

**RULE 11
EXEMPTION FROM PERMIT REQUIREMENTS**

WORKSHOP REPORT

A workshop notice was mailed to all District permit holders in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB) and other interested parties.

The workshop was held on November 7, 1990. The following are comments made at the workshop or submitted in writing, and the District responses.

WORKSHOP COMMENT - [11(a)]

What is the rationale for separating the exemption for floating dry docks from that for ships, boats or barges in Rule 11(a)?

DISTRICT RESPONSE

This was done to clarify the exemption. This exemption was never intended to apply to floating dry docks or the equipment on them.

WORKSHOP COMMENT - [11(d)(7)]

Does the change to 11(d)(7), printing or graphics arts presses, mean that industry will have to start keeping records on its photo reproduction centers?

DISTRICT RESPONSE

This language is being added to clarify the exemption for equipment which is subject to District Rule 67.16. It is not a change, simply clarifying language and will not require that records be kept on photo reproduction centers.

WORKSHOP COMMENT - [11(d)(8)]

There are many small ovens in San Diego County. Will the changes to 11(d)(8) require permits for these ovens? Since the exemption 11(d)(45) has been deleted, will permits be required for the small ovens? These ovens are a minimal source of emissions.

DISTRICT RESPONSE

The proposed change to 11(d)(8) was intended to clarify the exemption. It is intended to apply to ovens associated with permitted equipment. There will be no change in permit requirements for small ovens as a result. Removal of 11(d)(45) does appear to create a potential problem. The District proposed adding an exemption for small ovens under 11(i) with the 5 lbs/day emission limit but industry comments indicated the corresponding recordkeeping requirements would be burdensome. The District will retain Rule 11(d)(45), however it is renumbered as 11(d)(44).

WORKSHOP COMMENT - [11(d)(10)]

Is the change in exemption for crucible, induction or pot furnace from a mass standard to a volumetric standard roughly equivalent?

DISTRICT RESPONSE

For lead, the most widely used metal, the current, 992 lbs capacity is roughly equivalent to the 2,500 cubic inches now recommended. This change is being proposed because the current exemption creates an enforcement problem because permit requirements may vary for the same pot depending on the metal. A volumetric exemption eliminates the problem.

WORKSHOP COMMENT - [11(d)(18)]

Will arc welding equipment require a permit now?

DISTRICT RESPONSE

No, this language was added to 11(d)(18) to exempt such equipment.

WORKSHOP COMMENT - [11(d)(27)]

How does 11(d)(27) relate to 11(d)(28)? Is an abrasive blast cabinet with over 100 lbs capacity vented inside a building through a control device going to require a permit now?

DISTRICT RESPONSE

No. Exemption, 11(d)(28) is unchanged. The revisions to 11(d)(27) have been added for clarification purposes only.

WORKSHOP COMMENT - [11(d)(30)]

How is cutting and shearing defined?

DISTRICT RESPONSE

Cutting is the act of incising, severing or separating. Shearing is to cut with shears or other implements or machines that cut with a scissor-like action.

WORKSHOP COMMENT - [11(d)(30)]

What is the intent of these changes? Why add an exception for carbon fiber and asbestos?

DISTRICT RESPONSE

The intent of this change is to evaluate and control operations with emissions of fibers which may be harmful. Asbestos has been recognized as a Hazardous Air Pollutant and is regulated in District Regulation XI. Carbon fibers used in fiber reinforced plastics are considered particulate matter and as such, are also regulated by the District.

WORKSHOP COMMENT - [11(d)(30)]

What about operations using a water jet to cut, or cutting operations equipped with self contained dust collection systems which do not vent to the atmosphere? Will they be required to have a permit?

DISTRICT RESPONSE

If the cutting operation does not generate visible emissions due to the use of water or a control device it is not required to get a permit. The District has modified the exemptions to address processes using water or a control device.

WORKSHOP COMMENT - [11(d)(31)]

What about hand held drilling equipment? Will a permit be required for each of hundreds of drills in a plant? If so, what would the permit be for? All that does is generate money for the District, not reduce pollution. There are no OSHA requirements on these emissions because the dust generated is insignificant.

