



San Diego County
**Air Pollution
Control District**

Compliance Manual of Procedures
September, 2019

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GENERAL POLICIES (Introduction and Intent)

Effective Date: 08/1/2001: Revision Date: 9/17/2012

Compliance Manual General Statement

The purpose of this manual is to provide the Compliance Division staff with uniform standards and practices and to guide staff in the performance of their duties. Compliance staff is to adhere to the provisions contained in this manual. These policies are not rule making, but are rather written direction to insure consistent and equitable treatment of all facilities.

Additions and Updates

Updating the manual will occur periodically to reflect changes in policies, procedures, and new rules. Staff is encouraged to bring attention to any situation that appears to warrant the development of additions and updates to this manual. A master copy of this manual is available on the S: Compliance/Inspector.

Intent of Manual

The expectation is for all staff to use their training, judgment, and common sense in following procedures. Where departure from the procedures set forth in this manual is appropriate, staff should consult with their immediate supervisor before taking action. Ultimately, the Chief will decide the appropriateness of changes to policy.

Disclaimer

The contents of this manual are not contractually binding upon the District. Additionally, the provisions of this manual are subject to revision as determined by the District.

Further Information

Staff is to direct questions concerning any specific policy to your immediate supervisor.

Policy 1.3: Commencement of Construction (M. Luther) July 2017

Before building, erecting, altering or replacing a piece of equipment which may cause or control air pollution, an authority to construct from the District is required.

Below are factors the District considers when making a determination if construction has commenced. By providing this information, the District expects to prevent unintentional and unapproved installations.

Placement of New Equipment

The placement of the equipment on the property shall be taken into consideration. If the equipment, such as an emergency engine, was placed in a storage area (temporary location) which is not its intended place of operation, the District would not consider this commencement of construction. However, if the emergency engine, either fully or partially constructed, is placed at its designed (permanent) operating location, the District considers this commencement of construction. It would not matter whether or not fuel or electrical connections are in place. The District will take enforcement action for what it considers non-compliance with District Rule 10(a).

Permanent Pre-Construction Activities

Any activities conducted specifically in preparation for the installation of an emission unit are prohibited. Examples of such activities are excavating, blasting, removing rock and soil, backfilling or installing footings, foundations, permanent storage structures, pipe and retaining walls. So, if a concrete slab is built for the placement of an engine, the District will consider this as commencement of construction. Any of the listed activities which are not specifically being conducted for the purposes of the installation of an emission unit would not constitute commencement of construction. An example would be if a building is purchased or rented and includes a pre-designated area for an engine to be placed. Another example

would be if electric wiring is being laid for the entire building including the area where an engine will be placed.

Equipment Connections

If connections are made to regulated equipment including electrical, water, or other necessary utilities, the District considers this additional evidence that construction has commenced. Using the emergency engine example, if it is connected to a generator, water pump, or any other designed use, the District considers this an additional factor in determining that construction has started.

Fuels or Liquids Available

If a piece of equipment (e.g., engine) requires the use of fuel (e.g., diesel), the presence of that fuel in the equipment further indicates construction. Fuels or liquids storage and/or supply lines shall not be in place for the equipment or process line prior to receiving authority from the District.

Policy 2.2: Inspector Field Conduct

Effective: 9/01/1998; Revised: 2/02/2011 (Chief); Revised 9/13/2012 (Chief)

Inspectors will act in a professional manner at all times. The inspector's demeanor must reflect a serious and business-like attitude. The inspector must be familiar with rules, permit conditions, legal access procedures, and safety awareness.

Inspectors will make objective observations and consistent interpretations of rules and permit conditions. If unsure on how to proceed at any point during an inspection or investigation, inspectors will contact their supervisor or the Chief of Compliance for direction.

There are two primary purposes of an inspection. The first is to determine compliance, and towards this end, the inspector will collect data and evidence that indicates the compliance status of the source. Inspectors should avoid offering opinions and should ask questions in such a manner that will reveal compliance status.

Secondly, the inspector is to provide assistance to the source. Inspectors are to ask the source if they have any questions, to let them know our website has information to assist them, and that we have a Small Business Assistance Program at their disposal. Inform the source of upcoming changes to rules that will affect their business. Inspectors are the face of the District, and sources may not have any other contact with District staff. It is, therefore, of paramount importance that we be professional, polite, and helpful.

Basic Inspection Procedures

Staff shall follow the procedures below:

Pre-Inspection Preparation

Review the following and utilize as required, including:

1. Current PTO conditions,
2. Previous enforcement actions,
3. Application(s) for modification/new equipment,
4. Current startup authorizations, authorities to construct
5. Any other necessary information such as field notes, MSDS, exempt equipment lists, etc.
6. Any variance documents (including start /end date, increments of progress),
7. Equipment breakdowns, and
8. Complaint history, and
9. Other info as required

Inspection

Pre-Entry

Prior to entering the site, you should have the following with you.

1. Equipment list and/or checklist(s)
2. Permits and other documents as required (ATCs, applications),
3. Pen/pencil and clipboard
4. Safety equipment
5. Testing equipment
6. Business card/photo ID

Entry

1. Introduce yourself to the site contact, present your business card, and purpose of your visit
2. Ask the site contact their name (first, last) and title
3. Ask for permission to conduct the inspection
4. Explain to the site the scope of the inspection (wall-to-wall)
5. Confirm ownership

Inspection

1. Staff shall don safety vests and cones at all times when conducting vapor recovery testing and test witness inspections as well as for other types of inspections as warranted (e.g. landfill inspections). If you do not have a vest, safety cones and/or barricades, please contact Karen Wilkins to have one ordered.
2. Verify equipment on the permit (check serial and model numbers, manufacturer information),
3. Verify the permit is current and is posted or available
4. Record any operating parameters (temperature, pressure, etc.).
5. Determine the operating status of the equipment.
6. Record materials used, check MSDS and product data sheets.
7. If the equipment is vented to a control device, inspect the ductwork (check for leaks)
8. Take samples if needed
9. Conduct a visible emissions evaluation (if necessary)
10. Document new equipment and exempt equipment that may have the potential to pollute
11. Review all records.
12. Document all violations and gather facts/photos and pertinent information to support violation(s)
13. Verify site's compliance with District rules.
14. Prepare compliance documents.

Exit Interview

Review the inspection results of with the site contact. Explain permit conditions and any new, existing, and future rule requirements, if applicable. Issue any compliance documents; explain the response requirements for source, actions needed to return to compliance. Inform the site of variance process, if needed. Give the site any handouts/handbooks and refer them to the Small Business Assistance Specialist, if necessary. Provide a compliance survey form and explain the importance of the survey.

Post Inspection

Complete your inspection report (checklist(s), violation reports, and new equipment list) as soon as possible after the inspection. Staff shall submit all paperwork to your supervisor within five (5) working days after the inspection.

Follow-up Inspections

Staff can avoid unnecessary re-inspections by following the instructions above, and the facilities will benefit. However, staff shall not hesitate to conduct a re-inspection whenever necessary to determine compliance or assist the facility.

Violence in the Field Environment

An inspector may encounter hostile individuals while conducting facility inspections or complaint investigations. Staff shall leave any situation immediately whenever verbally or physically threatened and notify your supervisor. When an incident presents a life-threatening situation, staff shall call 911 immediately when safe to do so. The following guidelines provide a means of dealing with potential threats and acts of violence:

- Always be aware of your surroundings
- **Do not ignore instinct-** When confronted with a situation where your safety is in jeopardy, staff shall leave the area/situation
- **Recognize threatening and/or violent behavior-** What is threatening to one person may not be to another. The person receiving the threat serves as the ultimate judge of the meaning. Be mindful of body language, non-verbal cues are generally thought to be more accurate tool to recognize an individual's state of mind than spoken words
- **Display of weapons-** Virtually any weapon maintained or brandished by a person is cause for concern. Entering sites where firearms are present significantly increases risk to employees. While such weapons may be legally possessed under certain circumstances, avoid such situations.
- **Physical Actions-** Actions speak loudly; if a person displays aggressive behavior, react and respond in an appropriately defensive manner. Do not engage unless engaged. Attempt to resolve the situation through communication; if not possible leave the area.

The inspector should report any incidents to their supervisor immediately and should make a written record. The supervisor or Chief will determine whether to file police report. Staff shall keep a record for future reference and inform all employees who need to know of the incident.

Policy 2.4: Asbestos Inspection Procedures

Revised and Approved 2.1: 4/11/2011 (Chief); Revised: 9/10/2012 (Chief); Revised: 07/19/2016 (M. Luther); Revised July 2017; Revised January of 2018 (M Luther), Revised July 2018 (M Luther)

The asbestos renovation, removal and demolition requirements are specified in Rule 1206. The purpose of the following policies is to clarify certain inspection and sampling procedures related to Rule 1206. Staff shall follow these policies when conducting asbestos renovation or demolition inspections.

Applicability

Rule 1206 applies to demolition or renovation of facility and facility components

“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 ACWM disposal site.

“Facility Component” means any part of a facility and includes equipment located at a facility.

Please be aware of the following:

- ✓ Structures can meet the definition of facility: billboards, water towers and potentially large above ground storage tanks, and boilers (these are regulated on a case by case basis/consult the asbestos coordinator for direction)
- ✓ A group of more than one residential structures(not including incidental structures such as a garage, outhouse and other non-dwelling structures) located on the same property and managed by a common entity (i.e. one owner and/or one operator, or operated as a residential cooperative) meets the definition of facility. This includes a group of residential structures that are part of the same coordinated project even when not on the same contiguous property
- ✓ Mobile trailers (motorhomes, temporary job site trailers, etc.) that are immediately ready for road travel do not meet the definition of a facility. A mobile trailer is considered immediately ready for road travel if wheels are installed.
- ✓ Removal of fire doors is regulated when 100ft² is exceeded. If a facility is removing a fire door intact, the structure of the door might not be RACM but the interior of the door is likely RACM. Although the removal itself might not be directly disturbing RACM (i.e. RACM is encased), the door will be subsequently handled in a manner that RACM will be disturbed/exposed (e.g. crushed in a landfill). Facilities have the option to presume the material inside the door is RACM or survey the material that is encased. If presumed, or lab analysis identifies the presence of RACM, the facility shall submit a notification to the District.

Facility Survey Requirements

Please be aware of the following when reviewing surveys or when conducting inspections:

- ✓ Safety data sheets, a letter from an architect or any other type of documentation is **not** an acceptable substitute for the sampling and laboratory analysis of suspect materials per Rule 1206
- ✓ If suspect materials are not surveyed but the materials are presumed to be RACM, the assumption that these materials contain asbestos must be documented in the renovation/demolition notification form
- ✓ There is no expiration date on a survey providing no remodeling has occurred since the date the survey was conducted that would invalidate the survey
- ✓ A current Certified Asbestos Consultant or Site Surveillance Technician certification meets the requirements for having an EPA approved Building Inspector Course certification

- ✓ Visually inspect the area affected by the renovation/demolition of the facility and identify if there are any suspect materials that will be or have been disturbed that were not sampled and analyzed as part of the facility survey. Staff shall take samples of any suspect materials that weren't analyzed in the facility survey
- ✓ Per facility survey requirements of Rule 1206, each type of homogeneous suspect material at a minimum is required to be sampled/analyzed for asbestos one time. However, staff shall verify if the following AHERA sampling guidelines were employed of each homogenous suspect material listed in Rule 1206:
 - Less than 1000 square feet of materials: a minimum of three (3) samples
 - 1000 to 5000 square feet of materials: a minimum of five (5) samples
 - Greater than 5000 square feet of materials a minimum of seven (7) samples
 - Number of samples for thermal system insulation(e.g. pipe insulation, boiler insulation, etc. : a minimum of three (3) samples
 - If staff suspects sampling was not conducted per above AHERA guidelines, a more thorough inspection of the facility may need to be conducted or additional samples of suspect materials may need to be taken. Staff shall also advise their supervisor/asbestos coordinator.
- ✓ When reviewing a facility survey verify that suspect materials such as joint compound used as a skim coat (texturing/add on material) to dry wall or floor tiles, mastics, and roofing materials are sampled separately from other layers of suspect materials per Rule 1206 section (h)(1)(i)(ii). A description of the laboratory analysis method can be viewed in the facility survey or obtained from the laboratory that conducted the analysis.

Notification (Renovation/Demolition) Requirements

- ✓ The start date begins on the 11th day - 10 working days after the notification has been received or postmarked (including holidays). The 1st day of the ten working day notification period begins on the date that the notification is received by the District or postmarked (providing the date the District received the notification is not greater than 3 working days from the date the notification is postmarked).

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5 Notified 1	6 2	7 3	8 4	9 5	10
11	12 6	13 7	14 8	15 9	16 Holiday 10	17 Start Date
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Emergency notifications only cover ACM that is impacted by a valid emergency. The removal of other areas of ACM located at the same facility, will require a separate 10 day notification.
- In order to determine if the removal or disturbance of asbestos containing materials (ACM) in pipe is regulated, the square footage of ACM in the pipe that will be disturbed must be measured. The following equation shall be used:

$$A = \frac{3.14 \times L \times D}{12}$$

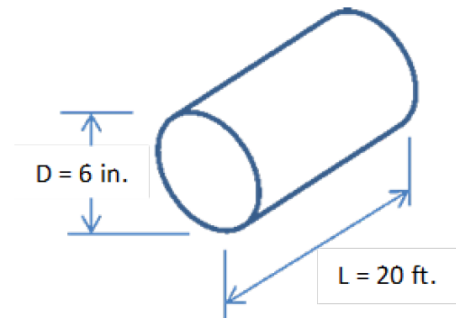
Where:

- A = Area in square feet
- L = Linear length of piping or the total length of insulation (wrap) to be cut, in feet
- D = Outside diameter of asbestos-containing pipe or pipe insulation (wrap), in inches

Example #1: pipe insulation (wrap) or when entire length of transite pipe being disturbed:

- L = 20 feet of pipe insulation wrap/pipe
- D = outside diameter of insulation wrap/pipe is 6 inches

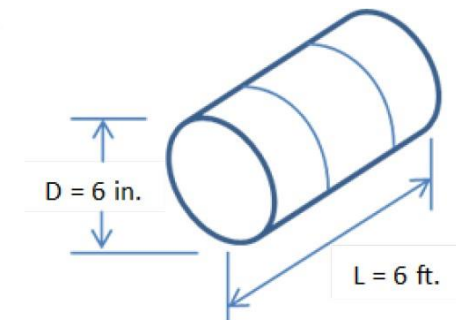
$$A = \frac{3.14 \times 20 \times 6}{12} = 31.4 \text{ ft}^2$$



Example #2: partial section of 20 feet transite pipe being disturbed:

- L = 3 cuts with a length of 2 feet each = 6 total feet being cut out of a 20 ft. transite pipe
- D = outside diameter of transite pipe is 6 inches

$$A = \frac{3.14 \times 6 \times 6}{12} = 9.4 \text{ ft}^2$$



- Types of equipment that can make non-friable material friable (Non-inclusive list): Bead blasters, jack hammers, mechanical sanders, tile

strippers, cutting with rotating saw blades if more than 3,488 ft² is removed, cranes, terminators, floor buffers, bulldozers, backhoes, skip loaders, top loaders

- The moving of a regulated mobile or modular structure off of its foundation is considered a demolition and constitutes the start date of the demolition. Asbestos containing materials that may become disturbed during the demolition process (e.g. Popcorn ceiling and transite containing skirting materials, etc.) must be removed prior to moving a mobile or modular structure off of its foundation.
- Drywall is not load-supporting but its removal is a related handling operation of the load supporting structural member
 - Since drywall may contain ACM joint compound, the removal of drywall on a load supporting structural member is considered the start date
 - Additionally, removal of drywall or any other suspect material from a load supporting structural member prior to the start date of a demolition will be considered a NOV
 - Furniture or cabinet removal is not a demolition
- ✓ These activities are not demolitions: altering or re-supporting the facility member, cutting a door into a load bearing wall, replacement of a rotted out load bearing support column, cutting of a hole in a structural support member to allow for a passage of a pipe
- ✓ Entries on the notification that might be area(s) of concern (non-inclusive):
 - A. Asbestos is present, asbestos is not being removed, and friable asbestos is listed
 - B. Asbestos is present, not being removed, friable and/or Category I non-friable material is listed, and a demolition is being conducted
 - C. Category I or II non-friable being removed and mechanical work practices are being conducted to render the material friable
 - D. Friable asbestos is being removed and it is being transported to a local landfill

Waste Disposal Site (Landfill):	Name: Miramar Landfill	
Address: 5180 Convoy St	City/State/Zip: San Diego/CA/92111	
Contact Person: Dusty Refuse	Phone: (858) 492-6100	

- ✓ All required information must be included in the notification. Staff shall identify any areas left blank and take the appropriate enforcement action. Sometimes the submitted information required for one section ends up in other sections. Prior to violation issuance verify that missing information is not included in other sections of the form and/ or attachments.
- ✓ A notification is not considered valid if the required notification fees have not been paid within one working day of the effective date of notification. If payment has not been received, office staff will notify the appropriate inspector.

