

(Adopted December 2, 1983)(Amended June 11, 1999)
(Amended July 11, 2008)

RULE 1158. STORAGE, HANDLING, AND TRANSPORT OF COKE, COAL AND SULFUR

(a) Purpose

The purpose of this rule is to reduce the emissions of airborne particulate matter from the storage, handling, and transport of coke, coal and sulfur; and to reduce the potential for the storage, handling and transport of these materials to violate AQMD Rules 402 – Public Nuisance and 403 – Fugitive Dust.

(b) Applicability

This rule applies to the operator of a facility that produces, stores, handles, transports, or uses coke, coal or sulfur.

(c) Definitions

For the purpose of this rule:

- (1) ACCUMULATION is any surface deposit of material greater than three ounces in one square foot other than inside an approved storage area, conveyor, transport vehicle, coker pit, slurry bin, water collection channel or separation pond.
- (2) AQMD PERMITTED FACILITY is a facility that has material storage or handling equipment required to have permits to operate from the AQMD.
- (3) BEST AVAILABLE CONTROL MEASURES represent fugitive dust control actions which are required to be implemented within the boundaries of the South Coast Air Basin. A detailed listing of best available control measures for each fugitive dust source type shall be as contained in the most recent Rule 403 Implementation Handbook, now or hereafter adopted by the Governing Board.
- (4) CALCINED COKE is coke which has been processed in a kiln.
- (5) CHEMICAL STABILIZER is any non-toxic chemical dust suppressant which is not prohibited for the uses proposed in this Rule or by any other applicable law, and which meets all applicable specifications required by any federal, state, or local water agency.
- (6) COAL is a solid, brittle, carbonaceous rock classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-77.

- (7) COKE is a solid carbonaceous residue produced from a coker after cracking and distillation from petroleum refining operations.
- (8) COKER PIT is an open-top containment area at a refinery coker unit used to contain cut or cracked petroleum coke.
- (9) CONTAMINATED MATERIAL means a material that has become mixed with other materials or dirt so that it is no longer considered material or no longer meets marketable product specifications.
- (10) CONVEYOR SHUTTLE or TRAVELER or TRIPPER is a device supporting a conveyor that can travel forwards or backwards along a feed conveyor as needed to allow the conveyor to load material onto a selected area of a ship or pile.
- (11) DEWATERING TRUCK-LOADING BIN is a cylindrical tank with a funnel-shaped bottom which receives material in a slurry form and separates the solids from water by filters and gravity, eventually discharging the solids into a truck.
- (12) DRY MATERIAL is any coke, coal, or sulfur, that does not meet this Rule's definition for moist material.
- (13) ENCLOSED CONVEYOR is a conveyor which is totally enclosed in a tube or encompassed 360 degrees within a solid plane structure, or an equivalent conveying system as approved by the Executive Officer.
- (14) ENCLOSED STORAGE is any completely roofed and walled structure or building, including a truck or railcar covered pursuant to subparagraphs (d)(12)(A), (B), (C), or (D), surrounding an entire coke, coal or sulfur pile.
- (15) FACILITY means any source or group of sources or other air contaminant-emitting activities which are located on one or more contiguous properties within the AQMD, in actual physical contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or by persons under common control), or an outer continental shelf (OCS) source as determined in 40 CFR Section 55.2. Such above-described groups, if noncontiguous, but connected only by land carrying a pipeline, shall not be considered one facility. Sources or installations involved in crude oil and gas production in Southern California Coastal or OCS Waters and transport of such crude oil and gas in Southern California Coastal or OCS Waters shall be included in the same facility which is under the same ownership or use entitlement as the crude oil and gas production facility on-shore.