DISTRICT RESPONSE

The District does not intend to use this change to Rule 11 to permit handheld equipment nor to require permits where cutting operations generate negligible or no emissions. The language has been revised to exempt handheld portable equipment.

WORKSHOP COMMENT - [11(d)(37)]

Is the exception for chrome stripping intended for acid stripping only or all types of chrome stripping?

DISTRICT RESPONSE

The existing language is intended for all types of chrome stripping.

WORKSHOP COMMENT - [11(d)(37)]

What concentration level is acceptable for acid stripping? Is 17% hydrochloric acid considered to be a "concentrated" solution?

DISTRICT RESPONSE

The District has reviewed available data and included a specific concentration exemption level of 17% or less by weight.

WORKSHOP COMMENT - [11(d)(37)]

How will an inspector determine if the solution is concentrated rather than dilute. Concentrations over 50% must be handled as extremely hazardous waste. Therefore, concentrations are generally kept below this level. The District may want to look at that level as a guideline.

DISTRICT RESPONSE

Concentrations will be calculated by District staff based on information made available during the inspection. As noted above, the District inspection has determined from available data that solutions exceeding 17% acid by weight will be considered concentrated.

WORKSHOP COMMENT - [11(d)(37)]

Does caustic stripping fit under this exemption?

DISTRICT RESPONSE

No, it would not be included in this exemption and would require a permit.

WORKSHOP COMMENT - [11(d)(37)]

Is any level of NO_x emissions from copper etching processes going to require a permit? What about the size of the equipment or the type of process. Emissions are insignificant.

DISTRICT RESPONSE

The exemption, as revised, requires only copper etching operations using ammonium hydroxide, ammonium chloride or nitric, hydrofluoric and/or hydrochloric acids exceeding 17% acid concentration by weight to get permits. These etching processes are potential sources of toxic ammonia emissions. The District believes the addition of a specific emission exemption level would be burdensome to industry due to the associated recordkeeping requirements.

WORKSHOP COMMENT - [11(d)(37)]

Can this exemption be used to test the spec of a material.

DISTRICT RESPONSE

The exemption was not intended to allow a person to check the specifications of a particular material. It was written to apply to very limited operations.

WORKSHOP COMMENT - [11(d)(38)]

The current language in this exemption requires that records be kept on all materials used because of the 5 lbs/day emission limit. This recordkeeping is burdensome. Bench scale operations will not go over 5 lbs/day. The only situation where this might occur would be a paint manufacturer. Why not take an average or use annual usage levels?

DISTRICT RESPONSE

The District and industry agreed to the 5 lb/day emissions limit when Rule 11 was previously amended. At that time it was agreed that daily records would be required to demonstrate that the 5 lb/day limit was not exceeded. The District will consider alternate proposals that can be enforced on a daily basis. However, until such alternate proposals are approved, daily records will continue to be required. Also, the District does not agree that only paint manufacturers can exceed the 5 lb/day limit.

WORKSHOP COMMENT -[11(d)(38)]

Laboratory/bench scale work stations are located in several areas and include many pieces of equipment. Every time a piece of glassware is cleaned, solvent use would have to be recorded.

DISTRICT RESPONSE

As noted above, the specific language of this exemption was agreed to by the District and industry. The District will consider alternative proposals that can be enforced on a daily basis. At this time, the District is not aware of any alternatives to determine compliance other than daily recordkeeping.

WORKSHOP COMMENT -[11(d)(38)]

11(d)(38) states that laboratory equipment used for chemical or physical analysis is exempt from permits. This language is unclear.

DISTRICT RESPONSE

It is apparent there is confusion concerning this exemption. The District will revisit this exemption in future revisions of this rule.

WORKSHOP COMMENT - [11(d)(45)]

Will the District allow the baffling of tanks to reduce the surface area to an exempt size?

DISTRICT RESPONSE

Yes, to be consistent with the District's previous practice for 5 ft² tanks, this will be allowed. The exposed surface area must be permanently reduced in size and not merely masked off.

