

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**RULE 10 - PERMITS REQUIRED
RULE 66 - ORGANIC SOLVENTS
RULE 97 - EMERGENCY VARIANCE
RULE 98 - BREAKDOWN CONDITIONS: EMERGENCY VARIANCE
RULE 1202 - HEXAVALENT CHROMIUM-COOLING TOWERS**

WORKSHOP REPORT

A workshop notice was mailed to all District permit holders. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties. The workshop was attended by 22 people.

The workshop was held on June 7, 1995. The comments and District responses are as follows:

RULE 10

There were no comments on the proposed changes to Rule 10.

RULE 66

1. WORKSHOP COMMENT

Does the District plan to amend this rule again after new industry specific rules are developed for source categories now covered by Rule 66?

DISTRICT RESPONSE

As new industry specific rules are adopted by the District, they will include an exemption from the requirements of Rule 66 for equipment subject to these new rules.

2. WORKSHOP COMMENT

If a facility is subject to Rule 67.9 but also conducts some other operations, would it be covered by both Rule 66 and a source specific rule?

DISTRICT RESPONSE

Equipment not covered by an industry specific rule (e.g., Rule 67.9 - Aerospace Coating Operations) will be subject to the requirements of Rule 66 if it emits organic compounds. Equipment will not be covered by both Rule 66 and an industry specific rule.

RULE 97

1. WORKSHOP COMMENT

Section (b) of Rule 97 has been amended to delete a reference to the State Health and Safety Code to allow issuance of an emergency variance if "good cause is shown". Would ARB approve this change?

DISTRICT RESPONSE

This change is consistent with the requirements of the state Health and Safety Code for variances and is approvable by the state Air Resources Board.

RULE 98

1. WORKSHOP COMMENT

Section (b) was amended to allow two hours instead of one hour to notify the District of any breakdown. In addition, Section (e) has been amended to allow 15 calendar days before the operator shall submit a written report on the breakdown occurrence to the Air Pollution Control Officer. If the new two-hour/15-day time limits still cause problems, will the rule be amended again?

DISTRICT RESPONSE

The District has discussed the proposed changes with businesses that have previously expressed concern that the durations specified in the current rule are too short. They have advised that they are pleased with these changes. However, in the event there is a real and verifiable problem, the District will consider making additional changes to this rule to address the problem.

2. WORKSHOP COMMENT

The fourth line in Subsection (d)(1) has some words missing.

DISTRICT RESPONSE

The District agrees and will make the necessary corrections.

RULE 1202

1. WORKSHOP COMMENT

Subsection (3)(i) has been amended to allow the owner of a new cooling tower to certify that chromate additives have never been used in lieu of conducting testing. Is an old cooling tower that has never used chromate additives subject to this provision?

DISTRICT RESPONSE

An old cooling tower that has never used chromate additives would not be subject to the amendments of Subsection (3)(i). However, the District has asked the state Air Resources Board whether such a change would be consistent with the statewide air toxics control measure which required the adoption of Rule 1202. The ARB agreed to the change and it has been incorporated into Subsection (d)(2).

GENERAL COMMENTS

1. WORKSHOP COMMENT

What new or amended rules is the District currently working on?

DISTRICT RESPONSE

The District is currently working on amendments to Rule 11, a new Rule 67.20 dealing with motor vehicle refinishing operations, major revisions to Rule 24, a new rule dealing with the permitting of portable equipment, a new Air Toxics New Source Review rule, amendments to the banking rules (Rule 26 series), changes to Rule 40, and possible changes to Rule 69.

2. WORKSHOP COMMENT

What is EPA policy towards variances in regard to Title V operating permits?

DISTRICT RESPONSE

The EPA does not recognize state or locally issued variances.