- (16) FREEBOARD is the distance from the top of the material storage section of the truck trailer to the top of the material load at its highest point.
- (17) FUGITIVE DUST means any solid particulate matter that becomes airborne by natural or man-made activities, excluding particulate matter emitted from an exhaust stack.
- (18) HIGH WIND CONDITIONS is when wind speeds exceed 15 miles per hour.
- (19) LOOSE means material that can be swept off a surface by a person using a whisk broom.
- (20) MATERIAL means any substance containing at least 50% by weight of coke, coal, or sulfur. The percent by weight shall be determined by at least a one ounce sample taken at any random point.
- (21) MOIST MATERIAL is material that has a moisture content that in no place is less than the following: coke material 8.3%, coal material 7.6%, and sulfur material 2.8%.
- (22) NON-LUMP MATERIAL means any coke, coal, or sulfur material which can pass through a 6.3 millimeter sieve (1/4 inch opening).
- (23) OPEN STORAGE is any material coke, coal or sulfur pile that is not in enclosed storage.
- (24) PAVED means improved by covering with concrete, asphaltic concrete, recycled asphalt, or asphalt.
- (25) PERMANENT WATER RECYCLING SYSTEM DEWATERING BED is a below-ground, open-top containment vessel, used in conjunction with a water reclamation system, to reduce moisture content of bulk material removed from a water clarifier for the purpose of disposal.
- (26) PILE means any amount of coke, coal or sulfur material which attains a height of three feet or more, or a total surface area of 150 square feet or more.
- (27) PRILLED SULFUR is a product formed in a wet process involving the contact of heated liquid sulfur with cooled water, resulting in a sphere-like solid.
- (28) ROAD means any route with evidence of repeated prior travel by vehicles.
- (29) SEPARATION POND means a container for separating coke from water by gravity, which has a liquid water surface at all points.

- (30) SILT is any particulate, including but not limited to coal, coke, or sulfur, with a particle size less than 75 micrometers in diameter as measured by a No. 200 sieve.
 - (31) SLURRY BIN is a container located at a refinery coker unit or its associated coke handling system holding a watery mixture of material.
 - (32) STREET SWEEPER is, if purchased or contracted for before January 1, 2000, a vacuum or regenerative air street sweeper, and if purchased or contracted for on or after January 1, 2000, is a PM10 street sweeper pursuant to Rule 1186 – PM10 Emissions from Paved and Unpaved Roads & Livestock Operations.
 - (33) SULFUR is a chemical element, atomic number 16 on the periodic chart, and which is found in crystalline or amorphous form.
 - (34) TELESCOPING LOADING CHUTE is a length adjustable chute which completely encloses the material during ship loading operations.
 - (35) TRACKIN – TRACKOUT ROAD is a road (excluding freeways), starting from the entrance or exit of the facility property and continuing away from the property for the first quarter mile of the road, that a truck trailer, used for material transport, travels on.
 - (36) TRANSFER POINT is the point in the storage, handling or transport process where material being moved, carried, conveyed, or transported is dropped or deposited.
 - (37) VEHICLE is any car, truck, in-service transportation, or off-road mobile heavy equipment.
 - (38) WATER SPRAY SYSTEM means a dust suppression technique that uses water or water-based solutions delivered through pipes, tubes, or hoses that are fitted with one or more nozzles and operated at pressures ranging from 1 to 1500 psi.
 - (39) WIND SCREENS are structures that are sufficient to deflect the wind away from conveyed material and reduce fugitive dust emissions, and are adjacent to both sides of and extend along the entire length of the conveyor, tall enough to extend above and below the conveyor and material.
- (d) Any facility that produces, handles, transports, or stores coke, coal, or sulfur material for transfer or shipment shall comply with all of the following requirements:

