



Air Pollution Control Board

Dianne Jacoby	District 5
Pamela Slater	District 7
Leon L. Williams	District 6
John MacDonald	District 8

Air Pollution Control Officer
R. L. Sommerville

DATE: May 21, 1997

TO: Air Pollution Control Board

SUBJECT: Adoption of Amendments to Rule 11 (Exemptions from Rule 10 Permit Requirements) and Repeal of Rule 11.1 (NSPS & NESHAP Exemptions)

SUMMARY:

Rule 11 exempts non-significant polluting equipment and processes from District permit requirements. The rule was amended in October 1995 to implement Phase I revisions recommended by the County Economic Advisory Board's Sunset Review Commission. The proposed amendments implement Phase II exemptions. These include adding exemptions for certain solvent wipe cleaning operations, and equipment used to manufacture biotechnology pharmaceutical products, biomedical devices and diagnostic kits, and specified bioagricultural products.

Additional exemptions, initiated by the District, include equipment used to produce wine and beer, small adhesive coating operations, road and runway sweepers with small engines, DNA synthesis operations, equipment used exclusively for education and for portable engines registered under a state program. The amendments also revise some exemptions for consistency with other District rules, and provide clarifications.

Language has been added revising the exemption for certain equipment not emitting toxic air contaminants and removing the exemption for any equipment emitting toxic air contaminants with the potential to exceed the health risk criteria specified in Rule 1200. Lastly, Rule 11.1 is proposed for repeal because provisions not exempting sources subject to federal New Source Performance Standard (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP) have now been incorporated into Rule 11.

Businesses will have one year to submit permit applications for previously exempt equipment now required to have permits as a result of these amendments. The District expects approximately 30 new applications for currently exempt equipment: 12 metal deposition spray operations, 4 chromate conversion coating processes, 10 solvent handwiping operations and 4 engines located on docks used to unload cargo.

Issue

Should the Board adopt amendments to Rule 11 and repeal Rule 11.1 to implement recommendations of the Sunset Commission and make other changes to improve the rules?

SUBJECT: Adoption of Amendments to Rule 11 and Repeal of Rule 11.1

Recommendation

AIR POLLUTION CONTROL OFFICER

Adopt the resolution amending Rule 11 and repealing Rule 11.1 and 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 adoption of amendments to Rule 11 and repeal of Rule 11.1 will alleviate a problem and will not interfere with attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
- (iii) that an assessment of socioeconomic impacts of the proposed amendments is not required by Section 40728.5 of the State Health and Safety Code because the proposed amendments will not significantly affect air quality or emission limitations; and
- (iv) that it is certain there is no possibility that the amendment of Rule 11 and repeal of Rule 11.1 may have a significant adverse effect on the environment and that this action is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15061(b)(3).

Alternative

Not adopt the proposed amendments. The recommendations of the Sunset Commission and other improvements to Rule 11 will not be made. Additional changes suggested at the Phase I and Phase II workshops will also not be made. This alternative is not recommended.

Advisory Statement

The Air Pollution Control District Advisory Committee recommended adopting proposed amendments to Rule 11 and repealing of Rule 11.1 at its April 23, 1997, meeting.

Fiscal Impact

There will be a revenue decrease exceeding \$6,000 in annual renewal fees when approximately 900 small equipment are exempted from permit requirements because they will be registered under a separate registration program. Approximately 30 new permits will be required generating one time revenue of about \$38,000 in initial permit fees and \$6,000 in annual renewal fees. Overall, annual renewal fee revenue is expected to decrease.

SUBJECT: Adoption of Amendments to Rule 11 and Repeal of Rule 11.1

Additional Information

Attachment I contains additional background information, information on compliance with Board policy on adopting new and amended rules, additional information on Socioeconomic Impact Assessment requirements, and information on compliance with the California Environmental Quality Act.

Attachment II contains the Resolution amending Rule 11 and repealing Rule 11.1.

Attachment III contains the report for the workshop held on March 11, 1997.

Concurrence:

LAWRENCE B. PRIOR III
Chief Administrative Officer

Respectfully submitted,

BY: ROBERT R. COPPER
Deputy Chief Administrative Officer



R. J. SOMMERVILLE
Air Pollution Control Officer

SUBJECT: Adoption of Amendments to Rule 11 and Repeal of Rule 11.1

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

CHIEF FINANCIAL OFFICER/AUDITOR REVIEW: ☐ Yes ☒ N/A
4 VOTES: ☐ Yes ☒ No

CONTRACT REVIEW PANEL: ☐ Approved _____ ☒ N/A

PREVIOUS RELEVANT BOARD ACTION: 7/30/96, Board Item #1

BOARD POLICIES APPLICABLE: N/A

CONCURRENCES: N/A

ORIGINATING DEPARTMENT: San Diego County Air Pollution Control District

CONTACT PERSON: Richard Smith, Deputy Director (S50) 694-3303 MS: 0-176


R.J. SOMMERVILLE, APCO
DEPARTMENT AUTHORIZED REPRESENTATIVE

MAY 21, 1997
MEETING DATE

ATTACHMENT I

ADOPTION OF AMENDMENTS TO RULE 11 (Exemptions from Rule 10 Permit Requirements) and REPEAL OF RULE 11.1 (NSPS & NESHAP Exemptions)

Additional Background Information

Rule 11 exempts from District permit requirements, equipment, operations and processes causing little or no pollution. On February 1, 1995, the Air Pollution Control Board approved the Sunset Commission recommendation to amend Rule 11 in two phases. The first was to incorporate "backlogged updates" and clarify ambiguities. The second was to make more comprehensive revisions and address comments made at the Phase I workshop that could not be incorporated at that time.