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6/16/95

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

PROPOSED AMENDMENTS TO RULES 10, 66, 97, 98 AND 1202

1. Regulation II, Rule 10. Proposed amendments to Rule 10 - Sections (b), (c), (f), (h) and (j) are to read as follows:

RULE 10. PERMITS REQUIRED

(a) **AUTHORITY TO CONSTRUCT.** Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminant, shall first obtain written authorization for such construction from the Air Pollution Control Officer. A separate Authority to Construct will be required for each piece of equipment, product line, system, process line or process that produces a product or performs a service independently of other equipment, product lines, systems, process lines or processes. An Authority to Construct shall remain in effect until the Permit to Operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(b) **PERMIT TO OPERATE.** Before a person operates or uses, or causes to be operated or used, any article, machine, equipment or other contrivance described in Rule 10(a) (Authority to Construct) ~~he that person~~ shall obtain a written Permit to Operate from the Air Pollution Control Officer. No Permit to Operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 10(a) which is constructed or installed without authorization as required by Rule 10(a) until all information required for the Authority to Construct of Rule 10(a) is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 20 and elsewhere in these Rules and Regulations. A separate Permit to Operate will be required for each piece of equipment, product line, system, process line or process that produces a product or performs a service independently of other equipment, product lines, systems, process lines or processes.

A temporary authorization may be issued for the sole purpose of testing and/or evaluating the article, machine, equipment or contrivance to determine compliance with the conditions of the Authority to Construct, District Rules and Regulations and applicable state and federal law. A temporary authorization may be extended to cover the period before a final Permit to Operate can be issued provided the article, machine, equipment, or contrivance has been determined to be in compliance. For temporary operations as described in Rule 18(e), any temporary authorization shall be issued with a delayed effective date as specified in Rule 18(e).

A final Permit to Operate shall not be issued while the Authority to Construct or temporary authorization is being appealed before the Hearing Board in accordance with Rule 25 of District Rules and Regulations. A temporary authorization for testing and/or evaluation as provided herein may be issued despite an appeal of the Authority to Construct filed pursuant to Rule 25(b).

In the case of an appeal of an Authority to Construct for equipment proposed to be installed in conjunction with existing equipment operating under a Permit to Operate, to comply with new requirements of District Rules and Regulations, enforcement of the new requirements shall be deferred until the appeal is resolved. This paragraph applies only to an Authority to Construct issued before the effective date of the new requirements.

(c) **POSTING OF PERMIT TO OPERATE.** A person who has been granted under Rule 10(a) Permit to Operate any article, machine, equipment or other contrivance described in Rule 10(b), shall firmly affix such the current Permit to Operate, or an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

(d) **ALTERATION OF PERMIT.** A person shall not willfully deface, alter, forge, counterfeit or falsify any permit issued under these Rules and Regulations.

(e) **(Reserved)**

(f) **(Reserved) PERMIT TO SELL OR RENT.** Any person who sells or rents to any other person an incinerator which may be used to dispose of combustible refuse by burning within San Diego County and which incinerator is to be used exclusively in connection with any structure, designed and used exclusively as a dwelling for not more than four families, shall first obtain a permit from the Air Pollution Control Officer to sell or rent such incinerator.

(g) **CONTROL EQUIPMENT.** Nothing in this rule shall be construed to authorize the control officer to require the use of machinery, devices or equipment of a particular type or design, if the required emission standard may be met by machinery, device, equipment, product or process change otherwise available.

(h) **ANNUAL RENEWAL OF PERMITS TO OPERATE AND PERMITS TO RENT.** Permits to Operate and Permits to Rent shall be renewable annually on a staggered schedule to be determined by the Air Pollution Control Officer. Any person who holds a Permit to Operate as required by Rule 10(b) or a Permit to Rent as required by Rule 10(f) herein and who desires to operate or rent any article, machine, equipment or other contrivance pursuant to said permit after the expiration date of the permit shall, prior to the expiration date of the permit, apply to the Air Pollution Control Officer for an annual renewal permit. Expired permits may be reinstated only:

- (1) Within the first six months following the expiration date of the permit, and
- (2) Upon application for renewal to the Air Pollution Control Officer, and
- (3) Upon payment of the appropriate renewal fee and penalty. (See Rule 40 for applicable fees.)