- (1) The facility operator shall not cause, or allow the discharge into the atmosphere of, fugitive dust for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 10% opacity (equivalent to 10% opacity under EPA Method 9 or one half of No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines).
- (2) The facility operator shall maintain all piles in enclosed storage.
 - (A) Structures or buildings used for enclosed storage shall be properly maintained, equipped with and use as needed, a water spray system or permitted air pollution control equipment sufficient to control fugitive dust emissions at designed vents and at entrances or exits for material or vehicles so as not to violate the provisions of paragraph (d)(1).
 - (B) Any entrance or exits for material or vehicles shall have overlapping flaps, sliding doors or other devices(s) approved by the Executive Officer, which shall remain closed except to allow material or vehicles to enter and leave or when people are inside.
 - (C) For coal and prilled sulfur piles existing before June 11, 1999, the facility operator may achieve compliance with outdoor storage provided that the Executive Officer approves an open pile control plan, pursuant to subdivision (f).
- (3) The facility operator shall only conduct material truck unloading in an enclosed structure that is either equipped with a water spray system to be used as needed to prevent visible dust emissions or vented to permitted air pollution control equipment that is operated during unloading activities. The ends of the structure shall have overlapping flaps that reduce the opening to no greater than 11 feet high by 10 feet wide, sliding doors which shall remain closed except to allow the trucks to enter and leave, or other equally effective devices as approved by the Executive Officer.
- (4) The facility operator shall only conduct railcar material unloading in an enclosed structure that is either equipped with a water spray system operated to prevent visible dust emissions, or vented to permitted air pollution control equipment that is operated during unloading activities. The ends of the structure shall have overlapping flaps, sliding doors or other equally effective devices as approved by the Executive Officer, which shall remain closed except to allow the railcars to enter and leave.

- (5) The facility operator shall pave and maintain as paved, the following areas:
 - (A) All ground surfaces within the facility where material accumulations routinely occur; and,
 - (B) All roads and vehicle movement areas within the facility that are used for transporting or moving material excluding AQMD permitted material enclosures and areas approved by the Executive Officer for material storage pursuant to other sections of this Rule.
- (6) When transport is by truck, the facility operator shall only receive or transfer material in truck trailers that, within one quarter mile of the perimeter of the facility, are driven only on paved roads.
- (7) In order to clean roads of accumulations, the facility operator shall comply with either (A) or (B):
 - (A) The facility operator shall prevent and remove any material so that the following limits are not exceeded:
 - (i) A silt loading value, for all silt particles, of 0.05 grams/meter² for any trackout road, excluding freeways and railroad tracks; and
 - (ii) A silt loading value, for all silt particles, of 0.25 grams/meter² for all roads and vehicle movement areas excluding railroad tracks within the facility that are used for transporting or moving material.
 - (B) The facility operator shall use a street sweeper to clean any trackin – trackout road and any road inside the facility, used to transport material.
 - (i) The street sweeping shall be sufficient so that not more than 4 hours elapses between each street sweeper cleaning or after every 100 truck material receipts or dispatches, but not less than one time daily when the facility is open for business.
 - (ii) Each 24-hr. day, the day beginning at 12:01 A.M., the facility operator shall designate and record whether for that day the facility operator is street sweeping every four hours or every 100 trucks. The record shall show the date and time when street sweeping was performed and the truck count.

- (iii) Facility operators shall begin cleaning up material spills of more than three pounds, or that cover more than a square foot, within one hour and continue clean up operations until the spill is removed.
 - (C) Prior to the beginning of each calendar quarter the facility operator shall designate and record which alternative, A or B, the facility operator is choosing to comply with during the quarter.
 - (D) A violation of subparagraph (d)(7)(C) shall be considered a violation of paragraph (d)(7).
- (8) The facility operator shall maintain all areas within the facility, except for those areas subject to paragraph (d)(7), free of any accumulation, unless the accumulation is:
 - (A) moist material;
 - (B) dry material not higher than three inches, except for crushed prilled sulfur which shall be removed; or
 - (C) completely covered.
- (9) Any new or replacement conveyors constructed after June 11, 1999 shall be enclosed conveyors. For purposes of this paragraph, the installation of a conveyor between two transfer points shall be a replacement conveyor. For conveyors existing before June 11, 1999, the facility operator shall, except for prilled sulfur, only conduct material conveying in compliance with either:
 - (A) All non-lump material shall be moist material; or,
 - (B) The material shall be conveyed in an enclosed conveyor(s).
- (10) The facility operator shall, except for prilled sulfur, maintain all material transfer points in compliance with one of the following:
 - (A) Total enclosure;
 - (B) Water spray system sufficient to control fugitive dust emissions during operations to comply with paragraph (d)(1);
 - (C) vented to permitted air pollution control equipment which is in full operation;
 - (D) Transfer only moist material and conduct such transfer only in an overhead truck trailer or railcar loader, or chute with a hopper, such that the exposed drop does not exceed four feet from the top of the truck or railcar; or,