On October 17, 1995, the rule was amended to implement Phase I and some of the Phase II recommendations. These proposed amendments implement the remaining Phase II recommendations and address additional suggested changes made at the Phase I workshop that could not be fully addressed at that time. They also provide clarifications and other needed changes.

In response to the Sunset Commission recommendations, exemptions are being added for equipment and operations that, in practice, the District does not require to be permitted. For example, engines built and tested as part of educational training programs; equipment used to grind, blend or package dried flowers; hot wire cutting of expanded polystyrene foam; pressurized tanks used to store inorganic gases or halogenated organic gases; and equipment used for recovering and recycling chlorofluorocarbons (CFC's) and alternative fluorocarbons.

In response to issues raised at the Phase I workshop, exemptions are proposed for solvent wipe cleaning operations where the uncontrolled VOC emissions do not exceed five tons per year or total purchase of solvents for such operations does not exceed 1,500 gallons per year, and for equipment used to manufacture biotechnology pharmaceutical products, biomedical devices and diagnostic kits, and bioagricultural products where manufacture is for exclusive use in federal Food and Drug Administration approved clinical trials or tests.

The proposed rule also contains exemptions for equipment used to crush and/or ferment grapes to produce wine, equipment used to brew beer at breweries producing less than one million gallons of beer per year, adhesive operations using small quantities of materials or low VOC materials, road and runway sweepers equipped with auxiliary engines of 200 brake horsepower or less, DNA synthesis operations, and laboratory equipment and operations located at educational institutions used exclusively for instruction. An exemption is also proposed for portable engines registered in accordance with the Statewide Portable Engine Registration Program adopted pursuant to California Health and Safety Code Section 41750.

The amendments also revise some exemptions for consistency with other rule requirements, including revising recordkeeping requirements for small metal melting pots in accordance with the state air toxic control measure and revising the exemption for ink mixing tanks consistent with the emissions-based exemption provided in Rule 67.19 (Coating and Ink Manufacturing Operations). The exemption for abrasive blast rooms vented back into a building is being deleted to prevent abuses, and a new definition of research and development equipment is being added and associated daily emission limits and recordkeeping requirements are being deleted. A new definition has also been added for hot melt adhesives.

Several existing provisions are clarified including the exemption for engines used to load and unload cargo, the exemption for coatings applied outside defined application stations for purposes of touchup

or maintenance of stationary equipment, the emission applicability requirements for mobile sources and registered equipment, and the Rule 11 applicability for sources subject to a New Source Performance Standard or National Emission Standards for Hazardous Air Pollutants.

In response to public comments, certain permit exemptions are being revised to apply only when specified hazardous air pollutants are not emitted. These include the exemption for metallizing and ceramic spray guns which apply no chromium, lead or nickel; salt quench tanks which add no chromium compounds; and small metal melting furnaces which use no arsenic, beryllium, cadmium, chromium, lead and/or nickel as alloying elements. A provision is added specifying that an exemption does not apply if the equipment emits or may emit toxic air contaminants which may be expected to exceed the health risk criteria specified in Rule 1200 (Toxic Air Contaminants - New Source Review). In addition, language has been added to clarify that chromate conversion coating process equipment using materials containing less than 10 percent VOC (by weight) are not exempt from permit requirements.

Finally, a provision is added allowing sources one year after rule adoption to submit an application to the District for previously exempt equipment now subject to permit requirements. The District expects approximately 30 new applications for currently exempt equipment: 12 metal deposition spray operations, 4 chromate conversion coating processes, 10 solvent handwiping operations and 4 engines located on docks used to unload cargo.

Compliance with Board Policy on Adopting New Rules

On February 2, 1993, the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or state law. The proposed amendments are consistent with this Board directive because they have been requested by the Sunset Commission and are supported by local businesses. Also, a socioeconomic impact assessment is not required.

Socioeconomic Impact Assessment

Section 40728.5 of the State Health and Safety Code requires the District to perform a socioeconomic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. The proposed amendments will not affect air quality or emissions limitations. Therefore, a socioeconomic impact assessment is not required.

California Environmental Quality Act

The California Environmental Quality Act requires an environmental review for certain actions. No significant adverse impacts on the environment have been suggested for the adoption of the proposed amendments, and it can be seen with certainty that no such impacts are possible. Therefore, adopting the amendments to Rule 11 and repeal of Rule 11.1 is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15061 (b)(3).

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

**RESOLUTION AMENDING RULE 11 AND
REPEAL OF RULE 11.1
OF REGULATION II
OF THE RULES AND REGULATIONS OF THE
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Slater, seconded by Member Cox
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:

1. Proposed amendments to Rule 11 are to read as follows:

RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS

INDEX OF EXEMPTION CATEGORIES AS LISTED IN SECTION (d)

	<u>PAGE</u>
(1) Mobile Sources	3
(2) Combustion and Heat Transfer Equipment	3
(3) Structures and Structural Modifications	4
(4) Laboratory Equipment and Related Operations	4
(5) Replacement of Equipment	5
(6) Plant Support Equipment	6
(7) Metallurgical Processing Equipment--General	6
(8) Metallurgical, Glass and Ceramic Processing Equipment-- Using Furnaces, Kilns and Ovens	7
(9) Abrasive Blasting Equipment	8
(10) Machining Equipment	8
(11) Printing and Reproduction Equipment	9
(12) Food Processing and Preparation Equipment	9
(13) Plastics, Foam and Rubber Processing Equipment and Operations	9
(14) Mixing, Blending and Packaging Equipment	10
(15) Coating and Adhesive Application Equipment and Operations	10
(16) Solvent Application Equipment and Operations	12
(17) Storage and Transfer Equipment	12
(18) Drycleaning, Laundry Equipment and Fabric Related Operations	13
(19) Miscellaneous Equipment and Operations	14
(20) Registered Equipment	16

RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS

(a) APPLICABILITY

(1) This rule is applicable to any article, machine, equipment or other contrivance which would otherwise be subject to Rule 10.

