



Air Pollution Control Board
Brian P. Bilbray District 1
Dianne Jacob District 2
Pamela Slater District 3
Leon L. Williams District 4
John MacDonald District 5

Air Pollution Control Officer
R. J. Sommerville

DATE: August 3, 1993
TO: Air Pollution Control Board
SUBJECT: Adoption of Amendment to Rule 67.17 (Storage of Materials Containing Volatile Organic Compounds)

SUMMARY:

Rule 67.17 (Storage of Materials Containing Volatile Organic Compounds) controls emissions from the storage of materials containing volatile organic compounds (VOC's) by requiring containers be closed when not in use. The rule is being amended to exempt the storage of small amounts of organic solvents and substances with very low volatility. The proposed amendments also clarify the rule and update definitions and test methods. The changes were requested by local businesses and address unnecessarily stringent provisions of this rule that do not reflect commensurate air quality benefits. The changes will affect approximately 1500 facilities presently subject to the rule, and will not result in any significant increase in VOC emissions.

Issue

Should the Board adopt amendments to Rule 67.17 (Storage of Materials Containing Volatile Organic Compounds) which exempt small size containers and make other minor clarifications?

Recommendation

AIR POLLUTION CONTROL OFFICER

1. Set September 21, 1993 at 2:00 p.m., as the date and time for public hearing to consider the resolution amending Rule 67.17 of the Rules and Regulations of the San Diego County Air Pollution Control District.
2. Direct the Clerk of the Board to notice the Hearing pursuant to Section 40725 of the State Health and Safety Code.
3. Following the hearing: (a) adopt the resolution amending Rule 67.17, and (b) make appropriate findings:
 - (i) of necessity, authority, clarity, consistency, non-duplication and reference, as required by Section 40727 of the State Health and Safety Code;
 - (ii) that the amendments will not significantly affect air quality or emissions limitations, and an assessment of socioeconomic impacts is not required (Section 40728.5 of the State Health and Safety Code); and

SUBJECT: Adoption of Amendment to Rule 67.17 (Storage of Materials Containing Volatile Organic Compounds)

- (iii) that the adoption of amendments is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Sections 15300 and 15308, as an action taken to assure the maintenance or protection of the environment, where the regulatory process involves procedures for protection of the environment, and where the impact on air quality or emission limitations is insignificant.

Advisory Statement

The Air Pollution Control District Advisory Committee recommended adopting amended Rule 67.17 at its May 26, 1993 meeting.

Fiscal Impact

Adopting the proposed changes will have no fiscal impact on the District.

Alternatives

Not amend Rule 67.17. The proposed clarifications would not be incorporated into the rule. This would continue the non-compliance problems that result when small containers are not properly covered. This has been a hardship to affected industry. It may also continue problems with rule enforcement and implementation.

BACKGROUND:

Rule 67.17 was adopted to control VOC emissions (ozone precursors) from improper storage of organic materials. As written, the current rule applies to all containers used to store volatile organic compounds, regardless of size. This has caused an unnecessary regulatory burden on local businesses with no corresponding emissions reduction benefit. Accordingly, an interim compliance policy was developed to address this issue. The proposed amendments make corresponding changes by exempting materials containing VOC's stored at ambient temperature (not higher than 120°F) and having an initial boiling point higher than 204°C (400°F). These materials do not readily evaporate under ambient conditions. The proposed amendments also exempt materials (containing VOC's) stored in containers with a capacity of one pint or less provided the materials have an initial boiling point higher than 60°C (140°F) and are stored at ambient temperature. In addition, the proposed revisions make other minor clarifications to the rule, update definitions, and update test methods for determining compliance with the rule.

Section 40728.5 of the State Health and Safety Code requires the District perform a socioeconomic impact assessment for rules and regulations that will significantly affect air quality or emission limitations. The proposed amendments to Rule 67.17 are mainly administrative changes. The new exemption for small containers will result in a minimal increase in emissions because of the small size containers affected. Therefore, this change will not significantly affect air quality or emission limitations. Accordingly, it is not necessary to perform a socioeconomic impact assessment for amendments to Rule 67.17.