- (E) Controlled by another equivalent method approved, in writing, by the Executive Officer.
- (11) The facility operator shall only load materials into ships through a telescoping loading chute which uses a water spray system, or an air pollution control system, sufficient to control fugitive dust emissions during operations to comply with paragraph (d)(1), and:
 - (A) Is extended to within five feet of the top of the pile; or,
 - (B) Is at least 5 feet below the hatch coaming.
- (12) The facility operator of an AQMD permitted facility shall not load material into any truck trailer or railcar unless it is subsequently and immediately covered, before leaving the facility, in one of the following manners sufficient to prevent material from escaping from the trailer or railcar onto the facility property:
 - (A) A solid sliding cover on the top of the truck or railcar that is kept completely closed, or;
 - (B) For trucks, a slot-top type cover that reduces the uncovered open surface area by at least 50% and extends above the trailer top edges without gaps; and either the material contained in the trailer is moist material, or a chemical stabilizer is applied to the surface of the material in sufficient amounts and concentration so as to prevent fugitive dust emissions during transport; or,
 - (C) A continuous tarp that completely covers the trailer or railcar top, and for trucks, does not contact the material within the trailer. In addition, the tarp shall be installed or the trailer/railcar constructed to prevent wind from entering over the leading edge of the trailer/railcar rim into the interior of the trailer/railcar; or
 - (D) For railcars, an alternative method of control proven effective in preventing visible fugitive PM emissions escaping from the railcar and approved by the Executive Officer prior to its use.
- (13) Facility operators shall not load material into truck trailers or railcars such that a trailer or railcar leaks liquid that contains material onto the facility property.
- (14) If a truck trailer or railcar leaks liquid that contains material onto the facility property, the facility operator shall clean the affected property within one hour with a street sweeper or water.

- (15) : The facility operator shall clean all out-going material transport trucks, whether loaded or empty, so that:
 - (A) Any part of any tractor, trailer or tire exterior surface, excluding the inside of the trailers, are free of all loose material in excess of 1 gram per square decimeter or 10 grams total.
 - (B) The material removed by the truck cleaning operation is collected and recycled or otherwise disposed of so that it does not result in fugitive dust emissions.
- (16) The facility operator shall not load sulfur into trucks or railcars unless:
 - (A) The sulfur is not greater than 1% crushed prilled sulfur by weight and;
 - (B) The loading is controlled by an enclosure or water spray system, approved by the Executive Officer, that reduces visible emissions to ensure compliance with paragraph (d)(1).
- (e) Any facility that stores material solely for use at the facility either as a fuel or as an ingredient in a manufacturing process shall comply with all of the following requirements:
 - (1) The facility operator shall not cause, or allow the discharge into the atmosphere of, fugitive dust for a period or periods aggregating more than three minutes in any one hour which is equal to or greater than 10% opacity (equivalent to 10% opacity under EPA Method 9 or one half of No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines).
 - (2) The facility operator shall maintain all piles in enclosed storage, except as provided in paragraph (3). Any openings shall have overlapping flaps, sliding doors or other equivalent devices(s) approved by the Executive Officer, which shall remain closed except to allow the vehicles to enter or leave.
 - (3) For facilities existing before June 11, 1999 only, for coal and prilled sulfur, the facility operator may achieve compliance with outdoor storage provided the Executive Officer approves, in advance, an open storage pile control plan, or complies at all times with at least one of the following:
 - (A) Installs and maintains a three-sided barrier equal to the height of the material, with no more than fifty percent porosity to provide wind sheltering;