Any person who holds a Permit to Operate as required by Rule 10(b) or a Permit to Rent as required by Rule 10(f) herein and who desires to not operate or rent any article, machine, equipment or other contrivance pursuant to said permit for at least one year after the expiration date of the permit may, prior to the expiration date of the permit, apply to the Air Pollution Control Officer for a revised permit indicating the equipment is to be maintained in an inactive status. A renewal permit in this case shall contain a condition prohibiting operation of the equipment. Any portable equipment having an inactive status permit shall be stored at a fixed address known to the Air Pollution Control District. All such inactive status permits shall be renewable annually. The condition prohibiting operation of the equipment shall be removed by the Air Pollution Control Officer, notwithstanding Rule 21, upon receipt of an application and payment of the appropriate renewal fees pursuant to Rule 40. Operation of inactive equipment

without prior authorization from the District shall constitute a violation of Rules 10(a), 10(b), and 21, and a new Authority to Construct and Permit to Operate shall be required for continued operation of the equipment.

(i) **CHANGE OF LOCATION.** Any person who possesses a Permit to Operate any article, machine, equipment or other contrivance and desires to change the location of such article, machine, equipment or other contrivance shall first apply to the Air Pollution Control Officer for an Authority to Construct and Permit to Operate. (See Rule 40 for applicable fees.) The provisions of Rule 10(i) shall not apply to any change of work location for any portable article, machine, equipment or other portable contrivance, or any change of location within a contiguous parcel of land in the possession of, or owned by, or recorded as the property of, the same person.

(j) **TRANSFER OF OWNERSHIP.**

(1) Any article, machine, equipment or other contrivance which ~~is the subject of a~~ has a valid Permit to Operate and which is transferred from one person to another shall not be operated until an application to transfer the ownership of the Permit to Operate is made to the Air Pollution Control Officer ~~for a revised Permit to Operate~~ and a temporary or final ~~such permit to operate~~ is issued. If the article, machine, equipment or other contrivance had a valid permit to operate within the 18-month period immediately preceding the application to transfer ownership of the permit to operate, such application, if submitted with all required fees, shall be deemed a temporary permit to operate until a temporary or final permit to operate is issued or denied. Such temporary permit to operate shall be subject to all terms and conditions of the permit to operate being transferred. The application to transfer a permit to operate shall not be deemed a temporary permit to operate for an article, machine, equipment or other contrivance that has been shut down and its associated emission reductions banked pursuant to Rules 26.0 - 26.10 unless the requirements of Rule 26.8 are met. If such transfer is accompanied by alteration of the article, machine, equipment or other contrivance, which is not exempt under Rule 11, an application for Authority to Construct and Permit to Operate shall be required.

(2) Any article, machine, equipment or other contrivance which is being transferred from one person to another shall not be altered or modified (unless the alteration or modification is exempt under Rule 11) until an application for Authority to Construct and Permit to Operate has been filed with the District and an Authority to Construct for such alteration or modification has been granted by the District. (See Rule 40 for applicable fees.)

(3) Any article, machine, equipment or other contrivance shall not be relocated from where it was previously permitted to another stationary source, as defined in Rule 20.1, and operated under a temporary permit to operate pursuant to this section unless it was previously permitted as portable equipment.

(2) ~~Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one piece of equipment to another.~~

2. Regulation IV, Rule 66. Proposed amendments to Rule 66, Sections (a)-(f), (h)-(k), and (n)-(p) are amended to read as follows:

RULE 66. ORGANIC SOLVENTS

(a) A person shall not discharge into the atmosphere more than 15 pounds (6.8 kg) of organic materials in any one day from any article, machine, equipment or other contrivance, in which any organic solvent vapor comes into contact with a flame ~~in the presence of oxygen~~ or in which any organic solvent is evaporated at temperatures exceeding 200° F (93.3° C) ~~in the presence of oxygen~~, unless emissions of organic materials have been reduced by at least 85 percent by weight. Emissions of organic materials resulting from any series of articles, machines, equipment, processes, operations or other contrivances designed for processing any item, ~~including but not limited to, a continuous web, strip, or wire, which emit organic materials and use operations described in this section~~ shall be collectively subject to compliance with this section.

