organic Compounds	57.0	125.7
Sulfur Dioxide	6.0	13.2
Carbon Monoxide	100.0	220.5

Determination that a new stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to Subsection 91.5.A. New stationary sources that have a significant adverse environmental impact shall be prohibited.

- 91.5.C Offsets Permitted: TRPA may require emission offsets as a condition of project approval to bring emissions within acceptable limits if TRPA finds that the proposed source, with offset, meets the criteria specified in Subsection 91.5.B. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.
- 91.5.D Best Available Control Technology: Best Available Control Technology shall be required for all new stationary sources that are required to prepare an Environmental Assessment pursuant to Subsection 91.5.A, above. At a minimum, required BACT measures shall meet or exceed applicable state or federal requirements.
- 91.5.E Exemptions: The following activities are exempt from the prohibitions of Subsection 91.5.B.
- (1) Emergency power generators.
 - (2) Temporary Uses and Activities approved under Chapter 7 of this Code unless they would have a significant adverse impact as determined by an environmental assessment.
 - (3) Biofuel Facilities:[§]
 - (a) The facility is designed to reduce the amount of pile burning through diversion of in-basin material to the facility;
 - (b) There will be a net reduction in Volatile Organic Compounds, Sulfur Dioxide, and Carbon Monoxide on a per dry ton basis of biofuel as compared to the emissions that would be generated if material were burned in piles, and

[§] Amended 10/22/03

these pollutants will meet Table II of section 91.5.B, using standard calculation methods;

- (c) The facility accepts no biofuel that is imported into the Region;
- (d) Material for the biofuel facility shall come from the diversion of material intended for pile burning from forest treatment programs, and cumulative demand shall not exceed 19,000 tons per year.
- (e) There will be a net reduction in Nitrogen Oxide emissions of greater than 40% as compared to the emissions that would be generated if material were burned in pile burning. The emissions calculations will follow EPA methodologies;
- (f) There will be a net reduction of 90% or greater in emissions of Particulate Matter Less than 10 Microns as compared to the emissions that would be generated if material were burned in pile burning. The emissions calculations will follow EPA methodologies; and
- (g) Emissions generated by dual-fueled systems must conform to section 91.5 A through D when operating with fuels other than biofuels.

91.6 Modified Stationary Source Review: Emissions from modified stationary sources in the Region shall be limited as follows:

91.6.A Environmental Assessment: If the projected emissions from modified stationary sources for the peak 24-hour period exceed any of the limits in Table I, above, the applicant shall prepare an environmental assessment. Projected emissions for the peak 24 hour period shall be based on the design capacity, or the allowed emissions if specified by a permit issued by the TRPA or other jurisdiction. At a minimum, the environmental assessment shall meet the criteria established in Subsection 91.5.A.

91.6.B Significant Environmental Impacts: Modified stationary sources that would produce emissions for the peak 24-hour period beyond any of the limits in Table II, above, and which would result in a net increase in emissions for that pollutant shall be considered to have a significant adverse environmental impact. Determination that a modified stationary source has a significant adverse environmental impact may also be based on the environmental assessment prepared pursuant to Subsection 91.6.A. Modified stationary sources that have a significant adverse environmental impact shall be prohibited.

91.6.C Modifications Allowed: Modification of existing stationary sources which have been previously permitted to produce emissions beyond any of the limits in Table II, above, may be allowed if: there is no net increase in actual emissions for the peak 24-hour period; Best Available Retrofit

Control Technology is applied; and TRPA finds that the modified stationary source would not have a significant adverse environmental impact determined pursuant to Subsection 91.6.A or B.

91.6.D Offsets Permitted: TRPA may require emission offsets as a condition of project approval to bring emissions within acceptable limits if TRPA finds that the proposed source, with offset, meets the criteria specified in Subsections 91.6.B or C. To accomplish an emissions offset, existing emissions shall be permanently retired to offset the unacceptable emissions from the proposed source.

91.6.E Best Available Retrofit Control Technology: Best Available Retrofit Control Technology shall be required for all modified stationary sources that are required to prepare an Environmental Assessment pursuant to Subsection 91.6.A, above. At a minimum, required BARCT measures shall meet or exceed applicable state or federal requirements.

91.6.F Exemptions: The following activities are exempt from the prohibitions of Subsection 91.6.B.

- (1) Emergency power generators.
- (2) Temporary Uses and Activities approved under Chapter 7 of this Code unless they would have a significant adverse impact as determined by an environmental assessment.

91.7 Idling Restrictions: A program to control extended vehicle idling is a Reasonably Available Control Technology in the Clean Air Act Amendments of 1977, and is a contingency measure in the 1992 Air Quality Plan for the Lake Tahoe Basin.

91.7.A Duration: No person shall cause a combustion engine in a parked auto, truck, bus, or boat to idle for more than 30 consecutive minutes in the following Plan Areas: 070A, 080, 089A, 089B, 090, 091, and 092. The following projects and activities are not subject to this limitation:

- (1) Activities specifically permitted, after environmental impact analysis, to idle longer than 30 minutes.
- (2) Emergency vehicles, snow plows, or combustion engines required in the case of emergencies or repairs.
- (3) Vehicles in transit on public rights of way.

91.7.B Drive-Up Windows: New drive-up windows are prohibited.

91.7.C Compliance Program: TRPA shall implement the provisions of Subsection 91.7.A primarily through educational programs, notification programs, and cooperative arrangements with charter operators, property owners in the affected plan areas, and local government. As appropriate, TRPA may take direct action to obtain compliance with this section, including, but not limited to, actions under Chapters 8 and 9 of this Code.