Notification Revisions

- ✓ (APCD Aides) If a revised notification is received that indicates less than a 20% increase, but it elevates it to a new fee category, bill for increase amount. Fees should be paid within one business day of being advised by the District of the additional fees associated with the increase in RACM removal.
 - Any other change to a notification, other than changes to the start date and increase in RACM removal of >20 percent does not require a revised notification and additional fees are not required. For example, a revision notification is not required for extending a renovation/demolition project to exceed the end date of
the original notification, providing the project does not exceed one calendar year from the date of the original notification. If a revision as stated above is received:
 - Inspectors will receive an email for each submitted revision to specify what was revised so it can be determined if a re-inspection is required.

General Asbestos Inspection Procedures

1. Staff shall inspect any buildings that is being remodeled/demolished in their sector to verify compliance with Rule 1206.
2. Prior to entering the site, **have your personal protective equipment** with you
3. Determine if suspect Asbestos Containing Material (ACM) is being removed
 - b. Determine if non-friable non-cementitious material are being subjected to sanding, grinding, cutting or abrading
 - Manual methods that are not likely to render non-friable ACM that is not cementitious friable when in good condition:
 1. Hand scrapers
 2. Axes
 3. Hatchets
 4. Knives
 5. Pry bards
 6. Shovels
 7. Dry ice
 8. Wetting
 9. Solvents used with manual methods
 - B. Verify that Category I/II material has not become crumbled, pulverized, or reduced to powder by being subjected to sanding, grinding, cutting or abrading (if accessible) or by any other processes
 - C. Determine the condition of the ACM (in good or bad condition). If

more than 100 square feet of ACM is in poor condition and will be disturbed it is regulated.

- a. When a sample of suspect debris is taken outside of containment, staff shall advise site personnel (HOA/property management, supervisor if available) that any asbestos debris that is not properly contained, removed and disposed of per Rule 1206, may result in compliance action taken for every day of non-compliance. Staff shall document this in the inspection report.

Notified Renovation/Asbestos Removal Inspection Procedures

1. When to Inspect a Notified Asbestos Renovation:
 - If less than 500 ft² of RACM is being removed
 - Inspect on the start date
 - If more than 500 ft² of RACM is being removed
 - Inspect the day after the start date
2. Determine if all asbestos renovation containment areas have transparent view ports installed, with at least one viewport on each wall side that faces an open area or window. A view port is not required if asbestos is being removed inside a small area (e.g. closet, office) and the only containment area is through a three the stage decontamination.
3. Determine if the RACM that has been removed is properly wetted and contained in leak tight containers or clear leak tight wrapping. Any wrapping is considered clear providing the inspector can verify the presence of water inside the bag.
4. If RACM contained in leak tight wrapping is not clear and the presence of water inside the bag cannot be confirmed, do not open the bag and sample its contents. Issue a NOV if you have reason to believe the contents contain RACM (statements from abatement contractor, asbestos warning labels, located in vicinity of active asbestos removal, etc.)
5. Determine if the worksite containment is properly sealed and the local ventilation is in proper working condition. If it is not, this may lead to visible emissions of RACM outside of containment.
6. If removal of RACM is occurring, compare the EPA-approved Asbestos Contractor Supervisor Course/Refresher certificate of an onsite individual to their government issued identification (federal, state, or foreign) to verify the individual's identity. Photographs of an individual's identification should not be taken unless a violation is documented or suspected.

Notified Demolition Inspection Procedures

- ✓ When to Inspect a Notified Demolition:
 - A. If the notified start to end date is 2 day or less
Inspect on the start date
 - B. If the notified start to end date is more than 2 days Inspect the day after the start date
- ✓ Staff shall only enter buildings scheduled for demolition escorted by the site contact
 - i. Staff shall observe all safety precautions and restrictions
 - ii. Staff shall never enter an unstable structure
- ✓ Verify if water is being used for any dust causing activities. In compliance with Rule 50, 55?

Non-notified Asbestos Investigation Procedure (also see general inspection procedures above)

1. If necessary, contact another inspector for assistance
When to notify the Chief of Compliance and Department of Environmental Health (DEH) Hazardous Incident Response Team (HIRT) -responds 24 hours a day, 7 days a week. Staff can reach the HIRT team by calling (858) 505-6657.
 - When the inspector identifies that the asbestos removal may be regulated (not confirmed). Do not wait for sample results to notify HIRT or the Chief
 - When the facility is occupied
 - If the Chief of Compliance is not available, notify the Asbestos Coordinator or any available Senior Inspector
 - ✓ If the Facility is not occupied, HIRT shall be notified if evidence is obtained that asbestos containing material (ACM) is friable and greater than 1%
2. When to take samples:
No destructive samples shall be taken unless prior approval is given by senior staff
 - The site is a Facility
 - Suspect ACM is being removed
 - Friable material or Non-friable is made friable or in poor condition
 - Presence of asbestos is unknown because a facility survey was not performed, facility survey was not conducted properly or the number of samples was not taken in accordance with AHERA guidelines of:
 - Less than 1000 square feet of materials: a minimum of three (3) samples
 - 1000 to 5000 square feet of materials: a minimum of five (5) samples
 - Greater than 5000 square feet of materials a minimum of seven (7) samples

- Number of samples for thermal system insulation: a minimum of three (3) samples
- A notified renovation has not been submitted to the District
- 3. Determine age of the building(age of the building only indicates the likelihood of ACM)
 - Pre-1980: greater chance asbestos is present
 - Depends upon renovation history
 - Post-1980: Asbestos can be present regardless of the age of the facility
 - The area removed is 100 ft² or >(pipes/pipe insulation)
 - If less than these thresholds or not a Facility,
 - we can potentially sample for HIRT (100 ft² does not apply to them)
 - or consider Rule 51
 - Tracked out debris (Rule 51 violation)
 - Foot prints
 - RACM remnants in common areas
 - ii. Proximity of occupants to removal
 - iii. Active work or living spaces
 - Indication of occupants/families/children (e.g. toys, household items)
 - iv. Areas of removal representing sample area (e.g. scraped ceiling above sample)
 - v. Samples adjacent to object showing scale (small ruler)
 - Dry
 - Wet
 - vi. Tools used
 - Hand tools and/or mechanical equipment

Asbestos can be present regardless of when the facility was built. The link below is for *Subpart I—Prohibition of the Manufacture, Importation, Processing, and Distribution in Commerce of Certain Asbestos-Containing Products; Labeling Requirements*. It specifies that there is no complete ban on all asbestos-containing materials.

<https://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol31/pdf/CFR-2011-title40-vol31-part763-subpartI.pdf>

Sample Taking Procedure: (Always wear personal protective equipment): No destructive samples shall be taken

- Identify which samples to take
 - Detached, disturbed pieces – more than a gram
 - Quarter size or bigger (if possible)
 - Photos, photos, photos
- Wet sample area with spray bottle. Take a picture before and after this step
- Take wetted samples from each unit of each non-homogenous material (acoustic, sheet vinyl, paper backing, etc.)

- Collect wetted samples with non-writing hand while wearing (2 pairs) of disposable gloves. After each sample is taken remove the outer glove and replace it with a new pair of gloves.
- Place wetted sample in Ziploc sample bag (double bag the sample). Sample labels shall be placed in the exterior plastic bag and not inside the plastic bag with the sample.
 - Use writing hand to write details on sample label that's adhered to the sample bag which includes:
 - Sample No
 - Date
 - Material
 - (e.g. acoustic ceiling material)
 - Source name
 - Sample location (e.g. living room, master bedroom)
 - Address
 - Sampled by
- The sample number should be more specific than e.g. Sample 1
 - Number of sample + Street Number + Inspector Initials
 - E.g. if William Jacques takes two samples at 1903 Broadway = 11903WJ, 21903WJ

Avoids confusion if more than one inspector takes samples. Whenever possible, the same inspector should take all samples in order to preserve the chain of custody.
- Determine if the material is friable or non-friable
 - How do you determine if a material is friable?
 - Friability of a sample can be determined by crumbling a portion of the sample with hand pressure when the contents of the sample are inside the sample bag. When dry, can you crumble, pulverize, or reduce to powder by hand pressure?
 - If in degraded or in poor condition non-friable ACM is regulated when 100 or >is disturbed.
 - Determine friability of sample by attempting to crumble the sample with hand pressure when the sample is contained within a sample bag.
- What samples should you take?
 - For Multiple Units:
 - At least one sample of each type of homogenous ACM should be taken from each room.
 - If the material does not look homogenous, take more samples
 - A measurement of each area the sample represents is

required to determine if that amount that is removed is regulated and for documenting the violation

- Suggested number of samples (AHERA Guidelines):
 - Less than 1000 square feet of materials: a minimum of three (3) samples
 - 1000 to 5000 square feet of materials: a minimum of five (5) samples
 - Greater than 5000 square feet of materials a minimum of seven (7) samples
 - Number of samples for thermal system insulation: a minimum of three (3) samples
- Dumpsters
 - At least one sample of each type of homogenous ACM should be taken
 - If there is suspect material in the dumpster, inform the site contact that the dumpster shall not be removed until it is determined if the material contains RACM and HIRT is contacted
 - Compare the material in the dumpster and the area of removal to link this material to the removal operation
- Common areas (track out)
 - Stairwells, walkways, playgrounds
- Occupied areas (if possible)
- Use measuring tape to measure each removal area associated with the taken sample
- Organize notes:
 - On notepad (for NOV narrative) include
 - Sample number,
 - Material sampled/friable or non-friable
 - Sample location
 - Measurement associated with the sample number,
 - Keep track of photo order for each location and sample

E.g.

Sample	Material Sampled	Friable/Non-friable	Sample Location	PLM Results	Point Count Results	Photo	Amount Removed
11220WJ	Acoustic Ceiling material	Friable	1220 University Ave – Unit 23 Master bedroom	2% Chrysotile Asbestos	1.5% Chrysotile Asbestos	1-3	874 ft ²

- Be aware of sample areas that contractors overlook
 - Fill gap where carpet meets the wall
 - Sliding glass window tracks
 - Underneath wall heater

- Top of vinyl blinds
- Take photos before, during, and after sampling if applicable
- Use iPhone camera with Lifeproof case (water proof)
 - Take photographs that tell a story (Take photos while samples are being taken, and/or return to further document if necessary)
 - Building location with signage/street address
 - Google map aerial photo of facility
 - Contractor trucks
 - Equipment used in removal
 - Workers on site/actively removing building material
 - Dumpsters
 - Suspect ACM inside/outside dumpster (Rule 51 violation)
 - Match ACM (if possible) to removal areas

Reminder: Inform site contact to not remove dumpster contents while determining if material is ACM

Once all the samples have been collected that are representative of the areas that have been disturbed/removed, exit area of removal.

Chain of custody

- Submit samples to an approved NVLAP labs for asbestos PLM testing lab on the same day
 - If samples are collected late in the day
 - i. Submit samples to Patriot Labs (Submit samples via the night drop off box if after closing time at 6:30), or
 - ii. Keep samples secure and locked up in your van
- When submitting samples to the lab, complete the lab's chain of custody
 - Company/Contact/Address/City, State, Zip
 - District & Inspector information
 - Project Name
 - Name and address of renovation
 - Phone/Email Address/Samples Collected & Date
 - Inspector information & date samples were collected
 - Turnaround Time
 - Rush
 - Sample Number
 - Number of sample + Street Number + Inspector Initials
 - Material Sampled
 - Building material that has PACM
 - E.g. Acoustic ceiling material, Sheet vinyl, paper backing, composite dry wall

- Location
 - Specific location where sample came from
 - E.g. Building 1 dining room
- Relinquished by
 - Inspector name/Date/Time
- Comments
 - Request a point count in advance for samples that have an asbestos percentage between > 1% and < 10% asbestos.

NVLAP Certified Labs

Please be reminded that an asbestos survey conducted by a laboratory that is not NVLAP certified per Rule 1206 (H)(1) is considered invalid.

A NVLAP certification can be verified via the directory at the following link: [NVLAP Directory](#).

To use the directory, the following steps should be followed:

1. Under Program select Asbestos Fiber Analysis
2. Select the Country and State
3. Enter the laboratory name or NVLAP Lab Code
4. Keyword can be left blank
5. Click on search to verify if a lab is NVLAP certified

Common Asbestos Violations:

Section	Description of Violation (<i>with guidance in italics</i>)
R1206 (d)(1)	No facility survey conducted: By conducting a demolition/renovation involving the disturbance of any combination of building materials in any consecutive 365 day period totaling 100 square feet or more without conducting a facility survey to determine the presence or absence of asbestos containing materials.

<p>R1206 (d)(1)</p>	<p>Facility survey not conducted of all suspect materials as defined in Rule 1206: By conducting a demolition/renovation involving the disturbance of any combination of building materials in any consecutive 365 day period totaling 100 square feet or more without conducting a facility survey to determine the presence or absence of asbestos containing materials for all suspect materials. Specifically the suspect material _____ was not sampled and analyzed for asbestos.</p> <p><i>(Only issue a NOV if a suspect material listed in the definition of suspect material in Rule 1206 has not been sampled and analyzed for the presence of asbestos at least one time.</i></p> <p><i>If a suspect material that is not listed in the definition of suspect materials has not been sampled and analyzed for asbestos then do not issue a NOV unless a sample of this material is determined to contain RACM.</i></p>
<p>R1206(e)(1)</p>	<p>Failure to submit a notification: By conducting a Regulated Asbestos Containing Material (RACM) removal operation or demolition and... failing to submit a notification to renovate or demolish within 10 working days prior to any asbestos stripping or removal work or a demolition.</p> <p><i>Before the demolition or renovation can resume, a facility survey and a notification is required to be submitted. The ten day waiting period is not required</i></p>
<p>R1206(e)(9)(ii)</p>	<p>Failure to start on the notified start date: By failing to start the renovation/demolition on the start date. Specifically, a revised notification was not submitted to the District revising the renovation/demolition start date prior to the original start date of (date) when the renovation/demolition did not start on the originally notified start date.</p> <p><i>A notification with a revised start date is required to be submitted to the District prior to resuming the renovation/demolition. A ten day waiting period is not required.</i></p>
<p>R1206(f)(1)</p>	<p>Failure to remove all RACM prior to it being disturbed in a renovation/demolition: ...failing to remove all RACM from the facility prior to any activity that would breakup, dislodge, or disturb this material. Specifically (type of asbestos) was disturbed during the renovation/demolition.</p>
<p>R1206(f)(4)</p>	<p>Failure to wet RACM during removal: ...failing to adequately wet the RACM during the removal operation, or use a local exhaust ventilation and collection designed and operated to capture particulate asbestos material produced by stripping of RACM.</p>
<p>R1206(g)(1)</p>	<p>Failing to wet RACM waste containing materials: ...failing to adequately wet all asbestos containing waste material until sealed in leak tight containers or clear leak tight wrapping.</p>

R1206(f)(6)(iii)(iv)	<p>Failure to Carefully Lower RACM to the ground during removal: ...failing to carefully lower RACM to the ground and floor, not dropping, throwing, sliding, or otherwise damaging or disturbing the material or via clear leak tight wrapping via leak tight chutes into leak tight receptacle when removed from more than 50 feet above ground level.</p>
R1206(f)(8)	<p>Failure to have certified contractor onsite during RACM removal:...failing to have present at least one on-site representative that is trained as an EPA-approved Asbestos Contractor Supervisor pursuant to AHERA in asbestos removal.</p>
R1206(f)(11)	<p>Transparent inspection view port not installed in containment: Failing to have a transparent viewport installed on each wall side of containment that faces an open area or window that allows clear viewing of asbestos removal operations.</p> <p>Compliance action <u>should not</u> be taken when:</p> <ul style="list-style-type: none"> • A viewport is not installed on one wall side of containment that faces an open area when a view port installed on a separate wall side of containment allows an inspector to clearly see into all parts of the work area. • A flap is installed over a viewport on the outside of containment that can be easily lifted by an inspector to view inside containment. • An area of containment is located at a height that is located well above the height of an average inspector and no view port is installed (e.g. a window in an upper level floor). • Containment is installed and the inspection occurs outside of the start and end date range specified in an asbestos removal notification. In some cases containment is left up after the removal of asbestos in order to remove lead or mold. An exception to this would be when abatement personnel remain onsite post end date and they indicate abatement is still in progress. <p>A NOV is required when:</p> <ul style="list-style-type: none"> • A flap is installed over the view port on the inside of containment and an inspector does not have clear visual access to the inside of a work area. • A view port is not installed at a reasonable height that allows an inspector clear visual access into a work area. • A view port is installed but visual access into a work area is blocked by an obstruction (e.g. 3 stage decontamination, etc.).
R1206(g)(3)	<p>RACM debris outside of containment: ...discharging visible emissions during the removal and collection of asbestos waste material outside of containment.</p>

Rule 51	<p>Public Nuisance:...discharging asbestos in the air causing a public nuisance.</p> <p><i>When RACM is in a common area and the Facility is occupied or accessible to the public</i></p> <p style="padding-left: 40px;">i. <i>Include a Rule 51 Notice of Violation</i></p> <p><i>If the ACM is not RACM but it is in a common area, the building or structure or installation is occupied or accessible to the public.</i></p> <p style="padding-left: 40px;">ii. <i>A Rule 51 Notice of Violation may be issued</i></p>
H&S 41510	<p>Access to samples of suspect material is denied: By failing to provide inspection access. Specifically, access has been denied to conduct sampling of suspect material in order to verify the presence of asbestos.</p>

Asbestos Related Enforcement Documents

When to issue a Notice of Violation (NOV) to ALL parties involved, including the owner of the building/unit/structure, contractor, subcontractor (when applicable), and Homeowner Association (when applicable)

NOVs shall be issued to **all** parties involved when documenting deficiencies related to improper work practices or failure to properly notify the District.