WORKSHOP COMMENT -[11(d)(45)]

The 1 ft² lower exemption limit in Rule 67.6 applies to a broad range of solvents with varying vapor pressures. Why not tie this Rule 11 exemption into vapor pressure and daily emission levels rather than surface area? Or a ratio of vapor pressure to surface area and use a graph to determine emissions?

DISTRICT RESPONSE

The changes to Rule 67.6 were made to meet EPA requirements. The changes reflect the standards included in EPA's Control Technique Guidelines (CTG). The CTG does not address emissions, it specifies an equipment standard. The intent of the CTG is to control emissions by placing restrictions on equipment. In response to the changes in Rule 67.6 that regulate units down to 1 ft² in size, the Rule 11 exemption has been changed to bring equipment now subject to Rule 67.6 into the permit system. This will enable the District to recover the cost of the program.

The CTG does not have a lower size limit and does not specifically address emission levels. The District changed Rule 67.6 to reflect the CTG and EPA has shown little flexibility in allowing any changes from the CTG. As previously stated, the change in Rule 11 reflect the changes in Rule 67.6 and will allow program cost recovery.

WORKSHOP COMMENT -[11(d)(45)]

If documentation is provided using a mutually agreed upon test protocol that would prove a proposed control technique would reduce emissions and have a positive impact on the District's program, would it make a difference?

DISTRICT RESPONSE

No. As noted above, the District is required to meet the minimum requirements of EPA's CTG. The District does not have any flexibility in this matter. Accordingly, Rule 67.6 has been revised to meet the minimum requirements of the CTG. Rule 11 is being revised to require permits to allow the District to recover its costs.

WORKSHOP COMMENT -[11(d)(45)]

Are all districts bound by the same CTG restrictions? If so, there are inconsistencies within the state.

DISTRICT RESPONSE

The District has revised Rule 67.6 to respond to SIP deficiencies that have been specifically identified by the EPA. This includes the regulation of smaller units. As noted above, Rule 11 is being revised to require permits of these smaller units and thus, cost recovery.

WORKSHOP COMMENT -[11(d)(45)]

What will the fee be for a remote reservoir cleaner and a cold solvent cleaner between 5 ft² and 1 ft²?

DISTRICT RESPONSE

A specific fee cannot be determined at this time. However, it may be possible to reduce fees for identical units located at one location. Also, whatever can be done by industry to reduce the program costs, will result in a reduction in future fees.

WORKSHOP COMMENT -[11(d)(45)]

Are degreasing tanks going to be permitted separately?

DISTRICT RESPONSE

Each degreasing tank is subject to the standards of Rule 67.6 and will therefore be evaluated and permitted separately.

WORKSHOP COMMENT -[11(d)(48)]

The exemption for vapor degreasers has been deleted. Does this mean all vapor degreasers, no matter what solvent is used, will require permits?

DISTRICT RESPONSE

Yes, all vapor degreasers will require permits.

WORKSHOP COMMENT - [11(h)(1)]

If the issue is solvent usage records, what is the purpose for requiring purchase records? Why do the records have to be kept readily available? Why not add reasonably available upon request?

DISTRICT RESPONSE

This requirement allows a means to validate the usage records. The District does not agree there is a need to change the language on record availability. Currently, most District rules use the phrase "readily available." To be consistent the District will retain this language.

WORKSHOP COMMENT - [11(h)(1)]

How is a "stationary source" interpreted for purposes of this exemption? Is it 20 gallons for the entire facility?

DISTRICT RESPONSE

The words "stationary source" have been deleted. This exemption is intended to apply to each specific application station where more than 20 gallons per year is applied. It is not intended to impose a 20 gallon limit per stationary source.

WORKSHOP COMMENT - [11(h)(1)]

What is the difference between an application station and a defined coating area?

DISTRICT RESPONSE

For the purposes of this rule an application station is the same as a defined coating area.

WORKSHOP COMMENT - [11(h)(5)]

Why does it matter what the size capacity of an air brush is? Why was a 2 ounce capacity selected?