(2) This rule shall not exempt equipment, operations or processes described in Section (d) from meeting all other applicable requirements of these Rules and Regulations.

(3) This rule shall not apply to any equipment, operation or process which violates Rule 51 as determined by the Air Pollution Control Officer. When the Air Pollution Control Officer makes such a determination and written notification is given to the owner or operator, the equipment, operation, or process may thereafter be subject to Rule 10. If no additional violations of Rule 51 are determined over a two-year period, a permit may no longer be required.

(4) This rule shall not apply to any equipment, operation or process described in Sections (d)(2) through (d)(19) which emits more than 100 lbs per day of any one of the following criteria air pollutants: Particulate Matter (PM₁₀), Oxides of Nitrogen (NO_x), Volatile Organic Compounds (VOC), Oxides of Sulfur (SO_x), Carbon Monoxide (CO), or Lead (Pb).

(5) This rule shall not apply to any article, machine, equipment or other contrivance which is subject to the provisions of Regulation X - Standards of Performance for New Stationary Sources and/or Regulation XI - National Emission Standards for Hazardous Air Pollutants.

(6) Section (d) of this rule shall not apply to any new or modified equipment, operation or process which emits or may emit toxic air contaminants, as defined in Rule 1200, and which the Air Pollution Control Officer determines has emissions which, in the absence of any emission control device or limitation on material usage or production, may be expected to exceed any standard specified in Rule 1200 (d)(1)(i), (d)(2) or (d)(3). This provision shall not apply to any equipment, operation or process for which construction or modification, as applicable, commenced prior to (*date of adoption*), unless such equipment, operation or process is subsequently modified in such a manner that increases emissions of one or more toxic air contaminants.

In the event the Air Pollution Control Officer makes a preliminary determination that any standard specified in Rule 1200 (d)(1)(i), (d)(2) or (d)(3) may be exceeded, the Air Pollution Control Officer shall notify the owner or operator in writing and specify the information needed to make a final determination. If the Air Pollution Control Officer makes a final determination that emissions, in the absence of any emission control device or limitation on material usage or production, may be expected to exceed any standard specified in Rule 1200 (d)(1)(i), (d)(2) or (d)(3), the Air Pollution Control Officer shall notify the owner or operator in writing and include a statement that, as a result, Rule 11(d) does not apply and an Authority to Construct and Permit to Operate are therefore required.

(b) RESERVED

(c) **DEFINITIONS**

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

- (1) **"Exempt Compounds"** means the same as defined in Rule 2.
- (2) **"First-Article Deliverable Product"** means the first product which is produced using research and development equipment and which is delivered to a potential intra-company or external customer for approval. First-article deliverable product shall not exceed one unit of each product per customer.
- (3) **"Hot Melt Adhesive"** means a thermoplastic adhesive which melts at temperatures above 300°F, sets instantly upon cooling and remains flexible.
- (4) **"Military Tactical Support Equipment"** means any equipment owned by the U.S. Department of Defense or the National Guard and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.
- (5) **"Operating Day"** means any calendar day during which the specified equipment is operated, or specified operations occur.
- (6) **"Portable Emission Unit"** means an emission unit which is designed and equipped to be easily movable and, as installed, easily capable of being moved from one stationary source to another, as determined by the Air Pollution Control Officer. Portable emission units are periodically moved and may not be located more than 180 days at any one stationary source within any consecutive 12-month period. Days when portable emissions units are stored in a designated holding or storage area shall not be counted towards the 180-day limit, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding area the entire calendar day.
- (7) **"Research and Development Equipment"** means equipment that is used to conduct research and develop new or improved processes and products, where such equipment is operated by technically trained personnel under the supervision of a research director, and is not used in the manufacture of products for sale or exchange for commercial profit, other than the first-article deliverable product.
- (8) **"Stationary Internal Combustion Engine"** means a spark or compression ignited, reciprocating internal combustion engine which is not a portable emission unit.
- (9) **"Stationary Source"** means the same as defined in Rule 2.
- (10) **"Volatile Organic Compound (VOC)"** means the same as defined in Rule 2.
- (11) **"Volatile Organic Solvent"** means an organic solvent with an initial boiling point of less than 400°F (204°C).

(d) EQUIPMENT, OPERATIONS OR PROCESSES NOT REQUIRING A PERMIT TO OPERATE

Any equipment, operation or process that is listed below in Subsections (1) through (20), and that meets the stated exemption provision, parameter, requirement or limitation, is exempt from the requirements of Rule 10. Any person claiming such an exemption shall provide documentation sufficient to substantiate the applicability of the stated exemption provision, parameter, requirement or limitation at the request of the Air Pollution Control Officer.