Examples of deficiencies that must result in a NOV to all parties involved are listed below:

- Notification is not submitted prior to initiating the demolition or renovation project
- A facility survey is not conducted prior to a renovation or a facility survey is not conducted of all suspect materials as defined in Rule 1206.
- Notification is not submitted 10 days prior to initiating the demolition or renovation project
- Failure to properly notify that the project includes RACM
- Failure to properly notify the amount of RACM that will be removed and this error results in additional requirements (e.g. makes the once non-regulated project regulated, or the additional amount of RACM exceeds 20%)
- During the inspection we observe any of the following irregularities:
 - any visible emissions (waste or dust) to the outside air
 - asbestos containing material outside the removal area
 - material is not properly wetted, contained, and remains wet until collected for disposal
 - worksite containment is not properly sealed and the local ventilation is in proper working condition
 - At least one on-site representative that is trained as a current EPA-approved Asbestos Contractor Supervisor Course pursuant to Asbestos Hazard Emergency Response Act (AHERA) or with a

- current annual refresher certification is not on site during removal
- RACM waste containers and trucks are not properly labeled
- Non-friable material is not being properly removed and results in the material becoming friable

When to issue a NOV only to the most culpable party

- Changes in the start date **after the original start date** – Issue the NOV to the company of the individual signing the notification.
- Incorrect location is provided **and this error prevents the District from inspecting the source or results in inspection delays (i.e. the District cannot find the location)-Issue to the company that submitted the notification.**
- Notification errors-Issue the NOV to the company that the individual signing the notifications represents.
- Failure to include in the notification the mechanical methods utilized for removal (bead blaster, mechanical chipper, mechanical buffer etc.) and such practice makes the project regulated
- RACM is not kept in clear leak tight wrapping. If a renovation notification was issued then issue a NOV to the asbestos abatement contractor if there is no notification issued then issue to all parties involved.
- Inspector viewing ports not installed in asbestos removal containment areas. Issue a NOV to the abatement company.
- RACM waste containers and trucks not properly labeled. Issue a NOV to the abatement company or waste disposal company.

When to not take any compliance actions

- Address typos **and this error does NOT prevent the District from inspecting the source** (e.g. the zip code numbers are transposed but we can easily find the location and inspect the project)
- Typos on the contact information but the typos do not prevent the District from inspecting the source, or prevent an issuance of a Notice of Violation
- Changes in the end date providing the project does not exceed 365 days.
- When the increase in RACM is < 20% providing additional fees are paid if applicable within one business day
- If all suspect materials as defined per Rule 1206 are sampled and analyzed however improper sampling techniques are suspected. Discuss with your supervisor or asbestos coordinator.

If there is a compelling reason to deviate from this policy please discuss it with your Senior and the chief.

Asbestos Personal Protective Equipment (PPE) Procedure (see instructional video on [SharePoint](#))

The primary reason for wearing disposable clothing is to keep gross debris off the body and hair, thereby minimizing the likelihood of bringing asbestos out of the work area.

Disposable clothing usually includes coveralls with attached foot and head coverings. Inspect PPE to ensure it is not damaged (e.g. torn, working zipper etc.).

Don PPE in a clean area

Put on the first disposable coverall

Evaluate fit to ensure it is neither too small (restricting movement and increasing potential for tearing) nor too large (increasing the possibility of snagging and decreasing coordination)

Put on second disposable coverall. If separate foot coverings are used, place them on at this time.

Tape ankles to take up slack in suit to prevent tripping. If using separate foot coverings, tape disposable pant coverall over foot covering.

If wearing gloves, place them on and pull sleeves over gloves at wrist and seal with tape.

Place respirator on and perform positive and negative fit check.

Pull hood covering over respirator straps.

Enter work area

Gain access to site from the owner/contractor/responsible party

Acquire their contact information

Determine if a renovation is occurring

When entering areas of renovation

Policy 2.5: Breakdown Policy

Effective Date: 6/26/1990; Revised: 9/14/2012; Revised April, 2019

Follow the following breakdown guidelines:

Breakdown Logging Procedures

The Air Pollution Control Aide or duty senior shall enter reported breakdowns into BCMS. Obtain the following information and enter into the database:

- Date and time of call
- Company name, address, and phone number
- Name and title of person reporting breakdown
- Type of equipment involved (CEM, baghouse, scrubber, etc.)
- Time and date breakdown discovered
- Time and date breakdown corrected
- Estimated duration of breakdown (if known)
- Proposed corrective actions
- Site ID and permit number
- Time/date breakdown corrected (if known)

The APC Aide logs in all reports and response letters received.

Breakdown Inspection Procedures

1. Emission related CEM breakdowns shall be inspected as soon as possible but no later than five days after receipt. All CEM breakdowns reporting emission exceedances shall be reported to your Supervising Inspector as soon as possible. If the Supervising Inspector is not available please report it to the Chief or Program Coordinator. In order to comply with Rule 19.2 and the Health and Safety Code section 42706, the Supervising Inspector shall report all CEM emission exceedances, even when a breakdown is granted, to the California Air Resource Board within 5 working days after receiving the breakdown. The CEM emission exceedances can be reported by sending an e-mail to Jeff.Lindberg@arb.ca.gov containing the permit limit and the value recorded by CEM.
2. Except for non-emission related CEM breakdowns, inspect as soon as possible but no later than five days after receipt
3. Inspect any non-emission related procedural or in-stack continuous monitoring equipment breakdown no later than quarterly
4. A report will accompany each investigation.
5. Submit report to supervisor once completed
6. After three breakdowns within three years, the supervisor shall write a letter to the facility alerting there have been three breakdowns of the same equipment type and future breakdowns of equipment may not be approved.
7. An incident caused by operator error is not a valid breakdown; however, review matter with your supervisor before making final determination.
8. Staff shall review significant time gaps between the actual start time of the breakdown occurrence and the time of detection/discovery with your supervisor.

The inspector shall collect information and review records to ensure that the breakdown criteria are met prior to making any determination. If there are any questions concerning the validity of a breakdown, contact your supervisor for guidance. Utilize the Breakdown Investigation checklist for the report.

Disallow recurring breakdowns or ones that are the result of negligence or intentional disregard for air pollution laws. Definition of recurring breakdowns is any breakdown of a similar component of the same equipment that occurs more than three times in three calendar years. Your supervisor and chief must approve any recurring breakdown, and be tracked in the database. Additionally, a letter must have been sent after the third breakdown alerting the facility to the recurrence of the same equipment prior to taking enforcement action.

When companies have a second breakdown of the same equipment in less than three years, inspectors shall alert the facility during the inspection to this fact. Facilities shall be encouraged to conduct root cause analysis of the breakdown to find the reason and incorporate additional preventative maintenance or accelerated replacement parts replacement if warranted. Additionally, facilities are encouraged to contact the manufacturer of failed parts, so they can be alerted to problems so they can conduct root cause analysis.

Group multiple permits of the same equipment into one category. For example, if a source has five boilers, and there are three reported breakdowns of oxygen controllers in one year, deny any additional breakdown of an oxygen controller. This means we will not allow each boiler to have three breakdowns of its oxygen controller. Once the source starts having oxygen controller breakdowns, they need to investigate not just the boiler(s) having the problems, but rather all.

For the purposes of determining recurrence, breakdown events of the same equipment that occur within 5 days of each other shall be counted as one event.

After conducting the breakdown investigation, staff shall ensure the source meets the Rule 98 reporting requirements. The report submittal to the District must occur within 15 days after correction of the

breakdown. Staff shall review the breakdown response letter for completeness and compliance with Rule 98(e). Senior staff will review the inspector's breakdown report(s) for completeness and validity. The AQI III shall route the approved report to the APC Aide for inputting into Documentum.

Policy 2.6: Acceptable Documentation Regarding DIESEL FUEL

Revised and Approved: 2/1/2011 (Chief); Reviewed: 9/11/2012 (Chief)

Rule 69.4.1(d)(4) and Rule 12(d)(2) state that any engine subject to these rules that operates on diesel fuel shall use only California Diesel Fuel, also known as CARB Diesel. "Diesel fuel" means any fuel that is commonly or commercially known, sold or represented as diesel fuel, including any mixture of primarily liquid hydrocarbons – organic compounds consisting exclusively of the elements carbon and hydrogen – that is sold or represented as suitable for use in a compression-ignition engine and which meets the requirements of having a sulfur content 15 ppmv. Rule 69.4.1(g)(1)(v) and Rule 12(g)(1)(ii) state that owners or operators of engines subject to these rules must maintain California Diesel Fuel certification to ensure that this fuel is being used.

Any formal documentation, such as bills of lading, delivery receipts, or fuel specification sheets that clearly indicate the fuel is "California Diesel Fuel" or "CARB Diesel", or fuel specification sheets or material safety data sheets that indicate the sulfur and aromatic hydrocarbon contents meet the required limits are acceptable to satisfy the certification requirement. Contact supervisor if you have questions.

Policy 2.9: ENFORCEMENT OF VISIBLE EMISSION LIMITS

Effective Date: 8/02/1984; Revised: 2/01/2011 (Chief); Revised: 9/13/2012 (Chief)

The purpose of this policy is to inform field staff to verify compliance with visible emissions (VEE) limits using Method 9 and the Visible Emissions Evaluation Observation form.

Procedure

A comprehensive compliance inspection will include the evaluation of all emission points for visible emissions. Certified observers will use Method 9 to determine plume opacity.

Method 9 Procedures

The observer will stand at a distance that provides a clear view of the emissions with the sun oriented 140° to the observers back and the line of vision perpendicular to the plume direction. When observing opacity of emission from a rectangular outlet, the line of vision will be perpendicular to the longer axis of the outlet. Staff shall evaluate one plume at a time.

Staff shall observe at the point of greatest opacity in that portion of the plume where condensed water vapor is not present at 15-second intervals. For attached steam plumes, make observations beyond the point in the plume at which condensed water vapor is no longer visible. For detached steam plumes, observe at the emission point outlet prior to the condensation of water vapor and the formation of the steam plume.

Record a minimum of 24 observations with opacity recorded to the nearest five percent at 15-second intervals. Each momentary observation will represent the average opacity for a 15-second period.

Variables

Controllable variables:

- Angle of observer to the plume,
- Angle of the observer with respect to the sun,
- Point of observation of attached and detached plumes, and

- Angle of observer with respect to a plume emitted from a rectangular stack with large length to width ratio.

Plume Visibility

A plume is most visible and presents the greatest apparent opacity when viewed against a contrasting background. However, the potential for a positive error also is the greatest under such conditions. Under less contrasting conditions, the apparent opacity of a plume is less and as a result, the potential for negative errors increases. Such negative errors decrease the possibility of a violation.

Use of Psychometers for Visible Emissions Evaluations

Staff shall utilize their supplied Psychometer as part of every Visible Emissions Evaluation (VEE). Staff shall record the ambient temperature, wet bulb temperature, and the relative humidity in the appropriate section of the VE Observation Form. Additionally, staff shall annotate the use of the Psychometer on the equipment list, checklist, and N/V narrative (if N/V issued) forms.

Visible Emissions from Mobile Sources

Staff shall evaluate the opacity of fugitive dust emissions from mobile sources at a point eight feet above the surface of the ground. Position oneself in a fixed position and perform the evaluation in accordance with Method 9.

Rule 50 Violations:

- Any air pollution source which discharges visible emissions for more than three (3) minutes with an opacity greater than 20% or a Ringelman greater than 1 in any consecutive 60-minute period
- Visible emissions from an asphalt plant drop zone, asphalt paving equipment (with application temperature greater than 320°F), or shipboard fire fighting training unit exceeding an opacity of 40% for more than 3 minutes or more in any consecutive 60-minute period or a Ringelman as great or greater than two (2) for more than 3 minutes in any consecutive 60-minute period
- A diesel pile driving hammer that discharges visible emissions for more than four (4) minutes or more with a Ringelman as great or greater than 1 in any consecutive 60-minute period or an opacity greater than 20% for more than 4 minutes in any consecutive 60-minute period
- A diesel pile driving hammer, which uses kerosene fuel, smoke suppressing fuel additives, and synthetic lubricating oil, that discharges visible emissions for more than 4 minutes with a Ringelman as great or greater than 2 in any consecutive 60-minute period or an opacity greater than 40% for more than 4 minutes in any consecutive period

Issuance of NOV:

Staff shall issue NOV whenever documenting a Rule 50 violation. Staff shall follow all visible emission evaluation protocols and be ARB-certified. Staff must be mindful of the nuances of the regulation as it relates to opacity standards, timeframes, and types of equipment.

Policy 2.11: Expired Start-Up Authorizations

Effective: 10/13/1998; Revised: 2/02/2011 (Chief); Reviewed: 9/11/2012 (Chief)

The following procedures are to be followed for facilities with expired Start-Up Authorizations (S/A). If during a compliance inspection the field inspector determines a Start-Up Authorization has expired, the inspector shall contact the process engineer by phone while at the site. If the process engineer is unavailable, leave a message on their voicemail. Staff shall issue a NOV when an S/A is not extended.

Upon request of an inspection or review of records by a process engineer, honor the request and call back with results. The process engineer may need time to review the application, and if so, proceed to your next task. Include a brief comment in your inspection report concerning the expired Startup Authorization and update the process engineer. Communication with the process engineer shall be positive and helpful.

Note: BCMS has a report that will alert Engineering to expired Startup Authorization and will replace the established forms.

Policy 2.14: Information and Records Request

Revised: 2/02/2011 (Chief); Reviewed: 9/11/2012 (Chief)

In order to evaluate compliance with District Rules and Regulations, additional information may be required from the facility. Inspectors should complete the information/records request form and specify the information/records needed. Indicate on the form the date the records are due not to exceed five (5) days from the date of inspection. For facilities that request more time, consult with your supervisor. Staff shall take the appropriate compliance when the facility fails to submit the information/records timely.

Policy 2.16: Bulk Terminal Inspections

Effective: 1/23/1998; Revised: 2/02/2011 (Chief); Reviewed: 9/11/2012, Revised April 2019

INTERNAL FLOATING ROOF INSPECTIONS

District Rule 61.1(c)(7)(i) requires all internal floating cover seals to be inspected at least once every ninety (90) days to determine compliance. Due to the number of storage tanks at the terminals the District allows the inspections to be conducted once every quarter, as opposed to once every 90 days.

Due to safety concerns, the following procedure is acceptable for source inspections of internal floating roof tanks subject to District Rules 21 and 61.1(c)(7)(i):

- Staff shall conduct quarterly inspections of internal roof tank by visually inspecting from the top of the internal floating tank three times a year
- Additional inspections techniques include utilizing a mirror's reflection to check seals and lowering a hydrocarbon analyzer tethered to rope
- Once a year, tank entry is necessary to inspect the internal cover seal for compliance with Rules 61.1(c) (1) and 61.1(c) (2) by source or contractors. Staff shall witness these annual inspections
- Staff shall review the results of these inspections

The inspection frequency at bulk terminals is specified in District Rule 61.1 and permit conditions. Rule 61.1(c)(7) requires inspections of the outer external floating roof and internal floating cover seal at least once every 90 days.

VAPOR RETURN HOSES INSPECTIONS

Responsible Party Determinations

When the District documents a fugitive vapor leak exceedance, as defined by [Rule 61.0](#), during the loading of a mobile transport tank at a permitted gasoline loading rack, only the mobile transport tank will receive a Notice of Violation if:

1. During the fueling of a subsequent mobile transport tank with the same vapor return hose the fugitive vapor leak requirement is not exceeded; AND
2. The terminal has submitted and is in compliance with a Maintenance Program, approved pursuant to Rule 61.2(c)(11), which contains the following elements:

- a. All vapor return hoses at the bulk terminal must be equipped with the Dixon DBC62LVPR-300 vapor coupler, or other vapor coupler approved by the District;
- b. The permittee must conduct weekly inspections of all vapor return hoses to ensure there are no fugitive vapor leaks, as defined by [Rule 61.0](#). These weekly inspections must be:
 - i. Conducted in accordance with either EPA Method 21 “Determination of Volatile Organic Leaks” or ARB Test Method TP-204.3 “Determination of Leak(s)”; and,
 - ii. Recorded by the operator for every inspection. The records don’t need to quantify the vapor leaks but they must demonstrate that all vapor return hoses were inspected weekly as described above.
- c. When fugitive vapor leaks are identified by these weekly inspections the permittee shall:
 - i. Remove the loading arms and vapor return hoses from service until all necessary repairs are made when the exceedance is caused by the terminal’s equipment; and/or,
 - ii. Prevent the mobile transport tank from fueling at the terminal until all necessary repairs are made when the exceedance is caused by the mobile transport tank.