(b) A person shall not discharge into the atmosphere more than 40 pounds (18.14 kg) in any one day of organic materials from any article, machine, equipment or other contrivance used under conditions other than described in Section (a), ~~for employing or applying any organic solvent or material containing organic solvent~~ which exceeds the compositional limitations for photochemically reactive compounds set forth in Section (l), unless emissions of organic materials have been reduced by at least 85 percent by weight.

Emissions of organic materials resulting from any series of articles, machines, equipment, processes, operations or other contrivances designed for processing any item ~~including, but not limited to, a continuous web, strip, or wire and using operations described in this section~~ shall be collectively subject to compliance with this section.

(c) A person shall not discharge into the atmosphere more than 3,000 pounds ~~(1351 1361)~~ kg) in any one day of organic materials from any article, machine, equipment or other contrivance used under conditions other than described in Section (a) ~~for employing or applying any organic solvent or material containing organic solvent which does not exceed the compositional limitations for photochemically reactive compounds set forth in Section (l)~~, unless emissions of organic materials have been reduced by at least 85 percent by weight. Emissions of organic materials resulting from any series of articles, machines, equipment, processes, operations or other contrivance designed for processing any item including, but not limited to, a continuous web, strip, or wire and using operations described in this section shall be collectively subject to compliance with this section.

(d) **(Reserved)** A person shall not use any organic solvent which exceeds the compositional limitations for photochemically reactive compounds set forth in Section (l), to thin or reduce any surface coating in preparation for application of said coating. This does not exempt equipment or processes as described in Sections (a), (b), or (c) in which any surface coating is employed, applied, or dried from the applicable emission limits of Sections (a), (b), or (c).

(e) Emissions of organic materials to the atmosphere from the cleanup ~~with any organic solvent~~ of any article, machine, equipment, process, operation, or other contrivance described in Sections (a), (b), or (c) of this rule, shall be included with the discharge of organic materials into the atmosphere from that article, machine, equipment, process, operation, or other contrivance for determining compliance with Sections (a), (b), and (c) of this rule.

~~(f) **(Reserved)** Emissions resulting from the discard, dumping, or other disposal of organic solvents used for any purpose with any article, machine, equipment, process, operation or other contrivance shall be included with the discharge of organic materials from that article, machine, equipment, process, operation or other contrivance for determining compliance with Sections (a), (b), and (c) of this rule.~~

(g) Discharge of organic materials into the atmosphere required to be controlled by Sections (a), (b), and (c) of this rule shall be reduced by:

(1) Incineration, provided that the combined collection and reduction efficiency of a control device is at least 85 percent by weight, or

(2) Adsorption, provided that the combined collection and reduction efficiency of a control device is at least 85 percent by weight.

(3) Processing in a manner not less effective than (1) or (2) above.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by the Air Pollution Control Officer (APCO) for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of the air pollution control equipment.

(i) Any person using, or any person selling for use in San Diego County, any organic solvents or any materials containing organic solvents shall supply the APCO, upon request and in the manner and form prescribed by the APCO, written evidence of the chemical composition, physical properties ~~and amount consumed or sold~~ for each organic solvent.

(j) For the purposes of this rule, determination of the organic solvent content and composition of a solvent or material shall be made as of the time that said solvent or material is in its final form for application or employment, notwithstanding including any prior blending, reducing, thinning, or other preparations for application or employment.

(k) For the purposes of this rule, organic solvents are defined as organic materials which are liquids at standard conditions, ~~and which are used as dissolvers, viscosity reducers, extractants, or cleaning agents, or are reactants or products in manufacturing processes~~ except materials which exhibit an initial boiling point of 450° F (232°C) or higher at 760 mm Hg unless such materials are exposed to temperatures exceeding 200° F (93.3°C).

(l) The compositional limitations of any organic solvent referred to in this rule are the volume percentages of the following photochemically reactive compounds, compared to the total solvent volume:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent.

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule, except ethylbenzene: 8 percent.

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

- (4) Any aggregate of (1), (2), or (3) above, provided their individual volume percentages are not exceeded: 20 percent.