(1) MOBILE SOURCES

(i) Any engine mounted on, within or incorporated into any vehicle, train, ship, boat or barge, that is used primarily to provide propulsion, but which may also supply heat, mechanical, hydraulic or electrical power to that same vehicle, train, ship, boat, or barge. This exemption does not apply to equipment located onboard floating dry docks.

(ii) Railway, road and runway sweepers used respectively for cleaning rail tracks, roadways and runways, provided the maximum manufacturer's output rating of any auxiliary sweeper engine is 200 brake horsepower or less.

(2) COMBUSTION AND HEAT TRANSFER EQUIPMENT

(i) Any piston-type internal combustion engine with a manufacturer's output rating of less than 50 brake horsepower.

(ii) Piston-type stationary internal combustion engines, each with a manufacturer's output rating of 50 brake horsepower or greater, whose total combined manufacturer's rating is 200 brake horsepower or less, and which are all located at a single stationary source. This exemption does not apply to engines located at a major stationary source of NO_x emissions, as defined in Rule 2.

(iii) Any engine mounted on, within or incorporated into any motor vehicle, train, ship, boat or barge, that is used exclusively to load or unload cargo. For the purposes of this exemption, cargo shall not include the removal or relocation of sand, rock, silt, soil or other materials from dredging operations.

(iv) Any gas turbine engine which has:

(A) an output power rating of less than 0.3 megawatt (MW), or

(B) a maximum gross heat input rating at ISO Standard Day Conditions of less than 1 million BTU per hour.

(v) Any boiler, process heater or steam generator with a manufacturer's maximum gross heat input rating of less than:

(A) 1 million BTU per hour, and which is fired with any fuel, or

(B) 5 million BTU per hour and which is fired exclusively with natural gas and/or liquefied petroleum gas.

This exemption does not apply to piston-type internal combustion or gas turbine engines.

(vi) Combustion equipment with a manufacturer's maximum gross heat input rating of less than 20 million BTU per hour and which is fired exclusively with natural gas and/or liquefied petroleum gas. This exemption does not apply to any boiler, process heater, steam generator, piston-type internal combustion engine or gas turbine engine.

(vii) Portable pile drivers and construction cranes that are routinely dismantled and transported to non-contiguous locations for temporary use. This exemption does not apply to diesel pile driving hammers.

(viii) Portable aircraft engine test stands which were constructed before November 4, 1976.

(ix) Back-pack power blowers.

(x) Orchard or citrus grove heaters.

(xi) Any oven having an internal volume of 27 cubic feet (0.765 cubic meter) or less.

(xii) Curing or baking ovens in which no volatile organic solvents or materials containing volatile organic solvents are introduced.

(xiii) Any oven used exclusively for the curing, softening or annealing of plastics.

(xiv) Any oven which is an integral part of a process for which a Permit to Operate is not required pursuant to this rule.

(xv) Any portable internal combustion engine or gas turbine engine used exclusively in conjunction with military tactical support equipment. Such engines shall not be subject to the limitations of Subsections (a)(3) or (a)(4) of this rule. For the purposes of this subsection, portable means carried or moved from one location within a stationary source to another location within the same stationary source, or from one stationary source to another stationary source, in the normal course of operations. Indicia of portability shall include, but are not limited to, wheels, skids, carrying handles, or a dolly, trailer or vessel. This exemption shall not apply to engines used to propel nonroad equipment or a motor vehicle of any kind, including but not limited to, a heavy duty vehicle.

(xvi) Internal combustion engines used exclusively for purposes of educating students in the operation, maintenance, repair and rebuilding of such engines.

(3) STRUCTURES AND STRUCTURAL MODIFICATIONS

(i) Equipment used exclusively in support of any structure designed for and used exclusively as a dwelling for not more than four families.

(ii) Structural modifications which cannot change the quality, nature or quantity of air contaminant emissions.

(4) LABORATORY EQUIPMENT AND RELATED OPERATIONS

(i) Laboratory testing equipment and quality control testing equipment, used exclusively for chemical and physical analysis.

- (ii) Vacuum-producing devices used in laboratory operations.
- (iii) Hoods, stacks or ventilators.
- (iv) Research and development equipment.
- (v) Peptide and DNA synthesis operations.
- (vi) Equipment used to manufacture:

(A) biotechnology pharmaceutical products for exclusive use in federal Food and Drug Administration (FDA) approved clinical trials, or

(B) biomedical devices and diagnostic kits for exclusive use in FDA approved clinical trials and laboratory failure analysis testing, or

(C) bioagricultural products for exclusive use in field testing required to obtain FDA, Environmental Protection Agency (EPA), United States Department of Agriculture (USDA) and/or California Environmental Protection Agency (Cal-EPA) approval, and

provided the uncontrolled emissions of VOC's from all such operations located at the stationary source do not exceed five tons per calendar year. All data and/or records necessary to demonstrate that this exemption is applicable, shall be maintained on-site for two years and made available to the District upon request.

(vii) Laboratory equipment and laboratory operations located at secondary schools, colleges or universities and used exclusively for instruction.

(5) REPLACEMENT OF EQUIPMENT

The provisions of Subsection (d)(5) shall not apply to replacement of equipment pursuant to other requirements of these Rules and Regulations; or replacement of equipment in whole or part, that in sum would constitute reconstruction or modification under District Regulation X - Standards of Performance for New Stationary Sources, or would constitute a major source, as defined in District Rule 2; or rim seal replacements for bulk gasoline floating roof tanks subject to the Best Available Control Technology (BACT) requirements of Rule 61.1.