The permittee shall keep maintenance records to document all repairs made and all mobile transport tanks that were removed from service as a result of these weekly inspections. The maintenance records shall be made available to the District upon request.

When any of the requirements under items 1 or 2 is not met, the mobile transport tank and the terminal will receive a violation unless the inspector can visually identify a deficiency with the vapor return hose or mobile transport tank.

Test procedures to identify fugitive vapor leaks

[Rule 61.2](#) specifically requires that fugitive vapor leaks, as defined by [Rule 61.0](#), are identified using either EPA Method 21 “Determination of Volatile Organic Leaks” or ARB Test Method TP-204.3 “Determination of Leak(s)”. The District has been following these procedures for all inspections.

It is important to note that [Rule 61.0](#) defines fugitive vapor leaks as *“any hydrocarbon vapor leak along any vapor transfer path which results in a concentration of 500 parts per million by volume (ppmv) or more measured as propane, or 1375 ppmv or more measured as methane, when measured at a distance of 1/2 inch (1.3 cm) from the vapor path, other than nonrepeatable, momentary readings.”*

- Method 21 states *“Place the probe inlet at the surface of the component interface where the leakage could occur”*. The CARB test procedure states *“For a stationary leak source (e.g. loading rack) the probe tip shall be placed at the surface of the suspected leak interface...”*. The District takes the measurement at a distance of 1/2 inch from the vapor path, as required by the rule.
- Method 21 states *“If the maximum observed meter reading is greater than the leak definition in the applicable regulation, record and report the results as specified in the regulation reporting requirements.”* The CARB test procedure states *“Record the highest detector reading and location for each leak being monitored”*. The District takes 2 readings to ensure the exceedance occurred since the rule excludes nonrepeatable and momentary readings.
- Method 21 states: *“Leave the probe inlet at this maximum reading location for approximately two times the instrument response time”*. CARB test procedure states *“The detector response time must be equal to or less than 8 seconds and the detector shall not probe any potential leak source for longer than twice the detector response time.”* The District uses the [Eagle](#) gas detector which is in compliance with method 21.

Policy 2.23: JOINT START UP INSPECTION PROCEDURE

Effective: 4/27/2011 (Chief); Reviewed: 9/13/2012

Prior to issuing a Start up Authorization (SA), the engineer may conduct a start up inspection, which includes going over the conditions with the source. This start up inspection can be very informative for the source as they gain insight on the purpose of the permit conditions. Consultant(s), equipment operators, and construction staff may be on site for more complex projects and will provide insightful information to all. PTO issuance occurs after the initial inspection is completed and compliance with Rule 24 is determined. At this point, inspection staff commences with ongoing compliance inspections.

From a Compliance Division perspective, staff has missed valuable information that would otherwise assist with enforcement duties. Taking part in these inspections would allow inspectors to gain valuable insight on the project, and it would help ensure proper enforcement and explanation of permit conditions on future inspections. Joint inspections would also be a valuable training tool for new staff. Lastly, joint inspections would have the added benefit of improving communications between the two divisions.

There is no need for joint inspections of basic equipment. Understandably, some joint inspections will not occur due to staffing constraints or other situations taking precedent. Below is the procedure for joint start up inspections:

START UPS NOT REQUIRING JOINT INSPECTIONS:

1. Emergency IC Engines
2. Gasoline Vapor Recovery Equipment (except for equipment installations subject to new executive orders)
3. Portable Equipment
4. Cold Solvent and Vapor Degreasers
5. Minor Coating Operations w/ typical controls
6. Permit modifications with no equipment modifications (Examples include, but not limited to, changing throughput limits, increasing/decreasing hours of operation, and changing types of coatings)
7. Soil Remediation Projects
8. Routine equipment with routine controls

EXAMPLES OF START UPS REQUIRING JOINT INSPECTIONS:

- A. Power Plants
- B. Cogeneration Equipment and Prime Engines, especially those with parametric monitoring and which operate on LFG or Digester Gas
- C. Quarries/ Asphalt Plants / Concrete Batch Plants
- D. Coating Operations with VOC Emission Controls
- E. Equipment previously operated without controls, and now having controls

PROCEDURE:

1. Start up inspection scheduled with source by Permit Engineer
2. Permit Engineer schedules inspection in Microsoft Outlook (including date, time, location and link to application number) and invites Senior Inspectors as Optional Attendees
3. Senior Inspector determines if inspector should attend
4. Senior Inspector assigns and forwards the e-mail invitation to applicable inspector
5. Inspector replies to engineer whether they will attend or not as soon as possible prior to the inspection
6. Engineer will inform Senior Inspector/Inspector if there is a change in date or time

ON SITE INSPECTION:

1. The engineer will take the lead on the inspection.
2. Established Engineering procedures are in force (MOP Engineering 7.2).
3. Professionalism by staff is expected and is of paramount importance. A positive discussion on the ATC/SA conditions and the equipment is expected.

RULES POLICIES

Policy 3.4: Record Requirements for Engines at Remote/Un-staffed Locations

Effective: 8/17/2011; Revised: 4/09/2009 (R. Kard); Reviewed: Jan 2011 and 9/13/2012 (Chief)

Rules 12(g), 69.4(g), and 69.4.1(g) require that owners and operators of registered or permitted engines subject to Rule 12, 69.4, and/or 69.4.1 maintain certain records. (Therefore, these requirements apply to both diesel and non-diesel engines, both emergency and prime engines, and both portable existing emergency engines registered under Rule 12 as well as stationary engines.)

These rules all require that the applicable records be retained on-site for at least three years and be made available to the District upon request. The operating conditions in the Certificate of Registration or PTO state this requirement. In addition, the stationary diesel engine ATCM (17 CCR 93115.10(g)) requires emergency diesel engine records for the past 24 months be kept on-site or at a central location in California. It also requires that these records be available to the District upon request.

Currently, there are many engines registered under Rule 12 or permitted under Rule 69.4 or 69.4.1 that are located at remote or un-staffed locations—such as sewer pump stations or cell phone towers—throughout the County. The requirement to retain the records on-site for these facilities can be cumbersome and inefficient since technology allows operation from a location other than the equipment site.

In order to address these issues, the following policy shall apply:

For remote / un-staffed sites, it is permissible to maintain records for Rules 12(g), 21, 69.4(g), 69.4.1(g), and 17 CCR 93115.10(g) (i.e. operating log, CARB diesel specifications, maintenance procedures) and the Certificate of Registration at a central location in San Diego County. The entity shall make the records available upon request.

For purposes of this policy, remote or un-staffed locations are either: 1) backcountry area of San Diego County or 2) a location where personnel are not present during normal business hours. Staff shall maintain records onsite where company personnel are present, regardless of their title or knowledge of the permitted equipment.

When an inspector schedules an inspection of an engine at a remote or un-staffed facility, the inspector should request the source representative bring all records to the inspection site for review. If the records are still not available, the inspector shall issue the requisite enforcement document in accordance with Rule 6 and Policy 4.3.1a.

In lieu of informal agreements with owners/operators of remote or un-staffed engines regarding the appropriate location of records, staff shall provide facilities a copy of this policy as required.

Policy 3.6: Rule Applicability – Rule 67 Series

Effective: 10/10/2000; Reviewed 2/02/2011 and 9/13/2012 (Chief)

Certain District rules contain specific references to other rules in the Applicability or Exemptions sections. For example, Rule 67.3(a)(2) states:

“Any coating operation subject to the requirements of Rule 67.0, 67.4, 67.9, or 67.18 shall not be subject to this rule.”

This language clarifies the District’s intent in applying Rule 67.3 to metal parts. If the coating of metal component is more specific to another rule, such as an Aerospace or Marine part, then the more specific requirements of Rule 67.9 or 67.18 will apply.

In some cases, more than one 67 series rule applies to the same operation, for example:

“If a coating is applied via screen-printing onto a metal substrate, is the operation subject to Rule 67.3 (metal parts) or to Rule 67.16 (graphic arts)?

The answer is Rule 67.16. Rule 67.16 is more specific to the operation described above than is Rule 67.3. Therefore, staff shall apply Rule 67.16 to this operation and not Rule 67.3.

In the field, you may find similar situations. When more than one 67 series rule applies, the rule that is more specific to the operation is applied. If you have questions regarding rule applicability, contact your supervisor.

Policy 3.7: Motor Vehicle And Mobile Equipment Coating Operations

Effective: 07/27/2016 (M. Luther)

Inspection Procedures

Determining Permit Requirements and Permit Exemptions

Mass emission calculations are required when the facility is limited by a permit condition or to substantiate a Rule 11 exemption. When determining Rule 11 emission calculations, staff *shall exclude* surface preparation, clean up solvents, and filler materials such as Bondo.

For permit condition emission limitations, staff *shall include* all VOC emissions including coatings, clean up solvents, waxes and fillers (wax and filler records can be purchase records only). Facility emission limitations typically occur when the source is subject to BACT/NSR requirements. For the purpose of calculating filler emissions, it is allowable to take the monthly filler usage divided by the days filler was utilized in that month to calculate the average daily usage.

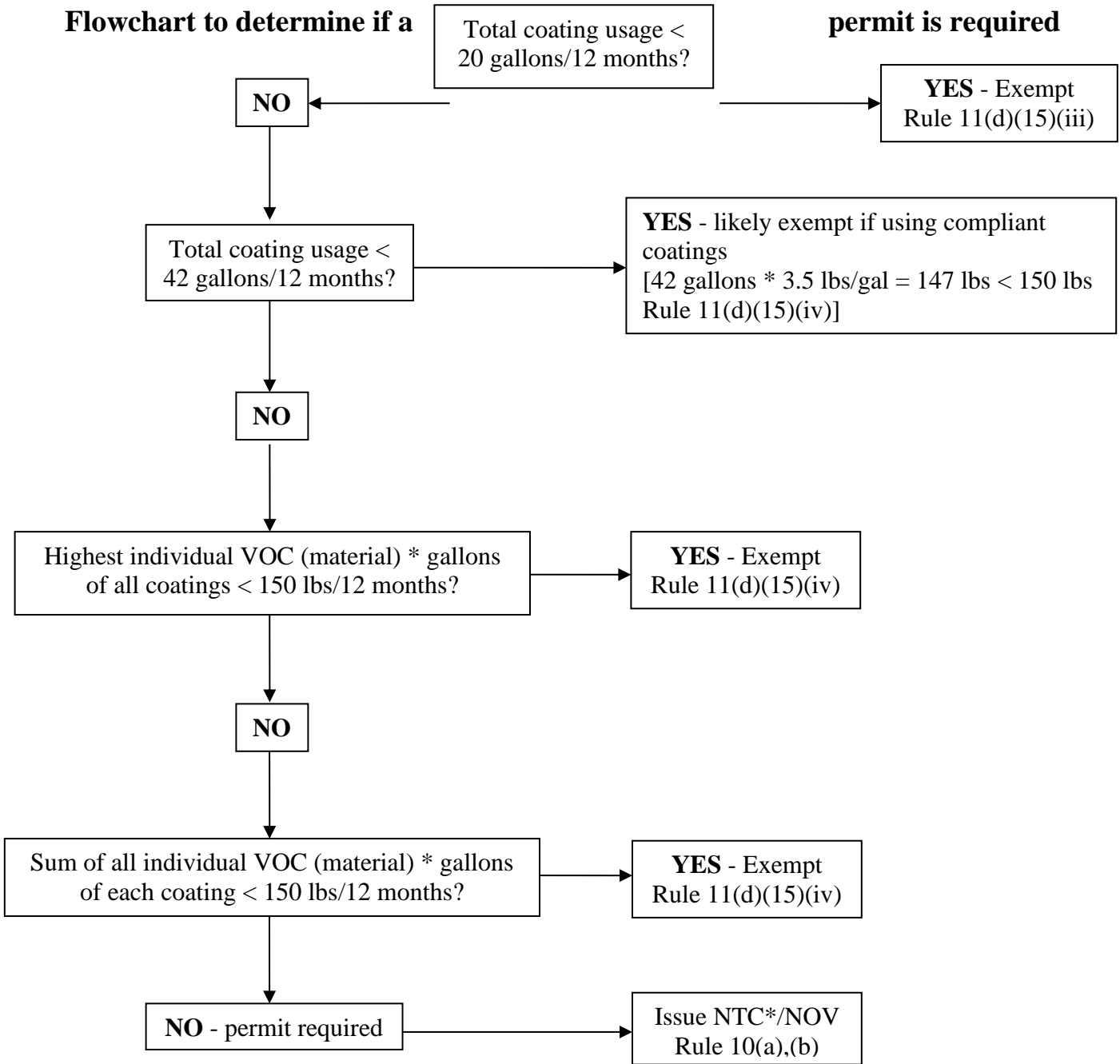
For sites with *compliant coatings*, staff can reduce the time needed to determine if a site is permit exempt per Rule 11, by following the steps below sequentially:

1. Staff shall determine the 12-month coating usage in gallons. If the total coating usage is less than 20 gallons, the site is permit exempt (Rule 11(d)(15)(iii), no additional calculations are required).
2. If the 12-month coating usage is less than 42 gallons the site is likely permit exempt due to the 150-lb mass emission exemption (Rule 11(d)(15)(iv)), provided the site uses compliant coatings. This is based on 42 gallons of coatings with 3.5 lbs/gal VOC content (material).
3. Where 12-month coating usage exceeds 42 gallons, staff shall calculate the mass emissions by multiplying total coating usage by the highest individual coating VOC content (material). If the calculated value is less than 150 lbs the site is permit exempt (Rule 11(d)(15)(iv)).
4. Where mass emissions exceed 150 lbs using the above methods staff shall sum each individual coating VOC content (material) multiplied by the coating’s corresponding usage (in gallons). If the calculated value is less than 150 lbs the site is permit exempt (Rule 11(d)(15)(iv)).

Enforcement action

Staff shall issue an NTC*/NOV to unpermitted sites where no exemption can be documented. When a permitted site meets one of the Rule 11 exemptions, staff shall provide information as to the site’s options

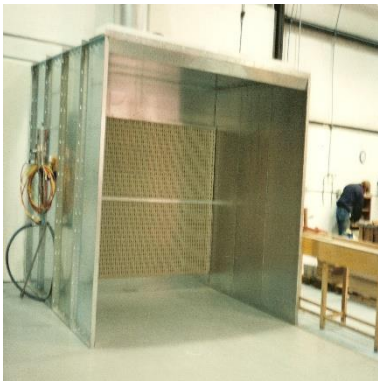
to maintain the permit, retire the permit or apply to inactivate the permit (49A). Permit conditions remain in effect while the permit is still active.



Rule 10

Autobody shops are permitted on an emission unit-specific basis. Examples of permitted emission units include:

- Fully-Enclosed Booths
- Spray Curtains
- Semi-Enclosed Filter Walls
- Open Spray Areas



Rule 11 exemptions apply to each type of substrate, i.e., the facility could qualify for the Rule 11 exemption for motor vehicle coating and separately for metal parts coating, even if the combined usage/emissions exceed the exemption. However, coating different substrates on shared equipment (e.g., same booth) is an industrial coating emission unit and usage/emissions are combined.

Booths not listed in the permit description need to be researched and reviewed with your supervisor. Staff shall identify whether the booth was added after the permit was originally issued. Booths that have been added, altered, or removed (if required by the permit) must have prior approval from Engineering through the application process. If a booth is not listed in the permit description but was existing when the operation was originally permitted note this in the inspection checklist. Discuss with your supervisor and Engineering staff if a booth is removed at a facility with one or multiple booths.

By policy, a separate permit is not required for solvent cleaning tanks, devices or systems *exclusively* used for cleaning coating application equipment. For example:

- A cold solvent cleaning tank solely used to clean automotive spray guns does not need a separate permit because it is part of the operation/process line, but it must comply with Rule 67.20.1 requirements under (d)(4).
- A cold solvent cleaning tank that is also used to clean engine parts requires a separate permit.

Enforcement action

- No permit..... NTC* for Rule 10(a),(b)
- Modification of permitted equipment NOV for Rule 10(a)(b)
- Removal of unused additional booth..... Discuss with Supervisor / Engineering
- Expired permit..... NTC* for Rule 10(h)
- Retired permit, facility is still operating..... NOV for Rule 10(b)

Rule 21

Verify that the facility is complying with all permit conditions and ensure the permit conditions are current. If staff finds an invalid permit condition, submit a Permit Change Request through BCMS to your supervisor.

Title 40, Part 63, Subpart HHHHHH (NESHAP 6H) Requirements

A site’s permit will specify which provisions of 6H apply.