Whenever any organic solvent or constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of photochemically reactive compounds, it shall be considered as a member of the most reactive group, that is, that group having the lowest individual percentage limitation.

(m) For the purposes of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(n) The provisions of this rule shall not apply to:

(1) Operations for which other requirements are specified by Rules 61.0 through ~~61.9~~ 61.8, 67.2, ~~67.3~~, 67.6, ~~67.9~~, ~~67.12~~, or 67.15 or operations which are subject to ~~and comply with~~ rules that specifically exempt said ~~equipment~~ operations from this rule.

(2) The spraying or other employment of insecticides, pesticides, or herbicides.

(3) The use of any surface coating material in any article, machine, equipment or other contrivance described in Sections (a), (b), or (c) of this rule, if:

(i) The organic solvent content of such surface coating material does not exceed 30 percent by volume, excluding water, and

(ii) The organic solvent or any organic material in such surface coating material does not come into contact with flame.

(4) The use of any air-dried coating material which, when applied, contains less than 420 grams of volatile organic compounds per liter of coating applied (excluding water and exempt compounds) or the use of any baked coating material which, when applied, contains less than 360 grams of volatile organic compounds per liter of coating applied (excluding water and exempt compounds). For purposes of this exemption, "air-dried coating", "baked coating", "exempt compounds" and "volatile organic compounds" shall have the same meaning as defined in Rule 67.3.

(5) Equipment exclusively using aqueous solutions not containing organic solvents in excess of 10 percent by weight for surface preparation, cleaning, stripping or etching.

Any person claiming exemptions (n)(3), (n)(4), and/or (n)(5) shall maintain current manufacturers' specifications or analyses which substantiate this claim. These specifications and analyses shall be maintained on site and made available to the District upon request.

(6) Any equipment, process or operation that has been subjected to New Source Review pursuant to these rules, provided that the Best Available Control Technology (BACT) or Lowest Achievable Emission Rate (LAER) requirement for such equipment, process or operation was established during the New Source Review process, was implemented, and is in use. For the purpose of this exemption, BACT and LAER shall have the same meaning as defined in Rule 20.1.

(o) ~~Effective January 9, 1992, an~~ An owner or operator of a stationary source using organic materials subject to this rule shall maintain ~~daily~~ records of operations subject to this rule. These records shall be maintained on site for not less than three years and made available to the District upon request. These records shall include, but not be limited to, the following:

(1) The ~~method of application and substrate type;~~

(2) ~~The A current list of adhesives, coatings, thinners, cleaning materials, surface preparation materials or other substances used that contain organic materials, and the manufacturer's name, identification number and the organic material content.~~

~~(2) (3) The Daily or monthly records of the amount and type of adhesives, coatings, thinners, cleaning materials, surface preparation materials or other substances used that containing contain organic materials used for each operation and the equipment involved;~~

~~(3) The organic material content of each adhesive, coating, thinner, or other material;~~

~~(4) The amount of diluent, surface preparation, cleanup or washup solvents used and the organic material content of each;~~

~~(5)~~(4) Oven temperature, where applicable;

~~(6)~~(5) ~~Emission~~ Daily records of the ~~emission control~~ equipment operating parameters necessary to ensure compliance with this rule ~~including, but not limited to such as~~ temperatures, pressures, and/or flow rates; and

~~(7)~~(6) Inspection and ongoing maintenance schedules for the control equipment.

(p) For the purpose of determining compliance with this rule, the following test methods shall be used:

(1) Measurements of organic material emissions subject to this rule shall be conducted in accordance with Methods 18 and 25 or 25A (40 CFR 60, Appendix A) as they exist on (date of adoption), and with EPA technical document "Guidelines for Determination of Determining Capture Efficiency" as they exist on July 9, 1991 dated January 9, 1995. Measurement of the emission collection system capture efficiency shall be conducted using a protocol approved by the Air Pollution Control Officer. Subsequent to the initial compliance demonstration period, applicable key operating system parameters, as approved by the Air Pollution Control Officer, may shall be used as indirect verification that capture efficiency performance has not been diminished.