On February 2, 1993, the Air Pollution Control Board directed that, with the exception of a Regulation requested by business or Regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented during the 1993 calendar year, unless specifically required by Federal or State law. The change to Rule 67.17 to add an exemp-

SUBJECT: Adoption of Amendment to Rule 67.17 (Storage of Materials Containing Volatile Organic Compounds)

tion for small containers and clarify the rule intent was requested by local industry. The proposed amendments do not require a socioeconomic impact assessment. Accordingly, the changes are consistent with Board direction.

Finally, the California Environmental Quality Act requires an environmental review for certain actions. The adoption of the proposed amendments will not have a significant effect on the environment and is categorically exempt from the provision of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Sections 15300 and 15308, as an action taken to assure the maintenance or protection of the environment where the regulatory process involves procedures for protection of the environment.

A public workshop on the proposed changes was held on April 21, 1993. The workshop report is attached.

Concurrence:

Respectfully submitted,

DAVID E. JANSSEN
Chief Administrative Officer



R. J. SOMMERVILLE
Air Pollution Control Officer

**AIR POLLUTION CONTROL BOARD
AGENDA ITEM
INFORMATION SHEET**

SUBJECT: Adoption of Amendment to Rule 67.17 (Storage of Materials Containing Volatile Organic Compounds)

SUPV DIST.: All

COUNTY COUNSEL APPROVAL: Form and Legality ☒ Yes ☐ N/A
☐ Standard Form ☐ Ordinance ☒ Resolution

AUDITOR APPROVAL: ☒ N/A ☐ Yes **4 VOTES:** ☐ Yes ☒ No

FINANCIAL MANAGEMENT REVIEW: ☐ Yes ☒ No

CONTRACT REVIEW PANEL: ☐ Approved _____ ☒ N/A

CONTRACT NUMBER(S): N/A

PREVIOUS RELEVANT BOARD ACTION: July 9, 1991 Item #2

BOARD POLICIES APPLICABLE: N/A

CITIZEN COMMITTEE STATEMENT: The Air Pollution Control District Advisory Committee recommended adoption of the proposed amendments to Rule 67.17 on May 26, 1993.

CONCURRENCES: N/A

ORIGINATING DEPARTMENT: Air Pollution Control District

CONTACT PERSON: Richard J. Smith, Deputy Director 750-3303 MS: 0-176



R.J. SOMMERVILLE
DEPARTMENT AUTHORIZED REPRESENTATIVE

AUGUST 3, 1993
MEETING DATE

FINDINGS OF THE SAN DIEGO COUNTY AIR POLLUTION
CONTROL BOARD IN RESPECT TO ADOPTION OF
AMENDMENTS TO RULE 67.17 - STORAGE OF MATERIALS
CONTAINING VOLATILE ORGANIC COMPOUNDS

- A. Pursuant to section 40727 of the Health and Safety Code, the Air Pollution Control Board of the San Diego County Air Pollution Control District makes the following findings:
1. (Necessity) The adoption of the proposed amendments to District Rule 67.17 is necessary to remove an unnecessary burden on local businesses which has no corresponding emissions reduction benefit.
 2. (Authority) The adoption of the proposed rule amendments is authorized by Health and Safety Code sections 40001 and 40702.
 3. (Clarity) The proposed rule amendments are written so that their meaning can be easily understood by persons directly affected by the rule.
 4. (Consistency) The proposed rule amendments are in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and State law and Federal regulations.
 5. (Nonduplication) The proposed amendments do not impose the same requirements as an existing state or federal regulation.
 6. (Reference) The adoption of the proposed amendments is made in accordance with California Health and Safety Code section 40913, and 42 U.S.C. section 182(c)(2).
- B. The Air Pollution Control Board further finds that the adoption of the proposed rule amendments does not require the District to perform an assessment of socioeconomic impacts pursuant to Health and Safety Code section 40728.5 because the rule amendments will not significantly affect air quality or emissions limitations.
- C. The Air Pollution Control Board further finds that the adoption of the proposed amendments is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, title 14, sections 15300 and 15308, as an action taken to assure the protection of the environment which will not have a significant effect on the environment and where the regulatory process involves procedures for protection of the environment.
- D. The Air Pollution Control Board further finds in accordance with Health and Safety Code section 40001 that the adoption of the proposed rule amendments will alleviate an unnecessary burden on local businesses which has no corresponding emissions reduction benefit, and that the proposed amendments will promote the attainment of state and federal ambient air quality standards.