Site **not** exempt from 6H:

- Spray application of coatings must be done in spray booth or station with 98% efficient filters
- 98% filter documentation
- Painter records – ensure name matches record, new painters trained within time limits
- Initial notification, compliance notification, and notification of changes
- Per EPA guidance, priming or other painting of vehicles can be conducted outside of a spray booth provided a mobile ventilated enclosure to capture overspray is utilized, or as long as spray paint guns with a paint cup capacity of 3 ounces or less are used

Staff shall be mindful of NESHAP 6H exemptions, including:

- Using a ≤ 3-oz. cup for spray-applied coatings
- Hand application of coatings
- Not using any coatings containing NESHAP 6H target HAPs

Staff shall verify claimed exemptions are valid. Staff shall accomplish this by checking site records that list use of products. Lists of known coatings that contain NESHAP 6H target HAPs are typically available

from the various coating manufacturers. Often these coatings are bright colored tints or toners such as green, purple and yellow.

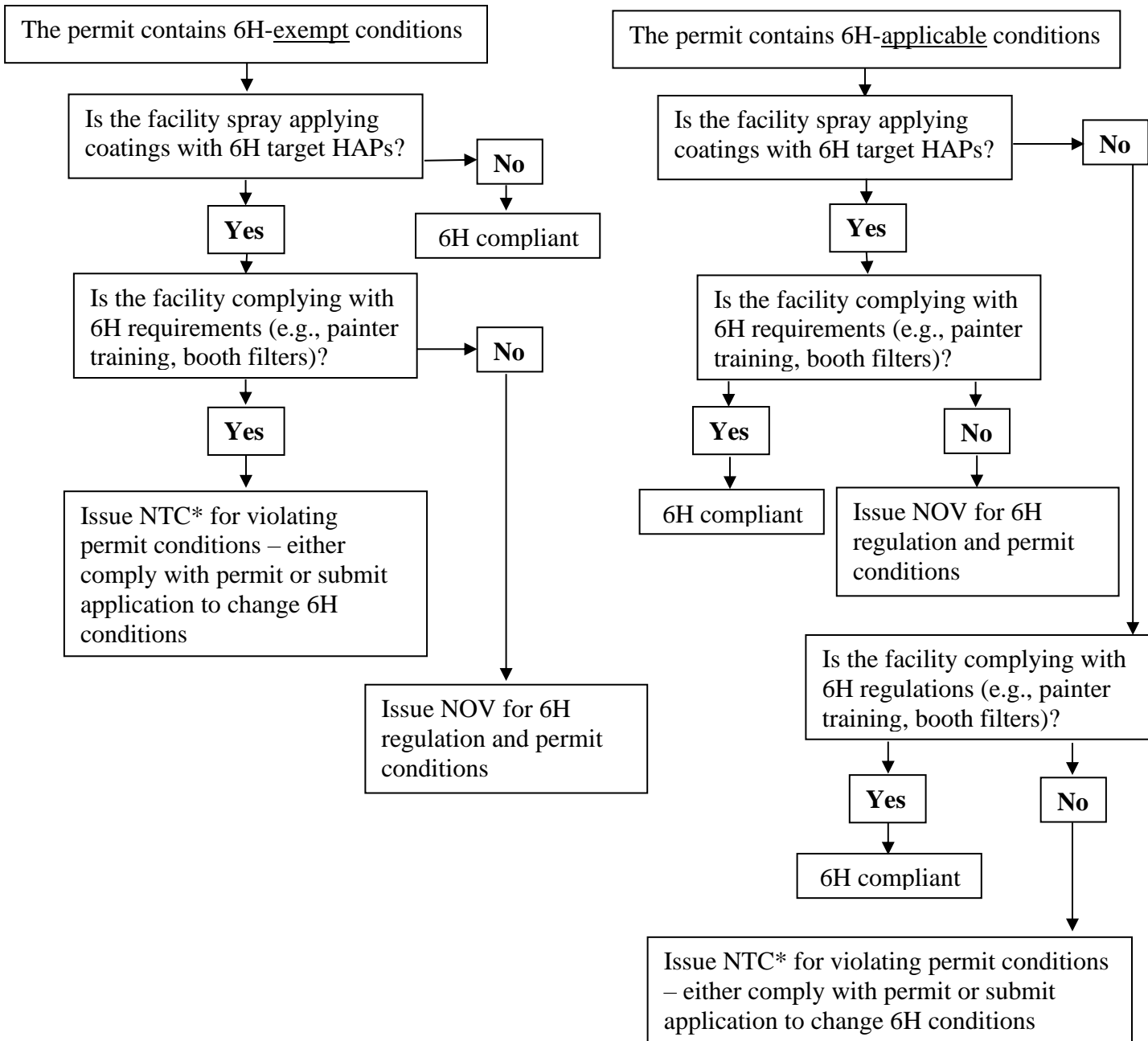
Sites that also conduct non-motor vehicle coating operations can be in possession of coatings that contain NESHAP 6H target HAPs provided they are not for use on motor vehicles.

Verify any items subject to a Notification of Changes Report (e.g., change of painter). Note changes on the inspection checklist, which will suffice as the Notification of Changes Report.

Enforcement action

- No painter training..... NOV for 40CFR 63.11173(e)(1)
- No painter training records..... NOV for 40CFR 63.11173(e)(1), 63.11177(a)
- No 98% efficient filter..... NOV for 40CFR 63.11173(e)(2)(i)
- No 98% filter documentationNOV for 40CFR 63.11173(e)(2)(i), 63.11177(b)
- Not using booth or enclosure.....NOV for 40CFR 63.11173(e)(2)
- 6H permit conditions/ 6H violations, but no 6H HAPs and late/no petition for exemption.....NTC* for Rule 21 citing 6H condition – compliance options include 6H compliance or application to change conditions
- Permitted, but no notification..... No action for 6H initial or compliance status notification
- Permitted, but no annual notification..... Deemed to comply when noted on inspection checklist
- Unpermitted, no 6H HAPs, no notification... CAR* for 40CFR63.11175(a)(b) have exemption petition completed during inspection
- Unpermitted, 6H HAPs, no notification..... CAR* for 40CFR63.11175(a)(b) if notification/compliance status done during inspection. See above for any 6H NOV items.

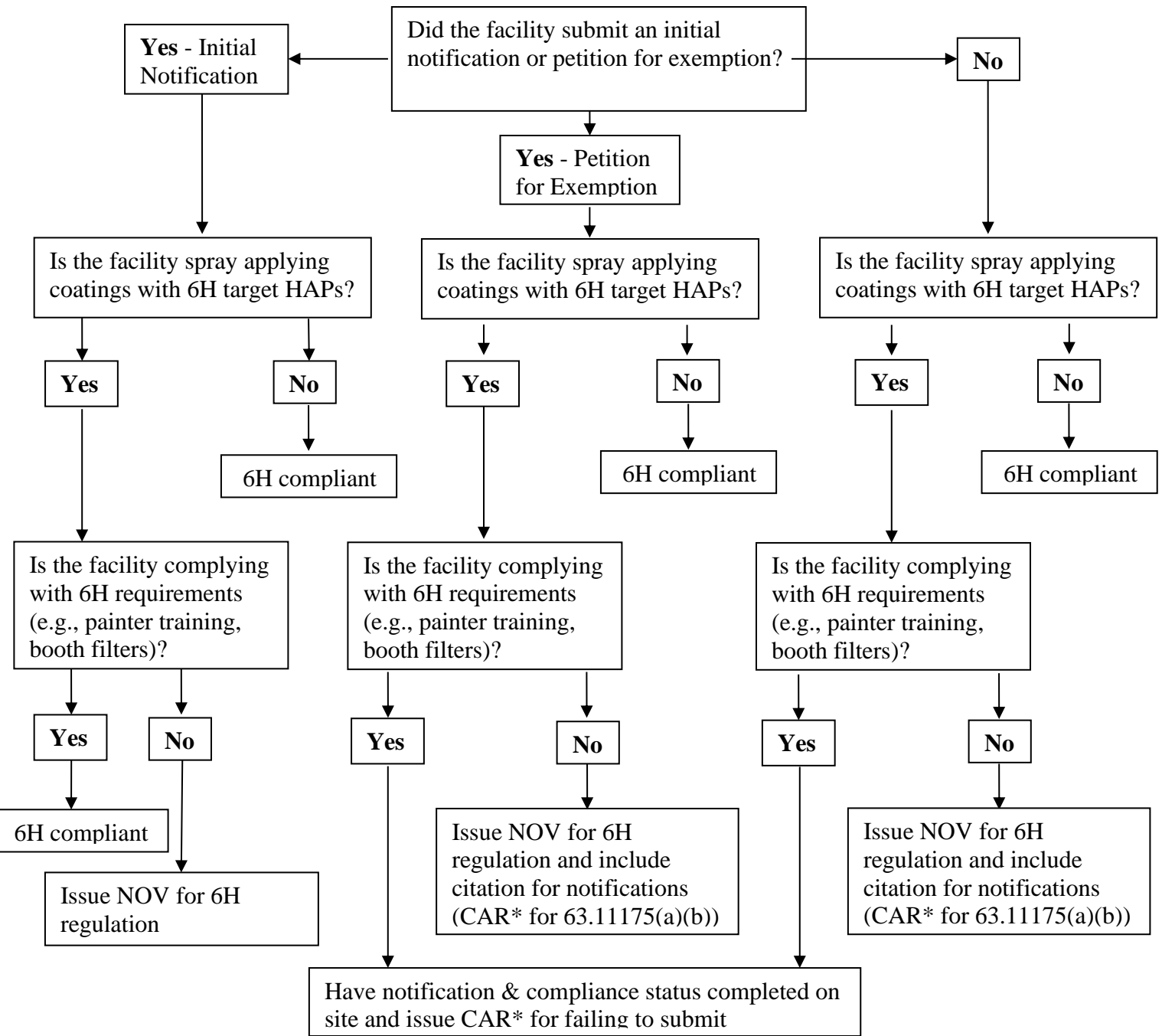
Inspecting a Permitted Automotive Coatings Facility For NESHAP 6H Compliance



6H Regulation NOV citations

- | | |
|------------------------------|--|
| No painter training | 40CFR 63.11173(e)(1) |
| No painter training records | 40CFR 63.11173(e)(1), 40CFR 63.11177(a) |
| No 98% efficient filter | 40CFR 63.11173(e)(2)(i) |
| No 98% filter documentation | 40CFR 63.11173(e)(2)(i), 40CFR 63.11177(b) |
| Not using booth or enclosure | 40CFR 63.11173(e)(2) |

Inspecting an Unpermitted Automotive Coatings Facility For NESHAP 6H Compliance



6H Regulation NOV citations

No painter training	40CFR 63.11173(e)(1)
No painter training records	40CFR 63.11173(e)(1), 40CFR 63.11177(a)
No 98% efficient filter	40CFR 63.11173(e)(2)(i)
No 98% filter documentation	40CFR 63.11173(e)(2)(i), 40CFR 63.11177(b)
Not using booth or enclosure	40CFR 63.11173(e)(2)

Title 17 CCR 93112 Requirements

Coatings that contain hexavalent chromium and/or cadmium are not to be used or be in possession of at an automotive coating facility. There is no de minimis amount for these two elements but an MSDS typically lists hazardous chemicals present at >1% and carcinogens present at >0.1%. Therefore, staff may need to conduct more detailed research to determine if any small amounts of hexavalent chromium or cadmium are present (See Policy 3.15).

Enforcement action

- Manufacture/sale of non-compliant product..... NOV for 17CCR 93112(d)(1)
- Possession or use..... NOV for 17CCR 93112(d)(2)

Rule 67.20.1 Requirements

Rule 67.20.1(b)(2) – Coating operations performed by an individual at his/her residence

Enforcement action

Coating personal vehicles at residences will typically only be inspected pursuant to a complaint. Only VOC content limits and prohibition of possession requirements are applicable.

Rule 67.20.1(b)(5) – Exemption for cleaning of coating application equipment

Exempt compounds (e.g., acetone) do not qualify for this exemption, so their use must comply with either (d)(4)(iii) or (d)(4)(iv).

Rule 67.20.1(b)(6) – Exemption for cleaning materials that exceed the 25 g/l VOC content limit

Cleaning material VOC content limits relate to the material VOC content, not the regulatory VOC content.

67.20.1(b)(6)(ii): Wipe cleaning is allowed; this was meant to prohibit use of aerosol spray cans.

Enforcement Action

- VOC content >25 g/l, (b)(6) exemption not verified.....NOV for Rule 67.20.1(d)(5), (f)(3) and (h)(1)(iii)

Rule 67.20.1(d)(1) – VOC Content Limits

- The District does not consider Tertiary Butyl Acetate (tBAC – CAS #540-88-5) exempt, but manufacturer information may assume it is exempt.
- Verify the site's meaning of mix ratio [e.g. 2 oz clearcoat: 1 oz catalyst : 50% reducer. Is it 50% of the total (1.5 oz), or 50% of 1 (0.5 oz)?].
- Differing VOC content data on container label/MSDS/SDS/TDS - Use higher VOC content value to perform calculation. If calculated VOC content exceeds limit, then re-calculate using lower VOC content value. If both calculated VOC contents exceed limit, then issue an NOV for a non-compliant coating. If one value is above and the other is below the VOC content limit, then issue an NOV for failing to provide data necessary to determine compliance.
- Take no enforcement action for slight discrepancies between recorded VOC and calculated VOC, provided the calculated VOC is compliant. For example, the VOC limit is 2.1 lbs/gal, the recorded VOC is 2.07 lbs/gal and the calculated VOC is 2.06 lbs/gal. Since the 2.06 lbs/gal value is compliant staff will take no enforcement action.
- Body fillers and waxes are not coatings for the purposes of Rule 67.20.1.
- For color or single-stage coatings, if worst case VOC content is compliant (e.g., assume 100% highest VOC color) then individually verifying other colors is unnecessary. Where the worst case exceeds the VOC content limit, conduct more detailed calculations.
- Non-compliant coatings will be traced back to the supplier and manufacturer (see (f)(1) below).
- Inspectors will advise manufacturers and suppliers to contact additional customers to inform them that the product is not compliant and possession and/or use of it is a violation.

Enforcement Action

- As applied coating exceeds VOC content limit due to altering the mfr mix ratio or substituting components..... NOV to facility for Rule 67.20.1 (d)(1)
- As applied coating exceeds VOC content while following the mfr mix ratio..... NOV to manufacturer, supplier (see (f)(1)), and facility

Rule 67.20.1(d)(2) – Most Restrictive VOC Content Limit

- The lowest VOC content limit for the category of the recommended uses shall apply.

Enforcement Action

- Lower VOC content limit exceeded..... NOV for Rule 67.20.1 (d)(1) and (f)(3)

Rule 67.20.1(d)(3) – Coating Application Equipment

Be aware of equivalent District-approved non-HVLP spray guns. Approval letters need to be available on site.

Enforcement Action

- No air cap pressure gauge or technical data, 6H HAPs not utilized.....NTC* for Rule 67.20.1(d)(3)(vi)
- No air cap pressure gauge or technical data, 6H HAPs utilized.....NOV for Rule 67.20.1(d)(3)(vi)
- Operating 100-130% of max pressure, 6H HAPs not utilizedNTC* for Rule 67.20.1(d)(3) (vi)
- Operating >130% of max. pressure..... NOV for Rule 67.20.1(d)(3)(vi)
- Operating >100% of max. pressure, 6H HAPs utilized NOV for Rule 67.20.1(d)(3)(vi)

Rule 67.20.1(d)(4) – Cleaning of Coating Application Equipment

- Sections (i) and (ii) always apply.
- If exempt per (b)(5), sections (iii) and (iv) do not apply.
- If not exempt, facility must comply with either (iii) or (iv).
- Section (ii) applies to the internal cleaning of spray gun components or paint supply lines.
- Sections (iii) and (iv) apply to the external cleaning of spray guns.
- Use of concentrated solutions is acceptable provided they are diluted per required mix ratios and mix ratio data is documented on site. Usage records per 67.20.1(h)(1) are also required.

Enforcement Action

- Gun cleaning requirements violated.....NOV for Rule 67.20.1(d)(4)

Rule 67.20.1(d)(5) – Surface Preparation Operations

Cleaning material VOC content limits relate to the material VOC content, not the regulatory VOC content.

- Verify whether (b)(6) exemption applies. Solvents in non-refillable spray cans with a VOC content above 25 g/l are not allowed.
- Use of concentrated solutions is acceptable provided they are diluted per required mix ratios and mix ratio data is documented on site. Usage records per 67.20.1(h)(1) are also required.

Enforcement Action

- Using non-compliant surface prep solvent..... NOV for Rule 67.20.1(d)(5) and (f)(3)

Rule 67.20.1(f)(1) – Prohibition of Manufacture or Sale

- When non-compliant coatings are identified inspectors will obtain data from the manufacturer and supplier as to how much material was supplied into the County and to whom. Include this information with the NOV narrative.
- If additional facilities are identified in this process, inspectors will advise manufacturers and suppliers to contact those customers and inform them that the product is not compliant to use or possess.
- If additional facilities are identified, inspectors will notify the appropriate sector inspector for follow up. If the specific product is at the facility during the follow-up inspection an NOV will be issued for possession and for using non-compliant product (if use is verified).