(i) Identical replacement in whole or part of any article, machine, equipment or other contrivance for which a Permit to Operate has previously been granted for such equipment. Identical means the same manufacturer, model number, and type.

(ii) Replacement in whole or part of any article, machine, equipment or other contrivance where a Permit to Operate has previously been granted for such equipment, and the Air Pollution Control Officer determines that the replacement equipment meets the following requirements:

- (A) is identical in function, and
- (B) is similar in design, and
- (C) the actual air contaminant emissions are the same in nature, and

(D) has a capacity, production rate, and actual air contaminant emissions which are equal to or less than the currently permitted equipment.

In order to claim the applicability of Subsection (5)(ii), written notification of the proposed equipment replacement, the information required to make the determinations listed above, and a fee of \$75 must be submitted to the District. Written authorization must be granted by the District for each piece of replacement equipment prior to replacing any equipment under Subsection (5)(ii).

(6) PLANT SUPPORT EQUIPMENT

The exemptions listed in Subsection (d)(6) shall not apply to any interrelated combustion equipment unless the combustion equipment is also exempt pursuant to Subsection (d)(2) of this rule.

- (i) Vacuum cleaning devices used exclusively for housekeeping purposes.
- (ii) Equipment used exclusively for comfort air conditioning or comfort ventilation systems, and which is not designed or used to remove air contaminants generated by or released from, specific equipment.
- (iii) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
- (iv) Equipment used exclusively to compress or hold dry natural gas.
- (v) Vacuum-producing devices used in connection with other equipment not requiring a Permit to Operate pursuant to this rule.
- (vi) Equipment used exclusively for space heating, other than boilers.
- (vii) Water cooling towers and water cooling ponds used for evaporative cooling of water utilized solely in heat transfer processes but not used for evaporative cooling of:
 - (A) process water (e.g., contaminated water or industrial wastewater), or
 - (B) water from barometric jets or barometric condensers.

(7) METALLURGICAL PROCESSING EQUIPMENT--GENERAL

- (i) Non-automated soldering equipment, such as handheld soldering irons and guns.
- (ii) Solder-screen processes and associated infrared soldering ovens, which use a process similar to silk-screening in order to apply the solder paste.
- (iii) Solder levelers, hydrosqueegees, wave solder machines, and drag solder machines which each use less than an average of 10 pounds of any material containing VOC's per operating day for each calendar month. The number of operating days per calendar month, monthly purchase records, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

- (v) Molds used for the casting of metals.
- (vi) Foundry sand mold forming equipment. This exemption does not apply if heat, sulfur dioxide or volatile organic compounds are applied.
- (vii) Forming equipment used exclusively for forging, rolling, or drawing of metals.
- (viii) Metal and ceramic deposition spray guns where all the material being sprayed contains no chromium, lead or nickel. This exemption does not apply to electric arc spray guns.
- (ix) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
- (x) Shell-core and shell-mold manufacturing machines.
- (xi) Extrusion equipment used exclusively for extruding metals, or minerals. This exemption does not apply to coking extrusion equipment or processes which manufacture products containing greater than one percent asbestos fiber by weight.
- (xii) Shot peening operations where only steel shot is employed and no surface material such as scale, rust, or old paint is removed.
- (xiii) Chemical milling of titanium, and titanium alloys which do not contain any hazardous air pollutants, at temperatures below 110°F (43°C).
- (xiv) Chemical milling of niobium (columbium), and niobium alloys which do not contain any hazardous air pollutants, using nitric or hydrofluoric acids at temperatures below 110°F (43°C).
- (xv) Oil quenching tanks which use less than 20 gallons per year of make-up oil. Monthly purchase records and daily or monthly usage records of all materials added must be maintained on-site to claim applicability of this exemption.
- (xvi) Salt bath quenching tanks where no chromium containing compounds are added to the tank.

**(8) METALLURGICAL, GLASS AND CERAMIC PROCESSING EQUIPMENT-
USING FURNACES, KILNS AND OVENS**

- (i) Crucible furnaces, pot furnaces or induction furnaces with a brimful capacity of less than 450 cubic inches of any molten metal. Monthly records of the quantity of all metal poured from such furnaces shall be maintained on-site for three years and be made available to the District upon request.
- (ii) Crucible furnaces, pot furnaces or induction furnaces:
 - (A) each with a brimful capacity of 2,500 cubic inches or less, and
 - (B) where no sweating or distilling is conducted, and

(C) where only non-ferrous metals, except lead and yellow brass, are poured or held in a molten state.

Monthly records of the quantity of all metal poured from such furnaces shall be maintained on-site for three years and be made available to the District upon request. This exemption does not apply if alloying elements of arsenic, beryllium, cadmium, chromium, lead and/or nickel are utilized in such furnaces.

(iii) Equipment used exclusively for the sintering of glass or metals (excluding lead), where no coke or limestone is used.

(iv) Equipment used exclusively for heating metals immediately prior to forging, pressing, rolling or drawing.

(v) Any oven used exclusively for heat treating glass or metal if the materials are not heated to a molten state, and the oven is heated exclusively by natural gas, liquefied petroleum gas, and/or electricity.

(vi) Atmosphere generators and vacuum producing devices used in connection with metal heat treating processes.

(vii) Die casting machines.

(viii) Kilns used exclusively for firing ceramic ware, heated exclusively with natural gas, liquefied petroleum gas, and/or electricity.