APCB Meeting 9/21/93
Agenda Item #2

Approved and/or authorized by the Board
of Supervisors of the County of San Diego
Date: 9/21/93 Minute Order No. APCD 2
THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
By *Debra Cusina*
Deputy Clerk

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County)

TUESDAY, SEPTEMBER 21, 1993

No. 93-404

**RESOLUTION AMENDING RULE 67.17
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Slater, seconded by Member MacDonald
the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

Proposed amendments to Rule 67.17 are to read as follows:

RULE 67.17. STORAGE OF MATERIALS CONTAINING VOLATILE ORGANIC COMPOUNDS

(a) APPLICABILITY

This rule applies to any person who stores, transfers, applies or otherwise uses materials which contain volatile organic compounds.

(b) EXEMPTIONS

(1) This rule is not applicable to equipment subject to District Rules 61.1, 61.2, 61.3, 61.4, 67.2, 67.6, 67.8, 67.10 and 67.15.

(2) This rule is not applicable to any containers utilized exclusively in connection with any structure, which is designed and used exclusively as a dwelling for not more than four families.

(3) Section (d) of this rule is not applicable to any asphaltic material which contains volatile organic compounds and which, if distilled, has a volume percent evaporated at 360°C (680°F) of 20% or less, provided such material is stored at a temperature not higher than 49°C (120°F).

(4) Section (d) of this rule is not applicable to any material which contains volatile organic compounds and which has an initial boiling point of 204°C (400°F) or more, provided that such material is stored at a temperature not higher than 49°C (120°F).

(5) Section (d) of this rule is not applicable to any aqueous material which contains less than 10 percent by weight of volatile organic compounds.

(6) Section (d) of this rule is not applicable to any material containing volatile organic compounds with an initial boiling point of 60°C (140°F) or higher, stored in a container having a maximum capacity of one pint (473 ml) or less, provided that the material is stored at a temperature not higher than 49°C (120°F).

It is the responsibility of any person claiming exemptions (b)(3), (b)(4), (b)(5) and/or (b)(6) to maintain current manufacturers' specifications or analyses which substantiate this claim. For materials currently in use, the claimant shall keep these records on site and make them available to the Air Pollution Control District upon request.

(c) DEFINITIONS

For the purposes of this rule, the following definitions shall apply:

(1) **"Volatile Organic Compound (VOC)"** means any volatile compound containing at least one atom of carbon, except: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds which may be emitted to the atmosphere during the storage or use of the compound or of any materials containing the compound.

(2) **"In Use"** means:

(A) being accessed, or

(B) being filled or emptied, or

(C) being cleaned, maintained or repaired.

(3) **"Closed"** means:

(A) having in place an apparatus or cover which completely covers the container and which is designed to retard VOC emissions but not necessarily provide a vapor tight seal, and

(B) having no visible holes, breaks, openings or separations between adjoining components of the container or container cover. Plastic squeeze bottles, wash bottles, spray bottles, dispensing plunger cans, and dispensers with press down caps and/or with narrow tips constitute closed containers.

(4) **"Container"** means a receptacle used for storing materials containing volatile organic compounds included but not limited to cans, drums, pails, bottles or jars. This definition does not include drip pans or reservoirs used for collecting cutting and lubricating oils in machining equipment.

(5) **"Empty"** means containing no materials which can be further drained or removed by gravity.

(6) **"Exempt Compound"** means any of the following compounds or classes of compounds: methylene chloride, 1,1,1-trichloroethane, trichlorofluoromethane (CFC -11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (HCFC-22), trifluoromethane (HFC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), dichlorotrifluoroethane (HCFC-123), tetrafluoroethane (HFC-134a), dichlorofluoroethane (HCFC-141b), chlorodifluoroethane (HCFC-142b), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2,2 -tetrafluoroethane (HFC-134), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a); and the following four classes of perfluorocarbon (PFC) compounds:

- (i) cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
- (iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(7) **"Waste"** means a material which is intended to be discarded, is marked for disposal, or is no longer usable.