DISTRICT RESPONSE

The two ounce exemption level is in the current Rule 11 and was based on input from industry when the rule was last revised. It is not being proposed for change. If industry has specific information to support revising this exemption level, it can be presented to the District for review.

WORKSHOP COMMENT - [11(i)(2)]

Since the District is primarily concerned about the resins, why not include all reinforced plastic in this exemption?

DISTRICT RESPONSE

The District will add language to this exemption to cover such processes.

WORKSHOP COMMENT - [11(n)]

What is the purpose for adding the language here?

DISTRICT RESPONSE

The language was added for clarification.

WORKSHOP COMMENT - [11(p)(5)]

How did the District develop the exception to the exemption? What about considering a daily usage? Since most of this comes from aerosol cans, does the District intend to permit aerosol cans?

DISTRICT RESPONSE

The intent of this exception to the exemption was not meant to include dye penetrant materials which are sprayed from aerosol cans. The exception is intended to include tanks used in metal inspection. These tanks are a source of VOC emissions and the District believes they should be regulated.

WORKSHOP COMMENT [11(p)(5)]

What about using a vapor pressure cut off on the metal inspection tanks. Vapor pressure information on the dye penetrants can be provided.

DISTRICT RESPONSE

The District has reviewed the information provided on dye penetrant vapor pressure and believes it is more appropriate to use a physical size limit and a material application method in this exemption. This exemption has been changed to require a permit for metal inspection tanks that use spray or solvent agitation techniques in tanks greater than 5 ft². The rationale is that even low vapor pressure solvent when agitated or sprayed cause emissions. In such processes, as with cold solvent cleaners, the tank should be permitted and the emissions regulated.

WORKSHOP COMMENT - [11(p)(23)]

This exemption should cover equipment off-loaded from ships between deployment. To eliminate confusion, the District should add language, "solely during deployment, field training equipment."

DISTRICT RESPONSE

This exemption was proposed by District staff for certain equipment on military bases, however upon review the District became concerned that the proposed language may create an enforcement problem. Because of this concern and in the absence of appropriate alternative language, the District is deleting this proposed revision.

ARB COMMENT

It is recommended that recordkeeping requirements be added to 11(d)(37) and 11(d)(38).

DISTRICT RESPONSE

The District has revised the rule to add a general requirement to address this issue rather than continue to add it specifically with each new or revised exemption.

WRITTEN COMMENT - [11(d)(7)]

The Printing Industry of California (PIC) supports the proposed changes but again voices concern for daily records "to establish maximum daily emissions". The District should welcome any approach which provides the information needed, while, at the same time, reduces the administrative burden on small business. PIC believes that if a firm establishes, through daily records over a specific period of time--say, two highly productive weeks during the year, that it emits less than 19.9 lbs. of volatile organic compounds (as subject to Rule 67.16) further daily records are unnecessary. Inventories, work and production schedules provide sufficient information on the firm's subsequent emissions.

DISTRICT RESPONSE

Daily recordkeeping is required by the ARB and EPA. The District does not have any flexibility in this matter.

WRITTEN COMMENT - [11(d)(7)]

Subsection (d)(7) proposes changing the exemption for all presses located at a stationary source to any printing and graphic art presses located at a stationary source. If this is done, presses of various shapes and sizes (which are common in industry) will require daily recordkeeping to document a permit exemption. After evaluating what operations these presses support, it is apparent that daily recordkeeping across the board would be very difficult. In a pouring, mixing and pressing operation, daily records would not be a problem. Whereas presses that receive pre-molded or pre-mixed materials for pressing cannot keep the same types of records. It would be impossible to quantify the volume of materials used or mix ratios. Finally, other types of presses, e.g., dewatering (filter cake) or metal forming should not require a permit or daily records.

DISTRICT RESPONSE

This exemption applies to processes subject to Rule 67.16 only. All continuous web or single sheet-fed graphic arts printing, processing, laminating, or drying operations, regardless of daily emissions, will be required to maintain daily usage records. This exemption was not intended to address presses of any kind which are not subject to Rule 67.16.