- (B) Maintains and operates water spray bars, a misting system, water hoses and or water trucks to control fugitive dust emissions;
 - (C) Applies chemical stabilizer(s) to control fugitive dust emissions;
 - (D) Installs temporary covers; or
 - (E) Other equivalent measures approved by the Executive Officer.
- (4) Within four hours after material is delivered to the facility by truck trailer, the facility operator shall inspect and clean up any spilled material on any paved road inside or outside the facility up to a quarter mile.
 - (5) The facility operator shall use a street sweeper to clean any paved road used for material transport, inside or outside the facility, up to a quarter mile from the material delivery site at least once a week or after every 100 truck material deliveries, whichever results in the most frequent street sweeping.
 - (6) The facility operator shall pave and maintain as paved, except for railroad tracks, the following areas:
 - (A) All non-road ground surfaces within the facility where material accumulation occurs; and,
 - (B) All roads and vehicle movement areas within the facility that are used to receive material by truck trailer.
 - (7) The facility operator shall pave or chemically stabilize and maintain all roads and vehicle movement areas within the facility, that are used for transporting coal.
 - (8) The facility operator shall prevent, or remove within four hours, any coke accumulations on all paved ground surfaces except for those areas subject to paragraph (3), unless the accumulations are either:
 - (A) Moist material; or
 - (B) Dry material not higher than three inches; or
 - (C) Completely covered.
 - (9) The facility operator shall prevent, or remove within four hours, any coal deposit higher than three inches on all paved ground surfaces except for those areas subject to paragraph (7), unless the accumulations are either:
 - (A) Moist material; or
 - (B) Completely covered.
 - (10) The facility operator of an AQMD permitted facility shall not allow any truck trailer or railcar, while on the AQMD permitted facility, to transport material unless the trailer or railcar is covered in one of the following

- manners, sufficient to prevent material from escaping from the truck/railcar onto the facility property.
- (A) A solid sliding cover on the top of the truck or railcar that is kept completely closed, or;
 - (B) For trucks, a slot-top type cover that reduces the uncovered open surface area by at least 50% and extends above the trailer top edges without gaps; and either the material contained in the trailer is moist material, or a chemical stabilizer is applied to the surface of the material in sufficient amounts and concentration so as to prevent fugitive dust emissions during transport; or
 - (C) A continuous tarp that completely covers the trailer or railcar top, and for trucks, does not contact the material within the trailer. In addition, the tarp shall be installed or the trailer/railcar constructed to prevent wind from entering over the leading edge of the trailer/railcar rim into the interior of the trailer/railcar.
 - (D) For railcars, an alternative method of control proven effective in preventing visible fugitive PM emissions escaping from the railcar and approved by the Executive Officer prior to its use.
- (11) When transport is by truck trailer, the facility operator shall not receive or transfer material in truck trailers unless such truck trailers, that within one quarter mile of the perimeter of the facility, drive only on paved roads.
- (12) The facility operator shall:
- (A) Record daily, any material delivery by truck trailer and any related street sweeping;
 - (B) Record the application of chemical stabilizer pursuant to paragraph (e)(7);
 - (C) Record the time of discovery, condition (moist or dry and or depth of material) and removal of any accumulations pursuant to paragraphs (e)(4), (e)(8) or (e)(9).
- (f) **Open Storage Pile Control Plan**
- The Executive Officer shall disapprove an Open Storage Pile Control Plan unless the facility operator demonstrates that the plan requires the facility operator to implement best available control measures on the pile(s) and provides that no material accumulates beyond the boundaries of the pile and provides that the facility will comply with all applicable AQMD rules. The Plan shall be submitted

as a Rule 1158 Open Pile Control Plan in a complete and approvable form and by the compliance deadline. On and after July 11, 2008, the Executive Officer shall not accept any new Open Storage Control Plan for approval.