(d) STANDARDS

Any person subject to this rule shall comply with the following:

- (1) All containers used to store, transfer, apply or otherwise employ materials containing VOC shall be closed when not in use.
- (2) All containers used to store or transfer wastes containing VOC shall be closed except when being accessed or when empty.
- (3) Containers specified above may be equipped with vents provided such vents are necessary to comply with applicable fire and safety codes.
- (4) All wastes containing VOC (including paper or cloth impregnated with VOC) shall be stored in closed containers.

(e) VOC TEST METHODS

- (1) The VOC content of materials exempt pursuant to Subsection (b)(3) of this rule shall be determined in accordance with the ASTM Standard Test Method for Distillation of Cut-back Asphaltic (Bituminous) Products, D402-76.
- (2) The initial boiling point of materials exempt pursuant to Subsections (b)(4) and (b)(6) of this rule shall be determined in accordance with the ASTM Test Method 1078-86 for Distillation Range of Volatile Organic Liquids.
- (3) The VOC content of materials exempt pursuant to Subsection (b)(5) of this rule shall be determined in accordance with the EPA Test Method 24 (40 CFR 60, Appendix A) as it exists on (*date of adoption*).

(4) Perfluorocarbon (PFC) compounds shall be assumed to be absent from a material subject to this rule unless a manufacturer of the material or a facility operator identifies to the satisfaction of the Air Pollution Control Officer that specific individual compound(s) and the amount(s) are present in the material and provides an appropriate test method which can be used to quantify the specific compounds.

IT IS FURTHER RESOLVED AND ORDERED that the subject amendments to Rule 67.17 of Regulation IV shall take effect upon adoption.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 21st day of September, 1993 by the following votes:

AYES: Members Bilbray, Jacob, Slater, Williams, MacDonald
NOES: Members None
ABSENT: Members None - - -

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

BY

Dutton
DEPUTY

STATE OF CALIFORNIA) ss
County of San Diego)

I hereby certify that the foregoing is a full, true, and correct copy of the Original Resolution which is now on file in my office.



THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By

Dora Ceseña
Dora Ceseña, Deputy

Resolution No. 93-404
9/21/93 (APCD2)

Rule 67.17

CHANGE COPY

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County)

**RESOLUTION AMENDING RULE 67.17
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member _____, seconded by Member _____
the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

Proposed amendments to Rule 67.17 are to read as follows:

**RULE 67.17. STORAGE OF MATERIALS CONTAINING VOLATILE
ORGANIC COMPOUNDS**

(a) APPLICABILITY

This rule applies to any person who stores, transfers, applies or otherwise uses materials which contain volatile organic compounds.

(b) EXEMPTIONS

(1) This rule is not applicable to equipment subject to District Rules 61.1, 61.2, 61.3, 61.4, 67.2, 67.6, 67.8, 67.10 and 67.15.

(2) This rule is not applicable to any containers utilized exclusively in connection with any structure, which is designed and used exclusively as a dwelling for not more than four families.

(3) Section (d) of this rule is not applicable to any asphaltic material which contains volatile organic compounds and which, if distilled, has a volume percent evaporated at 360°C (680°F) of 20% or less, provided such material is stored at ambient temperatures a temperature not higher than 49°C (120°F).

(4) Section (d) of this rule is not applicable to any material which contains volatile organic compounds and which has an initial boiling point of 204°C (400°F) or more at atmospheric pressure, provided that such material is stored at a temperature not higher than 49°C (120°F). ~~This exemption shall not apply to any of the following: paints, thinners (dilutents, viscosity reducers, retarders and dispersants), catalysts, any other paint additive, sealers, body fillers, resins, gel coats, inks, glues, adhesives, cleanup solvents or any of and their wastes.~~

(5) Section (d) of this rule is not applicable to any aqueous material which contains less than 10 percent by weight of volatile organic compounds.

(6) Section (d) of this rule is not applicable to any material containing volatile organic compounds with an initial boiling point of 60°C (140°F) or higher, stored in a container having a maximum capacity of one pint (473 ml) or less, provided that the material is stored at a temperature not higher than 49°C (120°F).