(9) ABRASIVE BLASTING EQUIPMENT

The exemptions listed in Subsection (d)(9) shall not apply to any combustion equipment unless the combustion equipment is also exempt pursuant to Subsection (d)(2) of this rule, or if asbestos containing materials are being removed.

(i) Blast cleaning equipment using a suspension of abrasive in water.

(ii) Abrasive blast cabinets which are vented through a control device and into the building where such cabinets are located.

(iii) Abrasive blasting equipment with a manufacturer's sand capacity rating of 100 pounds or less (45.4 kg), or 1 cubic foot or less.

(10) MACHINING EQUIPMENT

(i) Equipment used for buffing, polishing, carving, cutting, deburring, drilling, machining, routing, shearing, sanding, sawing, surface grinding or turning of: ceramic artwork, ceramic precision parts, glass, leather, metal, rubber, fiberboard, masonry, or non-fiberglass reinforced plastic. This exemption does not apply to tire buffers.

(ii) Wet-jet devices used to cut fiberglass reinforced plastic.

(iii) Portable handheld equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of fiberglass reinforced plastic, when not used at a designated workstation, booth or room.

(iv) Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood.

(v) Equipment used for the pressing or storing of sawdust, wood chips or wood shavings.

(vi) Equipment used exclusively to mill or grind coatings or molding compounds where all materials introduced are in a paste form and no volatile organic solvents are used.

(11) PRINTING AND REPRODUCTION EQUIPMENT

(i) Any graphic arts operation or group of graphic arts operations located at a stationary source, which emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors or mix ratios, VOC content of each material used, number of operating days per month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(ii) Inkjet and laser printing equipment.

(iii) Ink cartridge filling, refilling and/or refurbishing operations.

(12) FOOD PROCESSING AND PREPARATION EQUIPMENT

(i) Equipment used exclusively to grind, blend or package tea, cocoa, spices, dried flowers or roasted coffee.

(ii) Equipment located at eating establishments which is used exclusively for preparing food for human consumption at the same establishment. This exemption does not apply to boilers.

(iii) Coffee roasting equipment with a manufacturer's rating of 15 pounds per hour or less.

(iv) Any bakery oven which is located at a stationary source where the combined rated heat input capacity of all bakery ovens is less than 2 million BTU per hour.

(v) Any bakery oven used exclusively to bake non-yeast-leavened products.

(vi) Equipment used to crush and/or ferment grapes to produce wine.

(vii) Equipment used to brew beer at breweries that produce less than one million gallons of beer per year. This exemption does not apply to boilers.

(13) PLASTICS, FOAM AND RUBBER PROCESSING EQUIPMENT OR OPERATIONS

(i) Extrusion equipment used exclusively for extruding rubber products or plastics where no organic additives are present.

(ii) Equipment used for compression molding and/or injection molding of plastics.

(iii) Mixers, roll mills and calendars for rubber or plastics, where no material in powder form is added and no volatile organic solvents are used.

(iv) Equipment used exclusively for conveying and storing plastic materials.

(v) Foam manufacturing or foam application operations which emit less than an average of five pounds of VOC's per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

(vi) Plastics manufacturing or fabrication operations, including reinforced plastic fabrication operations using materials such as epoxy and/or polyester resins, which emit less than an average of five pounds of VOC's per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

(vii) Hot wire cutting of expanded polystyrene foam.

(14) MIXING, BLENDING AND PACKAGING EQUIPMENT

(i) Dry batch mixers with a rated working capacity of 0.5 cubic yards or less, where material is added in a dry form prior to the introduction of a subsequent liquid fraction or where no liquid fraction is added.

(ii) Wet batch mixers with a rated working capacity of 1 cubic yard or less, where no volatile organic solvents are used.

(iii) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.

(iv) Equipment used exclusively for the packaging of lubricants or greases.

(v) Equipment used at ambient temperatures exclusively for mixing and blending materials which are used to make water-based adhesives.

(vi) Any coating and/or ink manufacturing operations located at a stationary source, which emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

(15) COATING AND ADHESIVE APPLICATION EQUIPMENT AND OPERATIONS

(i) Powder coating operations where less than 0.5 gallons per day of any surface preparation or cleaning material containing volatile organic compounds are used. Monthly purchase and daily or monthly usage records of surface preparation and cleaning materials shall be maintained on-site for three years and made available

to the District upon request. This exemption does not apply to metallizing gun operations.

(ii) Application equipment and processes used exclusively to apply coatings subject to Rule 67.0 -- Architectural Coatings.

(iii) Any coating or adhesive operation (portable or stationary) where 20 gallons or less of liquid coatings or adhesives are applied per consecutive 12-month period. Monthly purchase records and daily or monthly usage records of all coatings or adhesives applied must be maintained on-site for three years to claim applicability of this exemption. The volume of materials applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption. This exemption does not apply to chromate conversion coating processes, unless such coatings are applied by brush or roller. (NOTE: As with all other provisions listed, this provision only provides an exemption from permit requirements and not from any other standards, such as the VOC limits in Rules 67.18 and 67.20.)

(iv) Coating operations which exclusively use non-refillable handheld aerosol spray containers.

(v) The application of coatings outside of a defined application station which are necessary to cover minor imperfections or repair minor mechanical damage incurred prior to intended use.

(vi) Coating application equipment located at primary or secondary schools and used exclusively for instruction.

(vii) Liquid surface coating operations which exclusively use hand-held brushes to apply wet fastener primer coatings from containers which are eight (8) ounces or less in size.

(viii) Liquid surface coating operations which exclusively use air brushes with a coating capacity of two (2) ounces or less.