- (1) In evaluating the proposed plan, the Executive Officer may reasonably require tests and sampling as necessary to determine the likelihood of emission reductions and compliance.
- (2) The plan shall be implemented by the facility operator upon approval by the Executive Officer.
- (3) The plan shall contain as a minimum:
 - (A) A contour map showing the location of the facility, the location of all piles, the perimeter boundary of the piles, and the surrounding land use and types of roadways within one quarter mile of the perimeter of the facility.
 - (B) The maximum daily amount of each material stored within the facility and the maximum daily throughput.
 - (C) A list of each applicable best available control measure for each fugitive dust source associated with the pile, including sources associated with moving the pile with mechanical equipment, and detailed documentation demonstrating how implementation of each measure will achieve compliance with all applicable AQMD rules under all conditions, including high wind conditions.
- (4) In approving a plan, the Executive Officer may require any reasonable conditions deemed necessary to ensure the operation complies with the plan and AQMD Rules. The conditions may include, but shall not be limited to, application frequency and location of water spray systems, frequency of chemical stabilizer treatments, limits on handling, storage and transport of crushed materials, the placement, construction or modification of permanent perimeter boundaries for each pile or group of piles, monitoring wind conditions, advance notification to the Executive Officer of ship loading activities, and performing ambient air monitoring.
- (5) In approving a plan, the Executive Officer may require any records deemed necessary to be maintained by the facility operator to demonstrate compliance with the plan. Such records shall be retained for at least 2 years and be made available to the Executive Officer upon request.
- (6) The Plan is only valid for one year. If the Executive Officer denies approval, the facility will have 120 days to submit the necessary

applications and two years from the date of the initial denial, to comply with the enclosed storage requirement. In the interim between before the storage pile(s) are enclosed, the Executive Officer may issue an interim plan that requires control measures deemed reasonably necessary to ensure the operation complies with all applicable AQMD Rules.

- (7) Compliance with the provisions of the approved plan does not exempt a person from complying with the requirements of the California Health and Safety Code, or any other AQMD Rule.

(g) Compliance Schedule

- (1) All existing Rule 1158 Interim or Permanent Compliance Plans are void.

(h) Test Method

- (1) ASTM Methods D-3302, D-4931, or equivalent methods approved by the Executive Officer, the California Air Resources Board and the U.S. EPA, shall be used to determine the material moisture content.
- (2) Appendix C.1, Procedures for Sampling Surface/Bulk Dust Loading, and Appendix C.2, Procedures for Laboratory Analysis of Surface/Bulk Dust Loading Samples, as contained in Compilation of Air Pollutant Emission Factors (AP-42), as published by the U.S. EPA, or equivalent methods as approved by the Executive Officer, the California Air Resources Board and the U.S. EPA, shall be used to determine the silt loading value.
- (3) A method approved as accurate by the Executive Officer shall be used to determine the weight of truck exterior surface material and material silt deposits.

(i) Compliance Determination and Performance Information

- (1) For facilities subject to sub-division (d), each calendar quarter, if the facility operator selects the silt loading standard for that calendar quarter, and for all other operators once every calendar year, the facility operator shall perform the following tests pursuant to paragraphs (d)(7) and subdivision (h). Records of tests shall be maintained for a period of two years and shall be made available to District personnel upon request. Results of the test shall be submitted to the Executive Officer within 45 days after completion of each test. For facility operators testing once each calendar year, the test results shall be for information only, not for

- compliance determination. Silt loading tests shall be performed on the following roads or surfaces:
 - (A) On one paved road outside the facility, used by trucks transporting material, within one quarter mile of the exit of the facility; and
 - (B) On one road between the truck wash or truck cleaning area and the facility exit;
 - (2) For facilities subject to subdivision (d), each calendar quarter the facility operator shall conduct a test to show compliance with paragraph (d)(15) by sampling truck-trailer exterior surface material on one out-going material transport truck.
- (j) **Recordkeeping Requirements**
The facility operator shall maintain all records at the facility for a period of two years and make them available to AQMD staff upon request.
- (k) **Exemptions**
- (1) The provisions of paragraph (d)(9) shall not apply to:
 - (A) Material feed conveyor(s) existing prior to June 11, 1999 which are interrupted by the conveyor shuttle, traveler or tripper, provided that the entire length of the feed conveyor(s) is equipped with permanent wind screens.
 - (B) Underground conveyors. This exemption shall only apply to those sections of the conveyors which are underground.
 - (C) Conveyors located inside enclosed storage. This exemption shall not apply to those sections of the conveyor which are outside of the enclosed storage.
 - (D) That portion of an existing conveyor belt that contains the tensioner.
 - (2) The provisions of paragraph (d)(12) shall not apply to prilled sulfur when the freeboard is, in no place, less than 3 feet.
 - (3) The provisions of this rule shall not apply to the storage, handling, and transport of molten sulfur.
 - (4) The provisions of paragraph (d)(2) shall not apply to the deposit of coke in separation ponds or that has a moisture content of at least 12% in coker pits, slurry bins, and coke dewatering truck loading bins.