It is the responsibility of any person claiming exemptions (b)(3), (b)(4), ~~and/or (b)(5) and/or (b)(6)~~ to maintain current manufacturers' specifications or analyses which substantiate this claim. For materials currently in use, the claimant shall keep make these records on site and make them available to the Air Pollution Control District upon request.

(c) DEFINITIONS

For the purposes of this rule, the following definitions shall apply:

(1) "Volatile Organic Compound (VOC)" means any volatile compound containing at least one atom of carbon, except: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, and exempt compounds: chloride, 1,1,1 trichloroethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (HCFC-22), trifluoromethane (CFC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), and chloropentafluoroethane (CFC-115), dichlorotrifluoroethane (HCFC-123), dichlorofluoroethane (HCFC-141b), tetrafluoroethane (HFC-134a), and chlorodifluoroethane (HCFC-142b) which may be emitted to the atmosphere during the storage or use of the compound or of any materials containing the compound.

(2) "In Use" means:

- (A) being accessed, or
- (B) being filled or emptied, or
- (C) being cleaned, maintained or repaired.

(3) "Closed" means:

- (A) having in place an apparatus or cover which completely covers the container and which is designed to retard VOC emissions but not necessarily provide a vapor tight seal, and

(B) having no visible holes, breaks, openings or separations between adjoining components of the container or container cover. Plastic squeeze bottles, wash bottles, spray bottles, dispensing plunger cans, and dispensers with press down caps and/or with narrow tips constitute closed containers.

(4) **"Container"** means a receptacle used for storing materials containing volatile organic compounds included but not limited to cans, drums, pails, bottles or jars. This definition does not include drip pans or reservoirs used for collecting cutting and lubricating oils in machining equipment.

(4)(5) **"Empty"** means containing no materials which can be further drained or removed by gravity.

(6) **"Exempt Compound"** means any of the following compounds or classes of compounds: methylene chloride, 1,1,1-trichloroethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (HCFC-22), trifluoromethane (HFC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), dichlorotrifluoroethane (HCFC-123), tetrafluoroethane (HFC-134a), dichlorofluoroethane (HCFC-141b), chlorodifluoroethane (HCFC-142b), 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124), pentafluoroethane (HFC-125), 1,1,2,2-tetrafluoroethane (HFC-134), 1,1,1-trifluoroethane (HFC-143a), 1,1-difluoroethane (HFC-152a); and the following four classes of perfluorocarbon (PFC) compounds:

(i) cyclic, branched, or linear, completely fluorinated alkanes;

(ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(5)(7) **"Waste"** means a material which is intended to be discarded, is marked for disposal, or is no longer usable.

~~(6) "Container" means a receptacle used for storing volatile organic compounds included but not limited to cans, drums, pails, bottles or jars. This definition does not include drip pans or reservoirs used for collecting cutting and lubricating oils in machining equipment.~~

(d) STANDARDS

~~On and after March 6, 1990, any~~ Any person subject to this rule shall comply with the following:

(1) All containers used to store, transfer, apply or otherwise employ materials containing VOC shall be closed when not in use.

(2) All containers used to store or transfer wastes containing VOC shall be closed except when being accessed or when empty.

(3) Containers specified above may be equipped with vents provided such vents are necessary to comply with applicable fire and safety codes.

(4) All wastes containing VOC (including paper or cloth impregnated with VOC) shall be stored in closed containers.

(e) VOC TEST METHODS

(1) The VOC content of materials exempt pursuant to Subsection (b)(3) of this rule shall be determined in accordance with the ~~most recent revisions of~~ ASTM Standard Test Method for Distillation of Cut-back Asphaltic (Bituminous) Products, D402-76.

(2) The initial boiling point of materials exempt pursuant to Subsections (b)(4) and (b)(6) of this rule shall be determined in accordance with the ASTM Test Method 1078-86 for Distillation Range of Volatile Organic Liquids.

(3) The VOC content of materials exempt pursuant to Subsection (b)(5) of this rule shall be determined in accordance with the EPA Test Method 24 (40 CFR 60, Appendix A) as it exists on (date of adoption). ~~ASTM Standard Recommended Practice for General Gas Chromatography Procedures, E-260-85.~~

(4) Perfluorocarbon (PFC) compounds shall be assumed to be absent from a material subject to this rule unless a manufacturer of the material or a facility operator identifies to the satisfaction of the Air Pollution Control Officer that specific individual compound(s) and the amount(s) are present in the material and provides an appropriate test method which can be used to quantify the specific compounds.