Enforcement Action

- Manufacture or sale of non-compliant product.....NOV for Rule 67.20.1(f)(1)

Rule 67.20.1(f)(2) – Prohibition of Specification

Enforcement Action

- Specifying non-compliant product.....Discuss with Senior and Chief.

Rule 67.20.1(f)(3) – Prohibition of Possession

- This prohibition does not apply to coatings demonstrated to be for non-automotive purposes. Example 1: A metal/wood coating operation with records of substrate-specific coatings. Example 2: Architectural coatings clearly marked for that purpose.
- Determine whether a non-compliant product was sold after 6/30/11. Where this is documented see (f)(1) for enforcement.
- Where sufficient evidence that a non-compliant product has been used, see (d)(1), (d)(4) and (d)(5) for enforcement guidelines.
- Possession of concentrated cleaning solutions is acceptable provided mix ratio data is documented on site.

Enforcement Action (whether facility is permitted or not)

- Possession of non-compliant coating/cleaning material..... NOV for Rule 67.20.1(f)(3)
- Possession of concentrate cleaning material, no mix data....NOV for Rule 67.20.1(f)(3)

Rule 67.20.1(g) – Manufacturer and Supplier Information

Enforcement Action

- Information not supplied and fault of mfr/supplier..... NOV for Rule 67.20.1(g) to manufacturer and supplier
- Information provided to supplier but not provided to customer..... NOV for Rule 67.20.1(g) to supplier
- Information supplied to customer but not made available to inspector.....NOV for Rule 67.20.1(h)(1) to customer

Rule 67.20.1(h) – Record Keeping

Enforcement Action

- Operator fails to maintain records on site and information was available from the manufacturer/supplier..... NOV for Rule 67.20.1(h)(1)
- Manufacturer/supplier fails to provide records to the inspector..... NOV for Rule 67.20.1(h)(3)

Enforcement of Rule 67.20.1 – Cleaning materials and paint remover/strippers

Cleaning and surface prep materials

Cleaning and surface prep materials might meet the consumer product regulations under the definition of “Multi-Purpose Solvent” or “Single Purpose Cleaner”. The District is NOT pre-empted from enforcing the VOC limits in Rule 67.20.1 for cleaning and surface prep materials against the manufacturers and sellers of those materials. The VOC limits and labeling requirements in Rule 67.20.1 were adopted and became effective on June 30, 2010. The CARB VOC limits for both “Multi-Purpose Solvent” and “Single Purpose Cleaner” were not adopted and effective until December 10, 2011. Therefore, we are not pre-empted from enforcing the requirements of our rule against products in these categories.

Paint Remover or Strippers

The determination discussed above does not apply to “Paint Remover or Strippers”. The District is pre-empted from enforcing the VOC limits in Rule 67.20.1 for paint remover or strippers against the manufacturers and sellers of those materials. Those materials were regulated in the version of the consumer product regulation that became effective on June 18, 2009, and as such, we cannot enforce different requirements for those products.

The determination of pre-emption is entirely dependent upon the product category. If the product category was regulated under the California Consumer Products Regulation prior to our rule adoption, we are pre-empted, and if not, our rules can be enforced.

Policy 3.8: Rule 67.6(d)(5)(viii) – Cleaning of Porous or Adsorbent Materials

Approved Jan 2011 (Chief); Reviewed: 9/27/2012

This section prohibits porous or adsorbent material from being cleaned with solvent. This section is less clear whether it applies to porous or adsorbent “tools” such as ropes, nylon straps, or wooden-handled wire brushes, which are used to clean articles. The District’s intent in Rule 67.6(d)(5)(viii) was to prohibit the actual cleaning of porous or adsorbent articles.

Therefore, Rule 67.6(d)(5)(viii) will only apply to the actual cleaning of articles. Furthermore, Rule 67.6(d)(5)(viii) will not apply to either the storage or cleaning of cleaning tools.

Policy 3.9: Rule 67.17

Revised: 2/02/2011 (Chief); Reviewed 9/13/2012 (Chief)

Staff shall follow the following guidelines for enforcement of District Rule 67.17:

- All covers must be intact and must retard VOC emissions. Container covers shall fit snugly on the container such that they prevent any openings. Staff will allow an open container with dried rags, unless detecting an odor (issue NOV if odor detected). If staff discovers an open container with dried rags and no odor, inform source rule prohibits drying in open air.
- Rule 67.17 does not allow waste minimization by uncontrolled drying of VOCs from waste containers. This may be a common problem because our regulations conflict with practices performed due to Hazardous Waste Management regulations.
- Staff shall not take any action if they discover an empty container with a non-drainable residue on the sides. Staff shall consider container empty and exempt from the rule.
- Rule 67.17 does not apply to exempt solvents such as 1,1,1-trichloroethane, acetone, etc., which by definition are not considered VOCs.
- Staff shall consider squirt bottles equipped with submerged applicator tube openings closed containers.

- Tanks or drums used to store VOCs or materials containing VOCs are usually equipped with vents to facilitate pumping of fluids. Open vents are not allowed except where required to comply with the applicable fire and safety codes. Some allowable alternative equipment configurations include:
 - Vents equipped with manually or automatically operated valves, which are closed except when fluid is being pumped from the container, or
 - Vents equipped with vapor/air balance systems (e.g. plastic tubing), which are used to conduct vapor/air back to the solvent tank or drum.
- Simple modifications made to containers, covers, or vents will not require an application for a District Authority to Construct. Modification of equipment E/L's will be sufficient in most cases. Staff shall inspect all areas where VOC containing materials are stored, prepared, applied, or accumulated for waste for compliance with standards of Rule 67.17. The information collected to verify compliance should include container size, type of material (liquid, paper, rags, etc.), color, amount, and location. You should also determine if the container was "in use". Gather additional information such as Material Data Safety Sheets (MSDS), container labels, and statements from the company representative identifying the material. Staff shall note in report the presence of an odor from the container. In the event that an odor is not apparent, **do not put your nose into the container**, instead wave your hand over the container to detect odor, ask the company representative about the contents, or obtain an MSDS. In cases where the above information is not available, staff can sample material after obtaining approval from Chief. Refer to the Chain of Custody protocols for proper sampling and handling techniques.

Policy 3.10: Rule 67.17 – Open Containers

Effective: 8/19/2002 (T. Morris); Reviewed: 9/13/2012 (Chief)

Rule 67.17 regulates the storage of materials containing Volatile Organic Compounds (VOCs). This policy clarifies the definition of closed containers to ensure consistent enforcement of Rule 67.17.

Rule 67.17(d)(1) states, "all containers used to store, transfer, apply, or otherwise employ materials containing VOC shall be closed when not in use". Additionally, Rule 67.17(c)(3)(A) defines closed as "having in place an apparatus or cover which completely covers the container and which is designed to retard VOC emissions..."

For example:

- A one-quart open container used to store materials containing VOCs (i.e. paint, solvents, reducers, catalysts, etc.) observed inside a fire cabinet is an open container. A closed cabinet does not meet the intent of Rule 67.17 for closed container.
- Staff shall consider a one-quart open container used to store waste containing VOCs observed inside a covered waste receptacle a closed container.

The difference is in whether the container stores waste or usable VOC materials.

Additionally, containers used to store VOCs and used as degreasers that are exempt from Rule 67.6 requirements based on size or capacity are subject to Rule 67.17 requirements.

For example:

- An open one-gallon coffee can used to degrease parts observed on a workbench is considered an open container and will be cited using Rule 67.17.

If you have any questions, please see your supervisor.

Policy 3.16: Definition of HVLP Spray Gun

Effective: 5/22/2007; Revised: 3/29/2011 (Chief); Reviewed 9/13/2012 (Chief)

This memo clarifies the determination of whether a spray gun meets the rule definition of a “High Volume, Low Pressure” (HVLP) spray gun. The District’s coating rules have several variations on the definition of HVLP:

The mobile equipment coatings rule defines HVLP in 67.21(c)(23):

"High-Volume Low-Pressure (HVLP) Spray" means a coating application method using a spray applicator and pressurized air which is designed to be operated and which is operated at a permanent atomizing pressure between 0.1 and 10.0 psig, measured dynamically at the center of the applicator’s air cap and at the applicator’s air horns.

The wood and metal coating rules have a slightly different definition of HVLP:

"High-Volume Low-Pressure (HVLP) Spray" means a coating application method which uses pressurized air at a permanent pressure between 0.1 and 10.0 psig, not to exceed 10.0 psig, measured at the air cap of the coating application system. [Rule 67.11(c)(16); Rule 67.11.1(c)(16); Rule 67.3(c)(17).]

The aerospace coating rule has a slightly different definition:

"High-Volume Low-Pressure (HVLP) Spray" means a coating application method using a spray applicator and pressurized air which is designed and operated with a permanent atomizing pressure between 0.1 and 10.0 psig, measured dynamically at the center of the applicator’s air cap. [Rule 67.9(c)(26).]

The polyester resin rule has a different definition:

"High-Volume Low-Pressure (HVLP) Spray" means a coating application method using pressurized air at a permanent pressure between 0.1 and 10.0 psig, not to exceed 10.0 psig, measured at the air cap of the coating application system, and a permanent liquid coating pressure of not more than 50 psig. [Rule 67.12(c)(13).]

Although the preceding paragraph might rule out air-assisted airless spray guns that have a fluid pressure of greater than 50 psig, the rule specifically allows air-assisted airless guns for spraying resin:

Use only airless, air-assisted airless, high-volume low-pressure spray equipment or electrostatic spray equipment for spray operations except for touch-up and repair operations using a hand held air atomized spray gun which has a container for the resin as part of the gun [Rule 67.12(d)(1)(vii).]

Determination of HVLP Compliance

A spray gun will meet the rule definition of HVLP if:

1. The manufacturer of the spray gun markets the spray gun as HVLP (for example, the gun is stamped “HVLP” or the manufacturer’s packaging or product literature for the gun states that it is an “HVLP” gun); *and*
2. The spray gun operates at an air pressure at the air cap between 0.1 and 10 psig.

If the above two conditions are met, a spray gun will be considered HVLP whether it is an air atomizing gun, an air-assisted airless gun, or a turbine gun.

There are other associated permit conditions including, a condition requiring the permittee to have on site either (1) an air cap gauge in proper operating condition *or* (2) a gauge in proper operating condition to measure handle air inlet pressure and manufacturer's technical information showing the correlation between the handle air inlet pressure and the air cap pressure.

An operator not having a permit can demonstrate the air pressure at the air cap by using either an (1) an air cap gauge in proper operating condition or (2) a gauge in proper operating condition to measure the handle air inlet pressure. Additionally, they must keep onsite the manufacturer's technical information showing the correlation between the handle air inlet pressure and the air cap pressure.

Note that the use of the adjective, "permanent," in one of the above rules or in a permit condition relating to HVLP guns means that the air pressure at the air cap when the gun is operated is between 0.1 and 10 psig, whether or not the air pressure at the air cap *could* be 10 psig or more.

Staff shall ignore the 50-psig fluid pressure limit in the HVLP definition for polyester resin operations, R. 67.12, for determining HVLP. Staff has removed this fluid pressure limit from other coating rules and is a holdover destined for removal by rule-making staff.

For all of the rules listed above, if an air cap gauge is used to measure the air pressure at the air cap, it is not necessary to verify that the pressure is being measured at the center of the air cap or at the air horns.

Policy 3.17: Broken Engine Hour Meter

Effective: 10/24/2008 (R. Kard); Reviewed: Jan 2011, 9/13/2012 (Chief)

Stationary combustion ignition engines greater than or equal to 50 bhp are required to have a properly functioning engine hour meter so hours of operation can be recorded and verified. The ATCM for stationary compression ignition engines under section 93115.10 (e) lists the requirement for hour meters. Facilities are allowed per their permit condition, to replace broken meters provided they follow specific procedures identified below:

Sources shall install and maintain non-resettable engine hour meters in good working order to record operational hours. When replacement of a meter occurs, written notification to the Compliance Division is required within 10 calendar days. The written notification shall include the following information:

- (a) Old meter's hour reading
- (b) Replacement meter's manufacturer name, model and serial number if available and current hour reading on replacement meter
- (c) Copy of receipt of new meter or of installation work order

A copy of the meter replacement notification shall be maintained onsite and made available to the Air Pollution Control District upon request.

If you find a faulty meter or improper replacement procedures during an inspection, issue a NOV. Please contact your supervisor if you have any questions.

Policy 4.3 Guidance for Enforcement of Recordkeeping and Reporting Discrepancies

Effective July 25, 2016, Revised February 9, 2017 (M. Luther), Revised March of 2018 (M. Luther)

This document will cover typical problems, but is not all-inclusive. For recordkeeping and reporting discrepancies related to asbestos projects please see policy 2.4, for automotive coating operations please see policy 3.7, and for vapor recovery please see policy 7.0. When a situation arises not covered by this document, contact your supervisor for direction. In order to ensure consistent enforcement of record keeping and reporting issues, follow guidelines below:

DEFICIENCIES THAT WILL NOT RESULT IN ENFORCEMENT ACTIONS

- When verifying the records required by the permit are available onsite, field inspectors can allow facilities up to 24 hours to provide the requested records. This does not mean that inspectors should always give facilities up to 24 hours, but the inspectors can apply some discretion, when applicable, and take enforcement actions when the records are not available within 24 hours.

An example of a situation that might take up to 24 hours to provide records is when we request the work order for preventative maintenance that is conducted by a contractor. That said, if you are inspecting dry cleaning operations or coating operations the records should be readily available on site.

If you encounter a situation that you think requires more than 24 hours to provide the required records, please discuss it with your supervisor. An example of a situation that might take more than 24 hours is when we request records to validate SDG&E power outages. Please make sure to discuss it with your supervisor before allowing more than 24 hours.

- When verifying that stationary emergency engines are operated exclusively during emergencies or for testing and maintenance, the District will not take enforcement actions as long as all of the following requirements are met:
 - hours of operations are not logged but the total number of hours that are not logged for the calendar year does not exceed 5% of the testing and maintenance limit; **AND,**
 - we can verify that the annual testing and maintenance limit has not been exceeded; **AND,**
 - diesel powered engines are NOT located within 500 feet of school grounds.

Please make sure to document in the inspection report that no compliance action was taken and why.

Example: When inspecting a diesel power emergency engine you verify the engine was operated by reviewing the hour meter and previous records. The total number of hours the engine operated is 2 hours but the operator did not log these hours and the nature of the operation. If the engine is limited to 50 hours for maintenance and testing and the engine is not located within 500 feet of a school, compliance action should not be taken.

- When reviewing records for operating hours for emergency engines and the records include hours under “power outage”, the District will NOT ask the facility to obtain records from SDG&E to validate that there was a power outage as long as the total testing and maintenance limit is NOT exceeded.

Example 1:

- You are inspecting an emergency engine that has a T&M limit of 50 hours;

- The records indicate that the engine operated for 60 hours;
- Out of the 60 hours the engine operated, 20 hours were logged as “power outage”.
Required Action: Since the total number of hours the engine operated exceeds the T&M limit, the facility must obtain records from SDG&E to validate the power outage.

Example 2:

- You are inspecting an emergency engine that has a T&M limit of 50 hours;
- The records indicate that the engine operated for 30 hours;
- Out of the 30 hours the engine operated, 10 hours were logged as “power outage”.
Required Action: Since the total number of hours the engine operated does NOT exceed the T&M limit the facility is NOT required to obtain records from SDG&E to validate the power outage.

DEFICIENCIES THAT RISE TO LEVEL OF AN NTC

Staff can issue an NTC for an unrelated recordkeeping problem involving different types of equipment even if an NTC or NOV was issued for a recordkeeping violation within the last three years. For example, if a source has a coating operation that received an NTC for missing solvent information, it could receive an NTC for not having fuel records for a boiler.

- Failure to maintain records necessary to substantiate exemption from permitting requirements or prohibitory rule requirements at an **unpermitted** facility.
- Failure to maintain complete records but the District can make a compliance determination. For example, a facility operates a metal parts coating operation subject to permit conditions and Rule 67.3. One of the permit conditions limits VOC emissions to five (5) tons per year. The facility is missing some of the coating usage records (e.g. one day, or one week, or one month, etc.), but it can be determined that the annual limit was not exceeded based on purchase records and available usage records. In this case, failing to maintain the usage records will result in an NTC for the first offense. A recordkeeping violation during the next inspection cycle would be handled with a Notice of Violation.
- Failure to submit a written notification to the Compliance Division after replacing an engine hour meter in accordance with policy 3.17.
- When inspecting PERP equipment the operator is eligible for a Notice to Comply when the following record(s) is not available onsite provided we can verify from the PERP database that the equipment has a valid Registration and the operator has not received a NTC or NOV within the last 3 years for this deficiency.
 - Registration certificate; and/or
 - Operating conditions; and/or
 - Identification sticker; and/or
 - Metal placard.
- When verifying that stationary emergency engines are operated exclusively during emergencies or testing and maintenance, the permittee is eligible for a Notice to Comply as long as all of the following requirements are met:
 - some hours of operations are not logged but the total number of operating hours (logged and not logged) for the calendar year does not exceed the testing and maintenance limit;
AND,

- the site has not received a prior NTC or NOV within the last 3 years for this deficiency;
AND,
- **diesel** powered engines are NOT located within 500 feet of school grounds.