(ix) Any liquid surface coating or adhesive operation which:

(A) exclusively uses materials with a VOC content of less than 20 grams per liter, less water and exempt solvents, and

(B) is located at a stationary source where less than an average of 30 gallons of such materials are applied per operating day for each calendar month.

Records of daily or monthly material usage, the number of operating days per calendar month, and the VOC content of each material used, shall be maintained on-site for two years and be made available to the District upon request.

(x) Hot melt adhesive application equipment.

(xi) The application of coatings outside of a defined application station which are necessary for the maintenance of stationary equipment.

(16) **SOLVENT APPLICATION EQUIPMENT AND OPERATIONS**

(i) Equipment used exclusively for surface preparation and cleaning if the volatile organic compound content of the aqueous material does not exceed 10% by weight. This exemption does not apply to chromate conversion coating processes.

(ii) Cold solvent cleaning tanks, vapor degreasers and paint stripping tanks:

(A) with a liquid surface area of 1.0 square foot or less, or

(B) which have a maximum capacity of one gallon or less.

(iii) Batch-type waste solvent recovery stills with a batch capacity of 7.5 gallons or less, for on-site recovery of waste solvent, provided the still is equipped with a device which shuts off the heating system if the solvent vapor condenser is not operating properly.

(iv) Metal inspection tanks which:

(A) have a liquid surface area of less than 5 square feet, or

(B) do not use volatile organic solvents, or

(C) are not equipped with spray type flow devices or a means of solvent agitation.

(v) Cold solvent degreasers used exclusively for educational purposes.

(vi) Golf grip application stations which exclusively use liquid materials with an initial boiling point of 450°F (232°C), or greater.

(vii) Solvent wipe cleaning operations, not associated with any permitted operation, provided the solvent is applied from a container that minimizes emissions to the air, such as, but not limited to, squeeze containers with narrow tips, spray bottles, or dispensers with press down caps; and the uncontrolled emissions of VOC's from all such operations located at the stationary source do not exceed five tons per calendar year, or the total purchase of solvents for such operations does not exceed 1,500 gallons per calendar year. All data and/or records necessary to demonstrate that this exemption is applicable, shall be maintained on-site for two years and made available to the District upon request.

(17) **STORAGE AND TRANSFER EQUIPMENT**

For the purpose of Subsection (d)(17), "**Volatile Organic Compound (VOC)**" means the same as defined in Rule 61.0.

(i) Stationary equipment used exclusively to store and/or transfer organic compounds which are not volatile organic compounds.

(ii) Stationary storage tanks with a capacity of less than 250 gallons and associated equipment used exclusively to transfer materials into such tanks.

(iii) Equipment used exclusively to store and/or transfer organic solvents which are liquids at standard conditions and which are not used as fuels.

(iv) Equipment used exclusively to store and/or transfer natural gas, butane or propane when not mixed with other volatile organic compounds, other than odorants.

(v) Equipment used exclusively to store and/or transfer fuels which are used exclusively as a source of fuel for wind machines used for agricultural purposes.

(vi) Mobile transport, delivery, or cargo tanks on vehicles used for the delivery of volatile organic compounds. This exemption does not apply to asphalt tankers used to transport and transfer hot asphalt used for roofing applications.

(vii) Equipment used to transfer fuel to and from amphibious ships for maintenance purposes, provided total annual transfers do not exceed 60,000 gallons per year at a stationary source.

(viii) Equipment used exclusively to store and/or transfer liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, or waxes and wax emulsions.

(ix) Pressurized tanks used to store inorganic or halogenated organic gases and associated equipment used exclusively to transfer materials into such tanks.

(18) DRYCLEANING, LAUNDRY EQUIPMENT AND FABRIC RELATED OPERATIONS

(i) Non-immersion dry cleaning equipment.

(ii) Lint traps used exclusively in conjunction with dry cleaning tumblers.

(iii) Wastewater processing units associated with drycleaning operations using halogenated compounds, provided the water being evaporated in the unit does not exceed 400 ppm (by weight) of halogenated compounds as determined by EPA Test Method 634.

(iv) Laundry dryers, extractors or tumblers used for fabrics cleaned only with solutions of bleach or detergents containing no volatile organic solvents.

(v) Equipment used for washing or drying articles fabricated from cloth, fabric or glass, where no volatile organic solvents are employed in the process and none of the articles being cleaned have residues of volatile organic solvents.

(vi) Equipment, including dryers, used exclusively for printing, dyeing, stripping, or bleaching of textiles where no volatile organic solvents are used.

(vii) Any equipment listed above in Subsections (18)(iv), (18)(v) or (18)(vi) which does not emit more than an average of five pounds of VOC's per operating day for each calendar month. All records needed to calculate average daily VOC emissions, such as emission factors, VOC content of all materials used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

(19) **MISCELLANEOUS EQUIPMENT AND OPERATIONS**

- (i) Air pollution control equipment associated with any article, machine, equipment, process or contrivance not required to have a Permit to Operate.
- (ii) Repairs or maintenance not involving structural changes to any equipment for which a Permit to Operate has been granted.
- (iii) Roofing kettles (used to heat asphalt) with a capacity of 85 gallons or less.
- (iv) Paper shredders and disintegrators which have a capacity of 600 pounds per hour or less, and the associated conveying systems and baling equipment.
- (v) Alkaline chemical milling equipment:
 - (A) used exclusively for the cleaning of internal combustion engine parts, or
 - (B) for which construction or installation commenced prior to March 27, 1990.
- (vi) Portable conveyors (belt or screw type) where there is no screening.
- (vii) Fire extinguishing equipment using halons.
- (viii) Equipment used exclusively for the purposes of:
 - (A) flash-over fire fighting training, or
 - (B) hand-held fire extinguisher training operations.
- (ix) Equipment used exclusively for bonding lining to brake shoes, where no volatile organic solvents are used.
- (x) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the inert gases from air.
- (xi) Any operation producing or blending materials for use in cosmetic or pharmaceutical products and/or manufacturing cosmetic or pharmaceutical products by chemical processes, which emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all phases of all such operations located at a single stationary source. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.
- (xii) Equipment used for hydraulic or hydrostatic testing.