IT IS FURTHER RESOLVED AND ORDERED that the subject amendments to Rule 67.17 of Regulation IV shall take effect upon adoption.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this _____ day of _____, 1993 by the following votes:

AYES:
NOES:
ABSENT:

AIR POLLUTION CONTROL DISTRICT

RULE 67.17 - STORAGE OF MATERIALS CONTAINING VOLATILE ORGANIC COMPOUNDS

WORKSHOP REPORT

A workshop notice was mailed to all permit holders in San Diego County. Notices were also mailed to all Chambers of Commerce in San Diego County, all Economic Development Corporations, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on April 21, 1993, and was attended by 64 persons. Written comments were also received from ARB. The workshop comments and District responses are as follows:

WORKSHOP COMMENT:

Can the exemption in Subsection (b)(6) be extended to containers having maximum capacity of one quart? A quart container has only 25% higher surface area than a pint size container which is exempt in the proposed amended rule. At the same time it will be easier for industry to comply with this exemption.

DISTRICT RESPONSE:

San Diego County is a "severe" nonattainment area for both the federal and state ambient air quality standards for ozone, and VOC's are ozone precursors. Rule 67.17 is one of the least expensive and most cost effective strategies to reduce emissions of VOC's.

The rule currently applies to all containers, including thimble-sized and Dixie cup-sized containers. Requiring such small containers to be kept closed was not intended when the rule was originally adopted, and has caused implementation and enforcement problems in the field with no real corresponding emissions benefit. The addition of the exemption for pint-size and less containers more clearly reflects the original intent of the rule and provides some relief to industry from enforcement action. The change in actual emissions expected to result from this exemption should be minimal because of the relatively small size of containers that will be affected.

If the exemption was increased to a quart-size the District believes there would be a potentially significant increase in emissions of volatile organic compounds (VOC's) due to the significantly larger number of affected containers. Such an exemption would represent an unjustified relaxation of the rule and likely would not be approved by the state Air Resources Board or the Environmental Protection Agency for this reason.

In providing the one pint-size exemption, the District expects that all facilities will continue to make good faith efforts to keep volatile organic compounds in closed containers even if the container size is less than one pint. If the District finds that the one pint container exemption is being abused (e.g. numerous small containers left open in a work area), it will reevaluate whether it is appropriate to retain the one pint exemption.

WORKSHOP COMMENT:

The District needs to define more precisely the term "ambient temperature". It is not clear if this means 68°F, or any room temperature.

DISTRICT RESPONSE:

The District agrees. Subsections (b)(3) and (b)(6) have been revised to specify a temperature not higher than 49°C (120°F).

WORKSHOP COMMENTS:

Do plunger cans and dispensers with press down caps represent closed containers? Sometimes there is a small amount of liquid left in the upper pan of a plunger can after the liquid is drained back into the container.

DISTRICT RESPONSE:

Yes. Dispensing plunger cans and dispensers with press down caps will be considered closed containers. The rule has been revised to reflect this.

WORKSHOP COMMENT:

Does transferring a solvent from larger cans such as gallon-size cans to smaller containers represent a container being used or accessed?

DISTRICT RESPONSE:

Yes, such operation complies with the definition of a container "in use", specified in Subsection (c)(2)(B) as "being filled or emptied". The operation described can be classified as filling the small container or as emptying the large one.

WORKSHOP COMMENT:

There is a widespread practice to make a pinhole in plastic containers holding a low boiling solvent to relieve the pressure, so the container would not overflow. Does such a pinhole represent a visible hole, specified in Subsection (c)(3)(B)? Would such container be considered open?

DISTRICT RESPONSE:

No. Such a container will be considered closed. This will be clarified in a written policy memo to District staff.

WORKSHOP COMMENT:

The District is developing Rule 67.19 for paint manufacturing operations. Can Rule 67.17 specify that operations subject to Rule 67.19 are exempt from Rule 67.17?

DISTRICT RESPONSE:

Since Rule 67.19 has yet not been adopted, it cannot be referenced in Rule 67.17. However, the proposed Rule 67.19 specifies that all operations subject to it are exempt from Rule 67.17, if stored at temperatures at or below 120°F. This will address this concern.