RECORD KEEPING DEFICIENCIES THAT RISE TO THE LEVEL OF AN NOV

- Failure to maintain records necessary to verify compliance with a permit limit (**unless otherwise addressed in this policy**), VOC content limit, or emission/control limits at a **permitted** facility.
- Missing/incomplete records necessary to document compliance with conditions of any variance settlement agreement, abatement order, or any similar contractual agreement.
- Repair or maintenance records intended to document that a site corrected an emissions related problem within a set period specified in a rule, variance, or abatement order.
- Any violation of the same or similar nature as a prior violation by the same person or facility within the previous 36 months or the last three inspection cycles, whichever time period occurs first.

TITLE V REPORT DEFICIENCIES THAT RISE TO THE LEVEL OF AN NOV

- No report submitted
- Report submitted but site failed to report all compliance documents issued to a Title V site on their 1401-J1 or 1401-J2 report
- Wrong person signs off and is not the “Responsible Official”
- Late report submitted

TITLE V REPORT DEFICIENCIES THAT RISE TO LEVEL OF AN NTC

- Administrative errors on a Title V report that have no bearing on compliance status, such as citing the wrong compliance document number or rule citation (case-by-case, discuss with your supervisor)

RULE 98 DEFICIENCIES THAT RISE TO THE LEVEL OF AN NOV

- Second-time violations for failure to submit the written report within 15 days will be handled with an NOV citing Rule 98(e)(1).
- Breakdown notifications called in after four hours of initial occurrence citing the underlying permit condition(s) and/or prohibitory rule.
- When a breakdown is denied, staff shall issue an NOV citing the underlying permit condition(s) and/or prohibitory rule.

RULE 98 DEFICIENCIES THAT RISE TO LEVEL OF AN NTC

- In accordance with provisions in Rule 6, breakdown notifications called after two hours but less than four hours after detection will be handled with an NTC citing Rule 98(b)(1) for first-time violations provided all other requirements of the rule are met.
- Failure to submit the written report **within 15 calendar days**, will be handled with a NTC citing Rule 98(e)(1) for first-time violations provided all other requirements of the rule are met. Subsequent violations of the same nature will be handled with an NOV citing Rule 98(e)(1).

VARIANCE REPORT DEFICIENCIES THAT RISE TO THE LEVEL OF AN NOV

- No report submitted
- Missing/incomplete records necessary to document compliance with the conditions of any variance or abatement order.

VARIANCE DEFICIENCIES THAT RISE TO LEVEL OF AN NTC

- Failure to submit an end of variance report by the deadline in the variance order when the District has already determined that conditions of the variance are met.

Policy 5.2: Confined Space

Effective: 7/11/2011; Revised: 9/13/2012

Due to concern over staff safety and changes to safety regulations, staff is not to enter confined spaces, including floating roof tanks (internal and external). If you are uncertain about whether a location is a confined space, obtain a determination by qualified individual(s) before entering. Contact your supervisor with any questions. Definitions below are only intended to be informational and to help you identify confined spaces and better understand confined space principles.

Double Block and Bleed: The closure of a line, duct, or pipe by closing and locking or tagging a drain or vent valve in the line between the two closed valves.

Emergency: Any occurrence (including failure of hazard control or monitoring equipment) or event internal or external to a permit-required confined space that could endanger entrants

Engulfment: The surrounding and effective capture of a person by a liquid or finely divided (flowable) solid substance that can cause death by filling or plugging the respiratory system or that exerts enough force on the body to cause death by strangulation, constriction, or crushing.

Entry: The action by which a person passes through an opening into a confined space; Entry includes ensuing work activities in that space and is considered to have occurred as soon as any part of the entrant's body breaks the plane of an opening into the space

Entry Permit (Permit):

Entry Supervisor: Person responsible for determining if acceptable entry conditions are present at a permit-required confined space where entry is planned for authorizing entry and overseeing entry operation and for terminating entry. An entry supervisor also may serve as an attendant or as an authorized entrant as long as that person is trained and equipped for each assigned role. Also, the duties of entry supervisor may be passed from one individual to another during the course of an entry operation.

Hazardous Atmosphere: An atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (escape unaided from a confined space), injury, or acute illness from one or more of the following:

1. Flammable gas, vapor, or mist in excess of 10 percent of its lower flammable limit (LFL).
2. Airborne combustible dust at a concentration that meets or exceeds its LFL
3. Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent
4. Atmospheric concentration of any substance for which a level is published in the in the California Code of Regulations (CCR), Title 8, Group 14 for radiation and radioactivity or for which a permissible exposure limit is published in CCR, Title 8, Section 5155 for airborne contaminants and which could result in employee exposure in excess of any regulatory limit
5. Any other atmospheric condition that is Immediately Dangerous to Life or Health (IDLH); For air contaminants for which a dose is not published in Group 14 for radiation and radioactivity or a permissible exposure limit is not published in section 5155 for airborne contaminants, other sources of information such as Material Safety Data Sheets that comply with section 5194, published information, and internal document can provide guidance in establishing acceptable atmospheric conditions

Immediately Dangerous to Life or Health (IDLH): Any condition that poses an immediate or delayed threat to life or that would cause irreversible adverse health effects or that would interfere with an individual's ability to escape unaided from a confined space. Some materials such as hydrogen fluoride gas and cadmium

vapor can produce immediate transient effects that even if severe may pass without medical attention but are followed by sudden possibly fatal collapse 12-72 hours after exposure. The victim feels "normal" after recovery from the transient effects until the time of collapse. Such materials, in hazardous quantities, are also immediately dangerous to life or health

Inerting: The displacement of the atmosphere in a permit required confined space by a non-combustible gas (such as nitrogen) to such an extent that the resulting atmosphere is non-combustible. This procedure produces an IDLH oxygen-deficient atmosphere.

Isolation: The process by which a permit-required confined space is removed from service and completely protected against the release of energy and material into the space by such means as blanking or blinding, misaligning or removing sections of lines, pipes, or ducts, a double block and bleed system, lockout or tag-out of sources of energy, or blocking or disconnecting all mechanical linkages

Line Breaking: *The intentional opening of a pipe, line, or duct that is or has been carrying flammable, corrosive, or toxic material, an inert gas, or any fluid at a volume pressure or temperature capable of causing injury*

Non-permit confined space: A confined space that does not contain nor has the potential to contain any hazards capable of causing death or serious physical harm.

Oxygen Deficient Atmosphere: An atmosphere containing more than 19.5 percent oxygen by volume

Oxygen Enriched Atmosphere: An atmosphere containing more than 23.5 percent oxygen by volume.

Permit Required Confined Space: A confined space that has one or more of the following characteristics:

1. Contains or can potentially contain a hazardous atmosphere.
2. Contains a material that has the potential for engulfing an entrant
3. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor that slopes downward and tapers to a smaller cross-section
4. Contains any other recognized serious safety or health hazard.

Permit System: *APCD-written procedures for preparing and issuing confined space entry permits and for returning the permit-required confined space to service following termination of entry.*

Prohibited Condition: Any condition in a permit-required confined space that is not allowed by the permit during the period when entry is authorized

Rescue Service: The personnel designated to rescue employees from permit required confined spaces.

Retrieval System: The equipment (including a retrieval line, chest or full-body harness, wristlets, a lifting device or anchor) used for non-entry rescue of persons from permit-required confined spaces.

Testing- the process by which the hazards of a confined space are identified and evaluated. Testing includes specifying the tests performed in a permit-required confined space. Testing enables APCD to devise and implement adequate control measures for the protection of authorized entrants and to determine if acceptable entry conditions are present prior to and during entry.

Policy 6.1: APCD Variance Procedures

Effective: 12/17/2008 (R. Kard); Reviewed and Updated October 21, 2015 (M. Luther)

If a facility is or will be in violation of a District rule (including permit conditions) and the business wishes to continue operating, the facility has the option of petitioning for a variance from the Air Pollution Control District Hearing Board.

A variance is an administrative order granting temporary relief from a District rule for a specific period, allowing a facility to operate while taking steps to come into compliance as long as the Hearing Board agrees that certain criteria have been met. These findings include “good cause” in the case of an emergency or interim variance and “beyond the reasonable control” in the case of other variances.

- Variances **can** be granted from §41701 of the California Health and Safety Code (visible emissions) and from certain District rules and regulations.
- Variances **cannot** be granted from District Rule 10, violations of the public nuisance law (Health and Safety Code §41700 or District Rule 51), sections of the Health and Safety Code other than §41701, or from a state ATCM or federal NESHAP. A facility subject to a federal operating permit (Title V permit) may be granted a variance, but the variance will not protect the facility from enforcement by the federal EPA or citizen suits under the federal Clean Air Act, as the EPA does not recognize variances granted under California law.

The District website provides specific details on the types of variances, the process of filing a variance application, and contact information for anyone needing information.

A granted variance becomes the applicable law for that facility during the variance period. Field inspectors are responsible for inspecting facilities in their sector that have obtained variances, and for determining whether those facilities complied with the terms of the variance. Variance Orders usually require that the facility keep records and submit a report to the District documenting compliance with order. Depending on the nature of the variance, the supervising inspector may choose to have the field inspector review the variance report in lieu of a site visit.

Field inspectors shall calculate excess emissions for the standard exceeded during the variance period. For example, if a permit contains both an hourly limit and an annual limit for a VOC, and a variance provides relief from the hourly limit, the fact that the source did not exceed the annual limit is immaterial. The excess emissions in this case are from the hourly standard. Where a permit does not allow any emissions of a certain pollutant, all emissions are excess. The CAI who drafted the District’s variance position paper can provide guidance on what is required for excess emissions calculations.

For failing to comply with increments of progress contained in a variance, please cite California Health and Safety Code section 41702 and reference the specific Hearing Board Order on the face of the violation. For other violations of a variance order, please only cite “Hearing Board Order (reference 4-digit petition number) dated (date of the Order).”

Field inspectors may also issue a citation for any other violations not under variance protection that are discovered during the variance inspection.

Variance checklists must be completed promptly, but no later than 15 calendar days after the expiration of the variance, so the District can provide ARB the actual excess emissions for that variance in a timely manner.

7.0 VAPOR RECOVERY POLICIES

General Inspection Policies

A. VR Inspectors are responsible for inspecting all 26 fee schedules.

Fee Code 26E	GDF equipped with Standing Loss Controls (tank size between 250 – 550, ASTs only)
Fee Code 26C	GDF equipped with Phase I (tank size greater than 550 gallons)
Fee Code 26A	GDF equipped with Phase I and Phase II (balance)
Fee Code 26F	GDF equipped with Phase I and Phase II (vac-assist)

- B. Safety is a top priority when inspecting gas stations. Safety vests should be worn at all times and traffic cones are required to be used while inspecting/testing equipment when vehicles are present. Always locate the emergency shut-off switch at a GDF and never inspect equipment if you feel unsafe. Do not enter confined spaces (e.g. tank sumps) or climb up on tanks if surfaces are slippery or unsafe. Do not climb on or use contractor equipment/ladders etc.
- C. The date of last inspection should be used to prioritize inspections with the goal of inspecting each station once per year. When selecting inspections, every effort should be made to coordinate the annual inspection with the annual source test.
- D. Do not inspect or test a station when other agencies are on-site unless there are ongoing emission concerns.
- E. All gasoline storage tanks are required to be equipped with a submerged fill pipe (SFP). The submerged fill pipe (SFP) is measured from where product is introduced to the storage tank (product adaptor). The SFP should be measured with a tape measure from two places. The first measurement is from the top opening of the adaptor to the bottom of the tank. The second measurement is from the top opening of the adaptor to the bottom of the SFP. The measurement taken from the bottom of the SFP should be taken from the highest point of discharge. The bottom of a SFP is often cut at an angle. Accordingly, a minimum of two measurements should be taken. The highest point of discharge shall not be more than 6'' from the bottom of the tank.
1. Some tank configurations prevent access to the SFP. This includes remote fill, side fill, and top-fill configurations with flow restrictor or overflow prevention valves (both CARB approved components). Defer verifying that the tank is equipped with a SFP if it is not readily accessible due to one of the reasons stated above.
- F. All Barrio Logan gas stations are to be inspected every 12 months (92113 zip code).
- G. If a vapor recovery complaint is received and the subject facility hasn't been inspected within the last 6 month, conduct an annual inspection.

VR Sites with Co-located Equipment

A. VR Inspectors are responsible for inspecting co-located equipment at sites which have 3 or fewer pieces of additional equipment (4 total permits). This excludes soil remediation operations with different Site IDs. VR Inspectors are to notify the Area Inspector if co-located equipment is inspected. In some instances, Area Inspectors may inspect 26A/F sites. Area Inspectors should notify the appropriate VR Inspector if a 26A/F facility is inspected.

Standing Loss and Phase I Inspections (26C/E Fee Codes)

- A. 26E stations are limited to aboveground storage tanks with storage capacities between 250 and 550 gallons. These tanks are required to be equipped with ARB certified Standing Loss Control (SLC) systems. SLC systems are designed to control gasoline vapor emissions by reducing gasoline temperature which in turn reduces evaporation. SLC systems require tanks be “protected” or painted white in accordance with the applicable Executive Order and have a certified pressure/vacuum vent valve (P/V) installed. Vent pipes and associated fittings are not required to be painted white. Protected tanks are further described below. District testing requirements are also listed below for 26E sites.
1. ASTs are commonly classified as either “single-wall” or “protected”. Single-wall ASTs are constructed with a primary (single) wall typically made of steel. Protected ASTs are constructed with a primary (inner) tank encased by a secondary (outer) tank, with a layer of insulating material (at least three inches thick) between the primary and secondary walls.
 2. 26E tanks are only required to be tested every other year (biennially). The year that testing is required to begin is listed in the permit equipment description. Permit Attachment B lists the required tests for ASTs. 26E sites are only required to conduct a pressure decay (leak check) and P/V test. Testing is required to be conducted within 45 days prior to the first day of the permit expiration month.
 3. An FAQ regarding SLC requirements can be found here: [ARB FAQ for ASTs](#).
 4. The permit description lists the [SLC Executive Orders \(E.O.\)](#). The E.O. includes all certified components that make up the standing loss system including tank types, paint types, and make and model info for P/V valves.
- B. 26C facilities include both aboveground and underground tanks (USTs) with storage capacities greater than 550 gallons. All 26C aboveground storage tanks that dispense gasoline should be equipped with standing loss control systems and all 26C stations (above and belowground) that dispense gasoline should be equipped with ARB certified Phase I Enhanced Vapor Recovery (EVR) systems. ASTs that dispense Avgas or jet fuel are not required to have SLC or Phase I EVR. Phase I EVR systems are designed to capture 98% of the vapors generated during the transfer of fuel from the mobile cargo tank into the stationary storage tank. Additional requirements are listed below.
1. 26C sites are not subject to Phase II requirements usually due to monthly throughputs being less than 2,000 gallons, or because 95% or more of the vehicles fueled are equipped with Onboard Refueling Vapor Recovery (ORVR). A full list of exemptions can be found in District Rule [61.4](#) for ASTs and [61.4.1](#) for UST’s. Exemptions should be verified during annual inspections.
 - i. If a station is exempt from Phase II due to the ORVR status of the fleet, the Phase II system should have been removed, or capped.
 2. All 26C sites are required to be tested annually. Testing requirements can be found in Permit Attachment A for USTs and Attachment B for ASTs. These tests are required to be conducted within 45 days prior to the first day of the permit expiration month.

3. The specific Phase I EVR system is listed in the permit equipment description under the Executive Order (E.O.). The E.O. includes all certified components authorized for use for that particular system. A list of Phase I EVR systems for ASTs can be found [here](#). UST Phase I systems can be found [here](#).

Phase I Inspections at Retail Gas Stations (26 A/F Fee Codes)

- a) Phase I EVR adaptor should rotate with hand pressure. If the adaptor cannot be rotated with hand pressure then a torque test should be conducted during the inspection. Ensure that when the adaptor rotates, that it rotates around the swivel. If an EVR adaptor rotates around the riser thread and can be removed from the riser with hand pressure, the EVR adaptor is not installed per the required torque setting.
- b) The vapor adaptor poppet should be checked for leaks. Compliance with this requirement should be verified by spraying on a soapy liquid solution to detect leaks if under positive pressure, or by bagging the vapor adaptor if under negative pressure. A leaky vapor poppet constitutes a Phase I vapor recovery defect. Another example of a defective poppet is a vapor poppet that does not reseal properly.
- c) All spill buckets should be inspected to ensure there is no standing gasoline and 25% of product drop tubes should be measured to verify SFPs are properly installed. The spill buckets should also be inspected to ensure that they are properly installed.