- (5) The provisions of paragraph (d)(7) and (e)(5) shall not apply to the specific section of road where public vehicle through-traffic is denied access due to a construction project or road repair.
- (6) The provisions of paragraph (d)(11) shall not apply to existing shiploaders permitted prior to June 11, 1999, for loading coal onto ships with a beam length greater than 105 feet whenever all of the following are met:
 - (A) The facility operator shall maintain a log of the date, time, loading rate, ship capacity, and duration of each use of the headbox by-pass;
 - (B) A maximum of ten ships with a beam length greater than 105 feet per calendar year are loaded under this exemption and the facility operator demonstrates to the Executive Officer's satisfaction that only the offshore side of the vessel is loaded without the required control equipment;
 - (C) The shiploader shuttle boom is not long enough to allow discharge through the telescoping spout to reach the far side of that ship's hatch without using the headbox by-pass;
 - (D) The facility operator notifies the AQMD 48 hours before shiploading is scheduled to commence; and,
 - (E) The shiploader is not reconstructed or replaced after June 11, 1999.
- (7) The provisions of paragraph (d)(2) shall not apply to the following, provided the material or coke is removed within 48 hours and a permanent record is made and the District is notified within the first 24 hours of the incident:
 - (A) Material taken off a conveyor because it is refused by a ship, or material that is associated with the abatement of a hot coke (greater than 120 degrees Fahrenheit) incident; or,
 - (B) Coke, up to 700 tons, that is incompletely processed from a refinery coker.
- (8) The provisions of paragraph (d)(2) shall not apply to moist material or material associated with a "hot coke" incident being actively transported in a front-end loader.
- (9) The provisions of paragraphs (d)(2) and (e)(10) shall not apply to coal inside railcars that originated from outside California, provided the coal is moistened upon arrival at a District permitted facility so as to prevent fugitive emissions pursuant to paragraph (d)(1).

- (10) Provisions of paragraph (d)(2) shall not apply to facilities performing routine maintenance/repair of replacing component parts on/in enclosed storage structures, such as roofing and siding material, providing the following conditions are met:
- (A) the facility notifies the District, in writing or electronically, at least 10 working days prior to any maintenance/repair activity, of the intent to perform the maintenance/repair and the dates for the activity;
 - (B) the surface area of components being replaced does not exceed 2% of the total structure surface area;
 - (C) the duration for maintenance/repair shall not exceed 14 days;
 - (D) during the maintenance/repair, no materials shall be actively moved or disturbed in the structure;
 - (E) no visible emission shall be observed; and
 - (F) any water spray system or air pollution control equipment associated with the structure will be in use as needed to prevent visible emissions during the maintenance/repair operation.
- (11) The provisions of paragraph (d)(2) shall not apply to deposits of material in permanent water recycling system dewatering beds, existing prior to July 11, 2008, provided that:
- (A) they are totally enclosed by wind fences, stand alone structures, with a maximum porosity of 20%, to reduce windblown dust escaping from the beds and tall enough to provide at least three feet of visible freeboard from the top of the material at all times, to provide wind sheltering, no later than November 11, 2008; and
 - (B) the surface stabilization is maintained at a moisture content of not less than 12%, at all points, including during material removal; and
 - (C) no visible emissions shall be observed and shall be visually monitored for, and observations recorded, daily.