WORKSHOP COMMENT:

The definition of a container in Rule 67.17 does not include drip pans or reservoirs for collecting cutting and lubricating oils in machining equipment. Does this mean that drip pans and reservoirs for collecting oils are exempt from the rule?

DISTRICT RESPONSE:

Yes. These pans and reservoirs are exempt from the rule, since they are not considered containers under the rule's definition.

WORKSHOP COMMENT:

Are cutting and lubricating oils exempt on the grounds of their high boiling point?

DISTRICT RESPONSE:

Cutting and lubricating oils having a boiling point higher than 204°C (400°F) are exempt from the rule if stored at temperatures at or below 120°F. In addition, drip pans and reservoirs for collecting oils in machining shops are not containers by the definition, and therefore are not subject to Rule 67.17.

WORKSHOP COMMENT:

Does the rule provide an exemption for laboratories in educational institutions such as community colleges?

DISTRICT RESPONSE:

No. The rule applies to all facilities which store, transfer or otherwise use materials containing volatile organic compounds.

WORKSHOP COMMENT:

Some cutting oils contain 1,1,1-trichloroethane. Are they still exempt from the rule?

DISTRICT RESPONSE:

Yes. 1,1,1-trichloroethane is not a VOC because it does not take part in photochemical reactions leading to smog formation. Therefore, it is exempt from Rule 67.17.

WORKSHOP COMMENTS:

Can the rule specify the size of exempt containers in metric units, such as milliliters? Solvents are sold very often in 500 ml containers. Can 500 ml containers be exempt from the rule?

DISTRICT RESPONSE:

The rule has been revised to provide the metric equivalent to a pint size container (473 ml) which is exempt from the rule requirements. 500 ml containers are subject to the rule and must be covered when not in use.

WORKSHOP COMMENT:

Does a dispensing operation comply with the definition "in use"?

DISTRICT RESPONSE:

Yes, it does.

WORKSHOP COMMENT:

Does Rule 67.17 apply to degreasing operations?

DISTRICT RESPONSE:

No, it does not. Degreasing operations are regulated by Rule 67.6. Equipment subject to Rule 67.6 is specifically exempt from Rule 67.17 by Subsection (b)(1).

WORKSHOP COMMENT:

The definition of volatile organic compounds should exclude any low volatility compounds. Emissions from such compounds are negligible.

DISTRICT RESPONSE:

The VOC definition in Rule 67.17 is mandated by EPA policy. It is based on the fact that any organic compound (except non-photochemically reactive hydrocarbons, which are specifically exempt) may take part in smog formation if it is exposed to certain conditions, such as high temperature. Therefore, there is no exemption in the general VOC definition based on vapor pressure or boiling point of an organic compound. However, low volatility materials can be exempt from individual rules. Therefore, Rule 67.17 exempts materials containing VOC with an initial boiling point higher than 204°C (400°F) provided that they are stored at a temperature not higher than 49°C (120°F).

WORKSHOP COMMENT:

Is Rule 67.17 applicable to molds used in casting operations? Such molds are open during the casting process.

DISTRICT RESPONSE:

No. Rule 67.17 applies only to the storage of materials containing volatile organic compounds, not to materials being processed.

WORKSHOP COMMENT:

Does Rule 67.17 apply to paint trays and/or rollers left open while painters are out -for-lunch or away from the job site?

DISTRICT RESPONSE:

Paint trays containing water-based paints are generally exempt from the rule (Subsection (b)(5)) since these materials typically contain less than 10% of VOC's. Paint trays with solvent-based paints, if their size is larger than one pint, must be covered when not in use, as required by the rule. Rollers are not containers and therefore are not subject to Rule 67.17.

WORKSHOP COMMENT:

There is a requirement that 55 gallon containers with paints or solvents be kept inside another metal container. Does APCD require this?

DISTRICT RESPONSE:

No. Rule 67.17 requires only that either of the two containers be closed when not in use. Fire regulations may require special enclosures for flammable substances.

WORKSHOP COMMENT:

What is the acceptable precision in the determination of the VOC content of materials?