(2) Measurement of the initial boiling point of organic solvents shall be determined using the ASTM Standard Test Method for Distillation Range of Volatile Organic Liquids, D 1078-86.

(3) The photochemical reactive compound content shall be determined using the ASTM Standard Recommended Practices for General Gas Chromatography Procedures, E 260-91 85, General Techniques of Infrared Quantitative Analysis, E 168-92 67, or General Techniques of Ultraviolet Quantitative Analysis, E 169-93 87.

(4) The organic material content of adhesives, coatings, or other substances containing organic materials shall be determined using EPA Test Method 24 (40 CFR 60, Appendix A) as it exists on ~~July 9, 1991~~ (date of adoption).

3. Regulation V, Rule 97. Proposed amendments to Rule 97, Section (b) is amended to read as follows:

RULE 97. EMERGENCY VARIANCE

(b) Upon receipt of a request for an emergency variance from the District Rules and Regulations, the Chairperson of the Air Pollution Control District Hearing Board, or any other member of the Hearing Board the Chairpersons may designate, may issue without notice and public hearing, an emergency variance up to 30 days. An emergency variance shall be issued only if, ~~in addition to all the findings required by Section 42352 and 42353 of the State Health and Safety Code, good cause is shown, and~~ the Chairperson or member(s) finds that:

- (1) The operation resulting from the variance shall not create a private or a public nuisance.
- (2) The purpose of the emergency request is not to avoid notice requirements for a hearing on the request.
- (3) It is impractical to hear the request at the next scheduled meeting of the Hearing Board.
- (4) In the event of a breakdown, as defined by Rule 98, the requirements of said Rule 98 for requesting a variance have been fulfilled.

4. Regulation V, Rule 98. Proposed amendments to Rule 98, Sections (b), (d)-(f) are to read as follows:

RULE 98. BREAKDOWN CONDITIONS: EMERGENCY VARIANCE

(b) BREAKDOWN PROCEDURES

(1) The owner or operator shall notify the Air Pollution Control Officer of any occurrence which constitutes a breakdown condition; such notification shall identify the time of the start of the occurrence, estimated duration of the occurrence (if known), specific location, equipment involved, and (to the extent known) the cause(s) of the occurrence, and shall be given as soon as reasonably possible, but no later than ~~one~~ two hours after its detection. The notification may be by direct phone contact during normal working hours or to the District's message recording phone during nonworking hours. The time of the call must be included in the message.

(2) The Air Pollution Control Officer shall establish written procedures and guidelines, including appropriate forms for logging of initial reports, investigation, and enforcement followup, to ensure that all reported breakdown occurrences are handled uniformly to final disposition.

(3) Upon receipt of notification pursuant to Subsection (b)(1) the Air Pollution Control Officer shall promptly investigate to tentatively determine whether the occurrence constitutes a breakdown condition.

(d) EMERGENCY VARIANCE PROCEDURES FOR BREAKDOWN CONDITIONS

(1) If the breakdown condition will either require more than 24 hours to correct or persist longer than the end of the production run (except for continuous, monitoring equipment, for which the period shall be 96 hours) the owner or operator may, in lieu of shutdown, an emergency variance. A request for emergency variance for a breakdown condition shall be filed with the Clerk of the Hearing Board at the San Diego County Administration Center, Room 402, San Diego, California 92101.

(2) No emergency variance for a breakdown condition shall be granted unless the Chairperson or other designated member(s) determines that:

- (i) The occurrence constitutes a breakdown condition,
- (ii) continued operation is not likely to create an immediate threat or hazard to public health or safety, and
- (iii) ~~the requirements for a variance set forth in Health and Safety Code Sections 42352 and 42353 have been met~~ good cause is shown, and
- (iv) the continued operation in a breakdown condition will not interfere with the attainment or maintenance of any national or California Ambient Air Quality Standard.

(3) At any time after an emergency variance for a breakdown condition has been granted, the Air Pollution Control Officer may request that the Chairperson or designated member(s) reconsider and revoke, modify or further condition the variance if the Air Pollution Control Officer has good cause to believe that:

- (i) continued operation is likely to create an immediate threat or hazard to public health or safety;
- (ii) the owner or operator is not complying with all applicable conditions of the variance;
- (iii) a breakdown condition no longer exists; or
- (iv) final compliance is not being accomplished as expeditiously as practicable.

