

Regulation I

Rule 100 – General Provisions

The content of this Rule was first adopted as part of Regulation I in 1982.
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RULE 100

GENERAL PROVISIONS

A. TITLE: The Counties of Del Norte, Humboldt and Trinity operate as a single unified special district agency entitled the North Coast Unified Air Quality Management District. These Rules and Regulations are adopted pursuant to the provisions of Division 26 of the Health and Safety Code of the State of California and shall be known as the Rules and Regulations of the California North Coast Unified Air Quality Management District (herein after referred to as the District).

The District, comprised of the Counties of Del Norte, Trinity, and Humboldt, lies within the North Coast Air Basin. The North Coast Air Basin consists of the counties of Del Norte, Trinity, Humboldt, Mendocino, and that region of Sonoma County designated as the Northern Sonoma County Air Pollution Control District.

B. PURPOSE: These rules and regulations are set forth to achieve, maintain, and protect health-based State and Federal Ambient Air Quality Standards and prevent deterioration of levels of air quality which may jeopardize human health and safety; prevent injury to plant and animal life; avoid damage to property; and preserve the comfort, convenience, and enjoyment of the natural attractions of the California North Coast Air Basin.

C. ADMINISTRATION: The procedures and restrictions set forth in these rules and regulations shall be administered by the District within its area of jurisdiction as authorized by Section 40002 of the H&SC; Chapter 3, Part 3, Division 26 of the H&SC; or by contractual agreements with or between other public agencies in accordance with the provisions of Section 40701 et seq. of the H&SC, and/or Section 90120 et seq. of Title 17 of the California Administrative Code.

D. EMERGENCY CONDITIONS: In the event of atmospheric conditions causing a dangerous or potentially hazardous concentration of air contaminants, the APCO shall take immediate action in curtailing those emissions known to be contributing to a possible episode situation.

E. PUBLIC RECORDS: In accordance with the provisions of Government Code Section 6254.7, et seq. all air pollution monitoring and emission data in the possession of the District are public records. All information, analyses, plans or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment or other contrivance will produce, which are in possession of the District, are public records, with the exception of certified "trade secrets" and active investigation files involving potential criminal complaints. Trade secrets may only be certified upon written request by the owner of said secrets and concurrence of the APCO. Within 10 days of receipt of any documents containing trade secrets, so designated by the owner, the APCO shall:

1. Concur in the certification of said trade secrets and notify the owner that the documents will be placed in a locked file to be made accessible only to the staff of the District or to the public following a court order.
2. Return to the owner all documents which have been designated as trade secrets, following a determination by the APCO that they are not necessary in conducting the activities of the District.

3. Notify the owner that said trade secrets do not meet the criteria established and place the documents in a locked file. All such documents will be considered as public records and will be so designated at the end of a 30 day period, unless the owner files an appeal with the District Hearing Board.

Upon request, any specific public records in the possession of the District will be made available to the public within 10 days. Such requests shall be in writing and a reasonable fee may be charged, not to exceed the actual cost of providing the requested information.

F. VALIDITY:

1. If any provisions of these regulations shall be rendered void or unconstitutional by judicial or other determination, all other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.
2. The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, county or incorporated city; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether criminal or equitable, which might otherwise be available to any person.
3. These regulations shall be liberally construed for the protection of the health, safety and welfare of the people of the District.