DISTRICT RESPONSE:

EPA Test Method 24 specifies the acceptable precision in determining the VOC content of coatings and other VOC containing materials in a laboratory as not more than $\pm 3\%$, and between different laboratories as not more than $\pm 7.5\%$.

WORKSHOP COMMENT:

Does Rule 67.17 apply to containers which have been emptied and prepared for disposal?

DISTRICT RESPONSE:

No. Subsection (d)(2) requires containers storing VOC's to be closed, except when they are empty. The rule also provides the definition of an "empty container" in Subsection (c)(5).

WORKSHOP COMMENT:

If a facility has documentation on the composition of liquid being stored, and the documentation contains calculations showing that the VOC content of liquid is less than 10%, would such documentation be sufficient? Would the facility need to conduct the test specified in the rule?

DISTRICT RESPONSE:

Yes, technical documentation proving that the material contains less than 10% of VOC is sufficient. No, a test will not be required. However, the District may elect to have a sample of material analyzed to verify the documentation results.

WORKSHOP COMMENT:

Some facilities have solvent recovery equipment which needs to be cleaned from time to time. The cleaning process may be interrupted and a person doing this may step out for a while. Would this equipment be considered an open container?

DISTRICT RESPONSE:

If the equipment is being cleaned, i.e. complies with the definition "in use" which includes "being cleaned", then this equipment does not need to be covered. However, if a person cleaning the equipment left it filled with a solvent and open for a significant period of time, this will be considered a violation of Rule 67.17. A significant amount of time will be considered to be the duration of the inspection. This will be clarified in a written policy memo to District staff.

WORKSHOP COMMENT:

Where can one find information on the VOC content of a material if such information is not available on site?

DISTRICT RESPONSE:

The information on the composition of the material can be obtained from the manufacturer of this material. Often it appears on the Material Safety Data Sheet for the product. If this is not available, the District will try to assist in obtaining the necessary data from manufacturers or suppliers, or by laboratory analysis.

WORKSHOP COMMENT:

Does Rule 67.17 apply to the storage of refrigerants?

DISTRICT RESPONSE:

No, it does not. Presently, most refrigerants are chlorofluorocarbons which are not volatile organic compounds. They are specifically exempted by Subsections (c)(1) and (c)(6) of the rule. Refrigerant storage and release to the atmosphere may be regulated by other laws.

PRE-WORKSHOP COMMENT:

There are some instances in printing industry operations where people take a small amount of ink out of a large container, and use it, and take a small amount again while the container remains open. They do it almost continuously, or within one minute of time. Do they still need to cover the large container, or can they keep it open until the whole operation is over?

DISTRICT RESPONSE:

Containers larger than one pint can be open while a person conducts a continuing operation provided that the operator remains in the work area, the main operation continues while the container is open, and the container is being regularly accessed (typically, at least every five minutes). This will be clarified in a written policy memo to District staff.

However, to minimize VOC emissions the District recommends that, whenever possible, operators use dispensers with press down caps or dispensing plunger containers, instead of conventional containers.

ARB COMMENT:

Rule 67.17 exempts four broad classes of perfluorocarbons from the VOC definition. The ARB is not aware of any standard test methods which are designed to identify and measure the concentration of these compounds. It is suggested that a special wording be added to the rule to require manufacturers to identify which specific individual exempt compound is used in formulating their product and provide a test method for its determination.

DISTRICT RESPONSE:

The District agrees. The rule has been revised to include this provision.

ARB COMMENT:

There is no requirement for how long records pertaining to Subsections (b)(3), (b)(4), (b)(5) and (b)(6) must be kept. The District should require operators to keep these records for at least two years.

DISTRICT RESPONSE:

Records relating to exemptions in Section (b) are either manufacturers' specifications or analyses for VOC containing materials. These records must be kept on site as long as a corresponding material is used. The rule has been revised to reflect this intent.

ARB COMMENT:

Section (b) exempts certain low volatility materials provided that they "are stored at not higher than ambient temperature". This section should be clarified by providing a definition of "ambient temperature" or specifying a maximum storage temperature such as 120° F.

DISTRICT RESPONSE:

The District agrees. The rule has been revised to specify a maximum storage temperature of 120° F.

EPA COMMENTS:

No comments were received from EPA.