(4) An emergency variance for a breakdown condition shall remain in effect only for as long as necessary to repair or remedy the breakdown conditions, but in no event after a properly noticed hearing to consider an interim or 90-day variance has been held, or 30 days from the date of the subject occurrence, whichever is sooner.

(e) REPORTING REQUIREMENTS

(1) Within ~~one week~~ fifteen calendar days after ~~the~~ breakdown occurrence has been corrected, the owner or operator shall submit a written report to the Air Pollution Control Officer which includes:

(i) a statement that the occurrence has been corrected, together with the date of correction, and proof of compliance which is acceptable to the Air Pollution Control Officer;

(ii) a specific statement of the reason(s) or cause(s) for the occurrence sufficient to enable the Air Pollution Control Officer to determine whether the occurrence was a breakdown condition;

(iii) a description of the corrective measures undertaken and/or to be undertaken to avoid such an occurrence in the future;

(iv) an estimate of the emissions cause by the occurrence; and

(v) permit numbers and serial numbers of the equipment or controls which failed, and pictures of the equipment or controls if available.

(2) The Air Pollution Control Officer may, at the request of the owner or operator, for good cause, extend up to 30 days the deadline for submitting the report required by this section.

(f) ENFORCEMENT

(1) ~~The burden~~ It shall be ~~on the responsibility of~~ the owner or operator of the source to provide sufficient information to demonstrate that a breakdown did occur. If the owner or operator fails to provide sufficient information, the Air Pollution Control Officer shall ~~undertake~~ investigate and take any appropriate enforcement action.

(2) Any failure to comply or to comply in a timely manner with the reporting requirements established in Subsections (b)(1) and (e)(1) of this rule shall constitute a separate violation of this rule.

(3) It shall constitute a separate violation of this rule for any person to file with the Air Pollution Control Officer a report which falsely, or without probable cause, claims that an occurrence is a breakdown.

(4) If at any time the Air Pollution Control Officer ~~determined~~ determines that the occurrence does not constitute a breakdown condition as defined by this rule, the Air Pollution Control Officer may take appropriate enforcement action, including but not limited to seeking fines, and abatement order, or an injunction against further operation.

5. Regulation XII, Rule 1202. Proposed amendments to Rule 1202, Section (d) is to read as follows:

RULE 1202 HEXAVALENT CHROMIUM - COOLING TOWERS

(a) APPLICABILITY

This rule applies to any person who owns or operates, or who plans to build, own, or operate, cooling tower equipment within San Diego County.

(b) **EXEMPTIONS**

This rule is not applicable to any cooling tower utilized exclusively in connection with any structure which is designed and used as a dwelling for not more than four families.

(c) **DEFINITIONS**

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

~~(1)~~ "Chromium" means hexavalent chromium or chromate.

~~(2)~~ (1) **"Cooling Tower"** means a device which uses fans or natural draft to evaporate circulating water in order to remove heat from a process, a building, or a refrigerator. This includes, but is not limited to, evaporative condensers, quench towers or cooling towers used for heating, ventilation, or air conditioning (HVAC) or cooling industrial processes.

~~(3)~~ (2) **"New Cooling Tower Equipment"** means any cooling tower equipment installed after May 28, 1991.

(d) **STANDARDS**

(1) Except as provided in Subsection (d)(2), no person shall operate a cooling tower unless:

(i) Hexavalent chromium-containing compounds are not added to the cooling tower circulating water;

(ii) The hexavalent chromium concentration in the circulating water does not equal or exceed 0.15 milligrams hexavalent chromium per liter of circulating water; and

(iii) Circulating water is tested to determine the hexavalent chromium concentration within six months after May 28, 1991. Except as specified in Subsections (d)(4)(ii), (d)(4)(iii) or (d)(4)(iv), such testing shall be performed every six months.