WRITTEN COMMENT - [11(d)(7)]

The changes to Rule 67.16 (Graphic Arts Operations) to correct deficiencies identified by EPA include an amendment to lower the exemption limit from 19.9 lbs to 15 lbs of VOC emissions per day per stationary source. Rule 11, Subsection (d)(7) should be changed to provide consistency with the emission standard and allow program cost recovery for enforcing the emission standards.

DISTRICT RESPONSE

The exemption level will be changed to correspond with the level in Rule 67.16.

WRITTEN COMMENT - [11(d)(37)]

Subsection (d)(37) should define "concentrated solutions" utilizing a percent of volume measurement.

DISTRICT RESPONSE

Concentrated solutions have been defined as those solutions exceeding 17% acid by weight not volume.

WRITTEN COMMENT - [11 (h)(1)]

Subsection (h)(1) exempts coating application stations where not more than 20 gallons of coatings per year are applied provided purchase and daily records are maintained. It does not make any difference if 20 gallons of material are used in one day or in small amounts over the period of a year. Accordingly, daily recordkeeping should not be required and only purchase records should be necessary to claim the exemption.

DISTRICT RESPONSE

Daily recordkeeping is required by the ARB and EPA. Furthermore, the District believes daily recordkeeping is necessary to determine compliance with Rule 11 permitting requirements and also to determine whether evaluation for New Source Review (NSR) compliance is necessary. The potential for exceeding NSR threshold increases as the amount of materials applied on a daily basis increases.

Daily emission logs not only provide an accurate accounting of coatings applied but minimizes District and industry time spent determining compliance. Purchase records for the past twelve (12) months are not always representative of what was applied at a given application station during that time period.

WRITTEN COMMENT - [11(h)(1)]

The existing exemption regarding liquid surface coating application operations is unclear with respect to portable equipment. Currently, there are numerous operators of portable application equipment exceeding 20 gallons in a 12-month time period. It would seem unfair that portable equipment operators would be exempt from permit requirements and expenses while stationary equipment operators have to comply. Is it possible to have this exemption clarify the need for permits regarding portable surface coating application equipment using more than 20 gallons of material over 12 consecutive months?

DISTRICT RESPONSE

The District will add language to this exemption to include such operations.

WRITTEN COMMENT - [11(i)(6)]

Subsection (i)(6) is an incomplete statement, "...is not operating properly; and". "And" what?

DISTRICT RESPONSE

The word "and" has been deleted.

WRITTEN COMMENT - [11(i)(6)]

The current Rule 11 exempts stills with a 5 gallon or smaller capacity from a permit. The XPS-750, at 7.5 gallons capacity, requires a permit with fees estimated to be \$800.00 and over \$200.00 for renewal. The results of this fee structure make the purchase of the XPS-750 still uneconomical for the customer and create a major sales advantage to competitors manufacturing small stills for the same customer base.

The volume of solvents that customers recycle is not dependent on the capacity of the still they purchase. It is dependent on the volume of waste solvent they generate. Charging a substantially larger fee for a customer with one drum of solvent because he purchases a 7.5 gallon still instead of a 5 gallon still does not reduce the amount of solvent he has to recycle. It means he will purchase a smaller still even if it does not have the same quality or safety features.

The cutoff for the 5 gallon exemption should be revised.

DISTRICT RESPONSE

The District agrees. Basically, the VOC emissions from operating a 7.5 gallon still are not significantly greater than a 5 gallon still (0.086 lbs versus 0.0578 lbs per batch, assuming solvent density of 7 lbs/gallon). The exemption has been changed to 7.5 gallons.

WRITTEN COMMENT - [11(n)]

Section (n) identifies replacements in whole or part of any article, machine, equipment or other contrivance where a Permit to Operate had previously been granted. The definition of identical is a problem since being the same (exactly equal or alike) is not possible without being made by the same manufacturer or without being the same model number. This restrictive interpretation (if adopted) will inhibit the ability to maintain equipment since replacement parts and/or new equipment may not be available from the original equipment manufacturer (OEM) or the OEM may no longer be in business.