Phase II Inspections (26 A/F Fee Codes)

- a) Flow rates should be measured during annual inspections for 10% of all grade points.
- b) All vapor processors should be inspected for proper valve configurations.
- c) Nozzle operating instructions and CARB complaint phone number (1-800-952-5588) are required to be posted within a visible distance of each fueling point.
- d) Flow limiters described in the equipment description of any vapor recovery permit shall be considered required components. Removal of any flow limiter described in the equipment description without prior approval from the District is a violation of Rule 10.
- e) Hold open latches (HOL) are required on all retail GDF nozzles. The GDF shall repair and/or replace the HOL within 48 hours and the appropriate compliance action should be taken. This does not apply to non-retail GDF's.
- f) During every annual inspection of GDF's with ISD, the real time pressure/vacuum reading of the under-ground storage tanks as read from the ISD and the ISD software version shall be checked and recorded in the inspection checklist.
- g) For **vac-assist systems**, Inspectors should verify the proper operation of the vacuum pump at low and high speeds for at least 25% of all dispensers.
 - a) All Healy breakaways should be inspected for the proper installation of the shear pin.
 - b) Inspect the nozzle insertion interlock mechanism on at least 10% of all nozzles.

- h) For **balance systems**, the liquid removal device marking should be located +/- 3.0” from the bottom of the hose loop. If the liquid removal device marking is not located +/- 3.0” from the bottom of the hose loop the hose must be measured per the VST IOM and E.O. If the liquid removal device is located outside of this tolerance the vapor hose is defective and the appropriate compliance action should be taken. Inspectors should also verify:
- a) Hoses should be inspected for liquid retention (nozzle spout plug required).
 - b) The vapor processor mode status should be inspected for sites equipped with a vapor polisher to verify that it is in automatic mode (refer to the ISD primer or applicable E.O. for the process of how to verify this requirement).
 - c) All balance nozzles shall be inspected for proper function of the insertion interlock mechanism.

Vapor Recovery Defects

- A. When an identified defect is detected in the listed equipment, the defect determination applies to all affected inter-related systems (which may include all systems at a motor vehicle fueling operation). All affected grade points should be tagged out of service with the exception of one fueling point for each available gasoline grade dispensed at the facility. Defect violations requiring greater than 25% of a GDF’s fueling points being tagged out of order should be brought to the VR supervisor’s attention as soon as possible.

Recordkeeping and ISD Alarm Review (26A/F Fee Codes)

A. Record Review for Annual Inspections

- 1. Records required on a daily or weekly basis should be reviewed for the previous 30 days.
- 2. Records required on a monthly basis should be reviewed for two complete months (e.g. an inspection is conducted on 9/15/15; the monthly flow rate records should be reviewed from 7/1/15 to 9/1/15).
- 3. Records required on an annual basis should be reviewed for the previous 12 months. Annual records recorded within 45 calendar days prior to the last day of the renewal month are acceptable.
- 4. Maintenance records should be reviewed only if there are hanging hardware and/or performance issues. If there are hanging hardware and/or performance issues, records should be reviewed as far back as is applicable.

B. ISD Alarm History Review for Annual Inspections

- 1. The ISD alarm history should be reviewed for 2 full calendar months (e.g. an inspection is conducted on 9/15/15; the ISD alarm history and corresponding maintenance records should be reviewed from 7/1/15 to 9/15/15. Inspectors should also print the last 3 daily reports to verify V/L values are being recorded as required and are available for review.
- 2. All tests and inspections conducted in response to ISD alarms must be conducted per Attachment A-1 and L-1 and records must be maintained on-site. Once the ISD alarm

history is obtained compare it to the maintenance log to verify all alarms have been responded to in accordance with District requirements (i.e. Attachments A-1, L-1). ISD alarms should have a corresponding maintenance log entry. If an alarm is manually cleared without conducting the required maintenance and the alarm recurs in consecutive assessment periods, the GDF and/or maintenance company that manually cleared the alarm is subject to compliance action. GDF operators or technicians are not allowed to clear ISD alarms without all required certifications. Sites operating under ARB Advisory 405 may be exempt from some of these requirements.

3. If there are ISD record keeping discrepancies, records should be reviewed for 12 months or back to the date of the last inspection, whichever is more recent. **Veeder-Root Note:** If there are less than 10 alarms or miscellaneous events for a monthly print-out, the ISD alarm history can be screened by printing the subject monthly report. If there are more than 10 alarms and miscellaneous events listed for each monthly print-out, the ISD alarm history should be reviewed via computer download.
INCON Note: The ISD alarm history can be screened by monthly print-outs regardless of the number of alarms.
- C. Executive Orders and IOM's are allowed to be maintained on-site in hardcopy form, on a computer electronically, or by bookmark with a working internet connection.

General Compliance Testing Policies

- A. Ensure proper handling and storage of all test equipment. Test equipment should be inspected to ensure it is sufficiently charged and properly calibrated prior to departure.
- B. When finished with the truck at the end of the day, turn off the power inverter and remove the power inverter plug. The VR truck should be cleaned out after each use and washed once per month.
- C. Always use caution when opening dispenser cabinets or any other devices/containers where there may be gasoline vapors.
- D. Do not stand on the truck lift while the lift is in operation. Verify clearance and announce clear prior to lowering and raising the lift.
- E. Do not conduct V/L testing in the rain.
- F. Compliance testing should begin no later than 0845 and testing should not cease until 1530 or 2 hours before one person in the testing team is off.
- G. Testing priority should be given to GDF's with high throughputs (4 million gals/year or more).
- H. All VR staff should test approximately once per month with a guest tester (non-vapor recovery Inspector). If a test date is cancelled, every effort should be made to re-schedule.
- I. Depleted forms/supplies should be replenished as needed and the truck should be gassed up whenever the fuel level drops below ¼ tank.
- J. Verify repeatability of a low/high flow rate. Flow rates documented out of compliance must be repeatable (minimum of two consecutive measurements above or below limit).

- K. All nozzle insertion interlock mechanisms should be inspected when conducting V/L or L/R testing. V/L testing should not be conducted on nozzles faulty insertion interlock mechanisms.
- L. All flow rate standards regardless of the verbiage in the Executive order will be enforced as though the significant digit of the rate is expressed to the tenth of a gallons (e.g. if the flow rate standards in the E.O. are 6 to 10 gpm then the standard should be 6.0 to 10.0). All flow rates shall be rounded to the nearest tenth (e.g. If the reading from the Tri-tester is 10.13 gpm, the flow rate should be considered 10.1 gpm).
- M. All raw data obtained in the field should be recorded directly from the equipment and include all numerical digits regardless of the significant digits of the standard. However, compliance action should be taken based on the value obtained in the field and rounded to the nearest significant digit of the standard specified in the test procedure or applicable E.O.
- N. During V/L testing, a leak check test should be conducted once prior to testing and again after each fuel drop and one last time at the end of testing unless more leaks are observed. If there are no V/L failures during testing, then there is no need to conduct a leak test at the end of the test. V/L failures documented prior to conducting a leak check that fails are invalidated.

General Test Witness Policies

- a) The primary purpose of test witnessing is to ensure tests are conducted in accordance with the test procedure. If a tester fails to follow the test procedure, document the violation and take appropriate enforcement action at the conclusion of the test. Test results shall be deemed invalid if the test is not conducted per the procedure. VR Inspectors should not coach testers on proper procedures until testing is complete (e.g. required ullage, drop times, calibrated equipment, etc.).
- b) Test witness priority should be given to testing contractors with ongoing past and present compliance issues.
- c) The day the annual test notification is received counts as the 1st day of notification. Testing can begin 15 calendar days after the date of notification. For example, if the test notification is received on 10/10/16, testing could start on 10/25/16.
- d) GDF's are required to pass annual/biennial tests within 45 calendar days prior to the 1st day of the permit expiration month. Equipment that is out of service at the time of testing can be tested outside of this test window as long as the equipment remains out of service until testing is successfully completed. Records are required to support/substantiate late testing for equipment that is deemed out of service.
- e) Annual testing should begin within 30 minutes of the scheduled start time. Inspector's should cancel the test if the test is not started within this time frame and invoice the permittee for the cancelled test.
- f) Testing is considered to have begun when nitrogen is introduced into the system or when any portion of the test has begun (e.g. pre-test procedures such as warming up the digital manometer and removing the P/V valve).
- g) During annual testing, all components (e.g. nozzles, adaptors, VP 1000's) must be tested before any repairs are allowed to be made resulting from a failed test. If a test fails, the tester is allowed 45 minutes to conduct the necessary repairs.

- h) Annual testing conducted by a testing contractor without all required certifications, and calibration certificates will not be considered valid.
- i) There must be a certified person on-site physically involved in testing and/or installing during annual testing. Testers without the required certifications can assist with testing/installing provided that the certified person is on-site and engaged in the work at hand.
- j) Once an annual test commences, a testing contractor is not allowed to abort a test or concede a failure in order to avoid a failure in cases when it appears there is an impending failure. Once an annual test begins it must be followed through to completion in all cases. Any deviation from this requirement will result in the appropriate compliance document being issued to the testing contractor.
- k) Prior to conducting any annual test, a testing company should ensure that the vapor recovery system is in normal and good operating condition in accordance with the applicable EO/IOM. If the site has an active ISD alarm (previously unknown to the testing company), the testing company should be allowed to reschedule the annual test without penalty, or address the alarm condition first, prior to conducting the annual test. The testing company can opt to test without first addressing the alarm; however, this likely will increase the likelihood of a test failure.
- l) All pre-test procedures are considered part of the test procedure and are required to be conducted during the time of the scheduled test witness (e.g. During a TP 201.1D test, submerged fill pipes must be measured during the test prior to pressurizing the drop tubes).
- m) Data should be recorded for every failed component or test.
- n) If annual testing is conducted out of the required sequence, all tests conducted afterwards will be considered invalid. VR Inspectors can approve changes to the order of testing during a test witness. The Inspector should note all test order changes in the inspection report.

PV Valve Test

- A. Testing contractors are required to install the P/V valves per the proper torque settings of the IOM on the testing assembly prior to conducting the test and on the vent pipe after conducting the test. Failure to do so will result in compliance action.
- B. If a P/V valve fails, the tester is allowed to perform maintenance on the valve and retest it (1 retest allowed).

Pressure Decay Test

- A. The following rounding procedure should be used when witnessing a TP 96-1 test: Pressure measurements should be recorded to the nearest hundredth of an inch W.C. (.01"WC). Any rounding must be done after calculating the overall pressure decay rate (e.g. the actual differential shall not be more than 0.14" W.C. if the test procedure allows a differential of 0.1" W.C.
- B. If nitrogen is introduced through the dry break during a pressure decay test, the dry break must pass the vapor coupler integrity test. The vapor coupler should be pressurized to 2.00" W.C. and maintain a pressure greater than or equal to 0.25" W.C. for 60 seconds. If this standard is not met then the vapor coupler cannot be used to conduct the pressure decay test.

- C. No liquid removal testing should be conducted within 8 hours prior to a pressure decay test.
- D. The nitrogen introduction rate for the TP 96-1 test is required to be introduced into the system at 1-5 cfm.
- E. TP 96-1 test allowable decay rates must be determined by the equations specified in TP 96-1.
- F. There shall be no A/L, V/L testing (Ex. 5/TP 201.5 or equivalent) within 24 hour period prior to conducting the TP 96-1 test.
- G. There shall be no product dispensing within 30 minutes prior to conducting the TP 96-1 test or during the test.
- H. The actual tank capacities obtained from facility meter readings (e.g. Veeder-Root console), where available, shall be used to calculate tank ullages.
- I. The submersible fuel pumps shall be turned off prior to conducting TP 96-1 testing. All staff shall verify this requirement.

Clean Air Separator Test

- A. The leak check of the test assembly should be conducted at 4" W.C. (+/- 1" W.C.). There shall be no leaks in the test equipment.
- B. Verify that all plugs are installed per the proper torque settings in the Healy EO/IOM after the test is conducted.

V/L Test and Liquid Removal Testing

- A. Verify repeatability of a low/high flow rate. Flow rates documented out of compliance must be repeatable (minimum of two consecutive low/high flows).
- B. When conducting V/L testing, do not dispense more than 2.1 gallons of gasoline. If the button is pressed earlier than 2.0 or later than 2.1 gallons, then the test must be repeated as the V/L result would be biased higher or lower respectively.

Static Torque Test

- A. Verify the max scale and minimum interval range of the torque wrench to ensure it meets the required specification.
- B. Verify that the dust caps turn with the adaptors (caps should not turn independent of adaptor).

Drop Tube Integrity Test

- a) The TP 201.1C/D test procedure requires that the testing assembly be checked for leaks prior to the test. If the same test assembly was already checked for leaks during the TP 201.1E test, no additional leak check is required. The procedure does not include a specific leak check procedure so it will be up to the tester to demonstrate compliance with this test requirement.

Combined Engineering Performance Testing and Annual Compliance Testing

- a) The engineering portion of the test is applicable only to the newly installed equipment and tests specifically mentioned in the Authority to Construct. All other required tests not specified in the A/C are considered annual compliance tests. Any deficiencies observed during the annual portion of the test should be addressed as usual.
- b) All test procedures should be followed, regardless of purpose of test. If a technician is not following procedures, document the violation and take appropriate enforcement action at the conclusion of the test.
- c) Time accounting should be coded per the approved engineering time accounting policy.
- d) Installation errors discovered during engineering inspections should be addressed with the applicable compliance document to the installing contractor.

Test Data Review

- a) GDF's are required to pass annual/biennial tests within 45 calendar days prior to the 1st day of the permit expiration month.
- b) Test data should be reviewed as part of each annual inspection. Time should not be coded to CDR unless the test data is reviewed apart from the annual inspection.

Assignments, Report Writing, and Paperwork Submittal

- a) Office visits should be restricted to 1 day/week. Paperwork should be submitted within 5 working days of the inspection unless otherwise approved by the VR supervisor.
- b) Labor hours/time accounting should be entered after each inspection or at the end of each day. If unable to enter hours by the end of each day, labor hours should be entered at the start of the next work day. At the end of each week, labor hours should be reviewed for accuracy.
- c) The comments section of the VR inspection report should indicate any equipment components not inspected and why (i.e. daily inspection records were not reviewed due to time constraints, submerged fill pipes not measured due to car parked on manhole cover, etc.).
- d) Prior to taking any time off, ensure assignments are up to date or are on track. Any deadline that cannot be met must be discussed with the VR supervisor prior to departure.
- e) All complaints should be inspected as soon as possible and reports should be submitted within 3 working days of the inspection.

Compliance Documents

- a) NOV narratives are required for all ISD related violations and for all 10A/B violations. As a general rule of thumb, a narrative is not required for other violations if the nature of the violation can be succinctly described on the face of the violation.

- b) If a violation is corrected before the NOV is issued, describe the corrective action on the face of the violation (e.g. TP 96-1 test failure observed. Tester replaced leaking vapor poppet and successfully re-tested).
- c) Guidance related to recommended compliance action, the appropriate rules and regulations to cite and NV verbiage can be found in the most recent version of the NV spreadsheet.
- d) If an engineer requests a compliance document be issued, attach a copy of the e-mail to the document issued.
- e) When a “companion” NOV is issued write in “companion to NOV #####” in the top left hand corner of the NOV. Companion NOVs are typically issued to a facility and testing company when documenting a related violation (e.g. contractor installs uncertified component 10a violation/facility operates equipment in uncertified configuration 10b violation).
- f) In the upper corner of the violation write in the highest monthly throughput for the site in the previous 12 months.
- g) NOV response correspondence should be forwarded to the appropriate compliance Aide. Responses received via email should be acknowledged by the receiving person (e.g. facility submits response directly to Inspector via email, Inspector should reply to the email acknowledging that the response was received).
- h) Inspectors should refrain from discussing the type of compliance document to be issued for a particular “what if” violation.

Violation Follow-up Procedures

- a) Vapor recovery violation follow-ups must be conducted pursuant to the procedures specified in Notice of Violation Follow-up Policy 4.1.
- b) NOVs issued during follow-up inspections should state “Follow-up to original NV #,” in the upper left-hand corner of the NV.
- c) Violation follow-up inspection checklists should be completed for all violation follow-up inspections. Every violation follow-up checklist should include recommendations for the next course of action in the comments section.
- d) If during a violation follow-up inspection, a violation is observed that is unrelated to the original violation, then a separate NOV docket will be made for this violation and the violation follow-up timeline will begin anew for the violation un-related to the original.
- e) The violation follow-up timeline for violations issued to GDF’s that fail to conduct the required **annual testing** is 14 days. After 14 days from the date of issuance, a violation follow-up inspection should be conducted to ensure testing has been scheduled. The violation can be closed out once the test has been successfully completed and the test report reviewed. Make-up testing is not required if the permit expiration month is within 3 months of the date of violation (no need for duplicate testing, CAI should incorporate missed test in violation settlement).

- f) Inspectors are responsible for tracking their own violations and should conduct follow-up inspections in a timely manner in accordance with policy 4.1. Violations should be closed out as soon as possible.
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