(2) No person shall operate a wooden cooling tower unless:

(i) Hexavalent chromium-containing compounds are not added to the cooling tower circulating water;

(ii) The Air Pollution Control Officer is notified in writing that the tower has wooden components that are exposed to the circulating water;

(iii) Except as specified in Subsection (d)(4)(ii), Circulating circulating water is tested to determine the hexavalent chromium concentration every month;

(iv) Except as specified in Subsection (d)(4)(ii), The the hexavalent chromium concentration in the cooling tower circulating water decreases each month as determined by the testing specified in Subsection (d)(2)(iii);

(v) The hexavalent chromium concentration in the circulating water does not exceed 8 milligrams hexavalent chromium per liter of circulating water; and

(vi) By May 28, 1992, the hexavalent chromium concentration in the circulating water does not exceed 0.15 milligrams hexavalent chromium per liter of circulating water.

(3) In addition to the requirements of Subsections (d)(1) and (d)(2), as appropriate, no person shall operate any new or replacement cooling tower unless:

(i) ~~Upon start-up of the cooling tower, e~~Circulating water is tested to determine the hexavalent chromium concentration upon start-up of the cooling tower or the owner certifies in writing to the District that the cooling tower is a new cooling tower and chromate additives have never been used, and maintains a copy of this certification at the site where the cooling tower is located; and

(ii) The District is notified in writing at least ~~90~~ 15 days prior to operation of the equipment of the following:

(A) The owner and operator of the cooling tower;

(B) The location of the cooling tower;

(C) When the cooling tower will start operation; and

(D) A statement that hexavalent chromium-containing compounds will not be used in the circulating water of the cooling tower.

(4) Testing Requirements:

(i) Testing of the circulating water of a cooling tower shall be conducted in accordance with Method 312B. "Method 312B" means American Public Health Association Method 312B for testing aqueous solutions for hexavalent chromium. The method is presented in *Standard Methods of Examination of Water and Wastewater, Sixteenth Edition*, or most recent edition, published by the American Public Health Association.

(ii) When two consecutive required tests each demonstrate a hexavalent chromium concentration less than 0.15 milligrams of hexavalent chromium per liter of circulating water, further testing will not be required. The Air Pollution Control Officer may, for good cause, require that such testing be resumed, or

(iii) If hexavalent chromium-containing additives have not been used in the cooling tower for at least one-year prior to the compliance date and the required test demonstrates a hexavalent chromium concentration less than 0.15 milligrams of hexavalent chromium per liter of circulating water, further testing will be not be

required. The Air Pollution Control Officer may, for good cause, require that such testing be resumed, or

(iv) If hexavalent chromium-containing additives have never been used in the cooling tower and the required test demonstrates a hexavalent chromium concentration less than 0.15 milligrams of hexavalent chromium per liter of circulating water, further testing will not be required. The Air Pollution Control Officer may, for good cause, require that such testing be resumed.

(5) Recordkeeping: Any person subject to Subsections (d)(1), ~~or~~ (d)(2) ~~or~~ (d)(3) of this rule shall maintain records for two years of the results of all required tests of circulating water, the trade name and address of the manufacturer of, and the chemical names of each water treatment additive used. These records shall be provided to the District upon request.

(e) COMPLIANCE SCHEDULE

(1) Any person subject to Subsections (d)(1) or (d)(2) of this rule shall on or before August 28, 1991, submit a compliance plan containing the following information:

- (i) The facility address and the specific location of each cooling tower at the facility;
- (ii) The name, address and phone number of the facility owner and operator;
- (iii) What portions of each cooling tower, if any, are constructed of wood;
- (iv) A statement specifying whether or not the cooling tower uses hexavalent chromium-containing compounds; and
- (v) A statement specifying how compliance with this rule will be achieved.

(2) On or before November 28, 1991, any person subject to Subsection (d)(1) shall demonstrate compliance with the requirements of Subsection (d)(1) of this rule to the satisfaction of the Air Pollution Control Officer.

(3) On or before May 28, 1992, any person subject to Subsection (d)(2) shall demonstrate compliance with the requirements of Subsection (d)(2)(vi) of this rule to the satisfaction of the Air Pollution Control Officer.