DISTRICT RESPONSE

This language has been added to clarify the exemption and to reflect existing practices. The District's Engineering Division must evaluate new equipment for compliance with emission standards. Equipment which may appear identical may vary from one manufacturer to the next and cannot be assumed to have the same emission or potential emission levels.

WRITTEN COMMENT - [11(p)(5)]

The primary constituent of dye penetrants (water-rinseable dyes) used in metal inspection process is a high grade of middle distillates or VM&P (Varnish Makers and Painters) Naptha, which are non-photochemically reactive. The vapor pressures of these compounds are typically very low, many times less than one mm Hg @ STP (Standard Temperature and Pressure). Rule 11 should be revised to use the vapor pressure of the dye used rather than the VOC content because vapor pressure is the true determining factor for evaporation of solvents into the atmosphere. Perhaps a cutoff point of 15-20 mm Hg vapor pressure would encompass the majority of low volatile dye penetrants. Anything above this would be subject to permitting.

DISTRICT RESPONSE

The District has determined the exemption for metal inspection tanks should be based on surface area and application method rather than using a vapor pressure limit. Even materials with low vapor pressure are sources of emissions if material is applied with a spray flow or agitated and allowed to evaporate. The use of physical size limit and application method will allow improved enforceability.

WRITTEN COMMENT

Units which process wastewater from water separators of dry cleaning equipment decrease perchloroethylene emissions. Currently, wastewater from separators is disposed of by dumping untreated water into sewers or cooling towers, or allowing it to evaporate into the atmosphere uncontrolled. Wastewater processing units pump the wastewater from dry-cleaning operations through an activated charcoal filter which removes virtually all organic solvents prior to

evaporation. Since resulting emissions are minimal, Rule 11 should be revised to exempt this type of equipment from permit requirements.

DISTRICT RESPONSE

The District has performed some preliminary calculations which indicate emissions from the equipment are extremely low. The District will incorporate this type of equipment into the existing permitted equipment descriptions and not require additional permits, provided the water being evaporated in the device does not exceed 400 ppm (by weight) of halogenated compounds.

WRITTEN COMMENT

A definition section needs to be included so terms like: "immediately", "Peptide Syntheses" or "appropriate authority" are understood.

DISTRICT RESPONSE

The existing format of Rule 11 allows the definition or clarification of terms within specific exemptions. Definitions are provided when necessary to clarify the meaning of a provision. This recommendation will be considered in future revisions to Rule 11.

WRITTEN COMMENT

The Flashover Container System was developed by the Swedish National Rescue Services as a way to safely expose firefighters to the conditions which lead to flashover. The training container uses only Class A combustibles. Five 4 by 8 sheets of 1/2 inch particle board are used per burn. This results in substantially less pollutants than an existing structure burn. Rule 11 should be revised to exempt the Flashover Container System from permit requirements.

DISTRICT RESPONSE

The District will add an exemption for this equipment.

WORKSHOP COMMENT - [General]

If a 10 ft² degreaser is replaced with the same size degreaser from another manufacturer, is a permit needed? If yes, why, since the equipment would be essentially the same?

DISTRICT RESPONSE

Yes, an Authority to Construct would be required. The new equipment, in this case a degreaser, must be evaluated to ensure it meets all the applicable standards. Degreasers may vary between manufacturers and must be specifically evaluated for compliance with Rule 67.6.

RULE 11

ADDENDUM TO WORKSHOP REPORT

ADVISORY COMMITTEE COMMENTS

A committee member inquired as to what specific records would be necessary to prove an operation or piece of equipment does not use any volatile organic compounds, and therefore, be exempt from permit requirements.

DISTRICT RESPONSE

Due to the wide variety of equipment in use throughout the County, the District would make its determination on a case-by-case basis. Generally, manufacturer's technical data or material safety data sheets would suffice, provided they contain the necessary information to adequately ensure no volatile organic compounds were present. If an exemption refers to a usage limit, the appropriate usage records should be kept on the premises and provided to the District upon request.

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