(xiii) Atmospheric organic gas sterilizer cabinets where ampules are utilized exclusively to dispense ethylene oxide gas into a liner bag and where total ethyleneoxide emissions are less than five pounds per year. All records needed to substantiate the annual ethylene oxide emissions, such as emission factors and records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

(xiv) Nail salon operations.

(xv) Equipment used exclusively for the melting or applying of wax where no volatile organic solvents are used.

(xvi) Aerosol can puncturing or crushing operations which use:

(A) a closed loop recovery system that emits no air contaminants, or

(B) a recovery system that vents all emissions through a properly operated and maintained carbon canister, provided not more than 500 cans are processed through the equipment per day. Throughput records of the number of cans processed shall be maintained on-site for two years and be made available to the District upon request.

(xvii) Any article, machine, equipment, or contrivance which emits airborne radioactive materials in concentrations above the natural radioactive background concentration in air in the form of dusts, fumes, smoke, mists, liquids, vapors or gases. This exemption does not apply to incinerators or boilers.

Atomic energy development and radiation protection are controlled by the State of California to the extent it has jurisdiction thereof, in accordance with the advice and recommendations made to the Governor by the Advisory Council on atomic energy development and radiation protection. Such development and protection are fully regulated by the Nuclear Regulatory Commission to the extent that such authority has not been delegated to the states.

(xviii) Any other piece of equipment or operation which the Air Pollution Control Officer determines to be a negligible source of air contaminants. This provision applies only to equipment or operations which have obtained a Certificate of Exemption in writing from the District. The Certificate of Exemption document must be maintained with the exempt equipment or be made readily available at all times and applies only to the specific equipment or operation described in the Certificate of Exemption document.

(xix) Equipment used for anodizing, plating, polishing, stripping or etching, if the volatile organic compound content of the aqueous material does not exceed 10% by weight. This exemption does not apply to acid chemical milling, chrome plating, chromic acid anodizing, chromate conversion coating processes, or the stripping of chromium. This exemption also does not apply to copper etching or plating operations which use formaldehyde, ammonium hydroxide, ammonium chloride, or solutions of nitric, hydrofluoric and/or hydrochloric acids which contain more than 17 percent acid concentration by weight.

(xx) Equipment approved for use by the Environmental Protection Agency (EPA) for recovering and/or recycling chlorofluorocarbons (CFC's) or alternative fluorocarbons.

(20) **REGISTERED EQUIPMENT**

- (i) Any portable equipment which is registered in accordance with District Rule 12.1.
- (ii) Any emission unit registered in accordance with District Rule 12.
- (iii) Any engine registered in accordance with the Statewide Portable Engine Registration Program adopted pursuant to California Health and Safety Code Section 41750, et seq.

(e) **RESERVED**

(f) **RESERVED**

(g) **TEST METHODS**

The following test methods will be used for compliance verification purposes.

- (1) Measurement of the VOC content of all materials subject to this rule, except materials subject to Subsection (d)(17), shall be conducted in accordance with EPA Test Method 24 (40 CFR 60, Appendix A).
- (2) Measurement of the initial boiling point of all materials subject to this rule shall be conducted in accordance with ASTM Standard Test Method D1078-86 for distillation range of volatile organic liquids.
- (3) Calculation of total VOC vapor pressure for all materials subject to this rule shall be conducted in accordance with the District's "Procedures for Estimating the Vapor Pressure of VOC Mixtures." If the vapor pressure of the liquid mixture, as calculated by this procedure, exceeds the limits specified, the vapor pressure shall be determined in accordance with ASTM Standard Test Method D2879-86. The solvent composition shall be determined using one of the following ASTM standard recommended practices: E168-92, E169-93 or E260-91. The fraction of water and exempt compounds in the liquid phase shall be determined by using ASTM Standard Test Methods D3792-91 and D4457-85 and shall be used to calculate the partial pressure of water and exempt compounds. The results of vapor pressure measurements obtained using ASTM Standard Test Method D2879-86 shall be corrected for partial pressure of water and exempt compounds.

(h) **COMPLIANCE SCHEDULE**

Any person operating existing equipment previously exempt from Rule 10 permit requirements pursuant to the version of Rule 11 existing prior to (*date of adoption*), and which is no longer exempt from Rule 10 permit requirements pursuant to this rule, shall submit an application for permit to operate such equipment by (*one year from date of adoption*)

2. Rule 11.1 (NSPS and NESHAPS Exemptions) is deleted in its entirety.

IT IS FURTHER RESOLVED AND ORDERED that the subject amendments to Rule 11 and deletion of Rule 11.1 of Regulation II 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 May, 1997 by the following votes:

AYES: COX, JACOB, SLATER, ROBERTS, HORN
NOES: NONE
ABSENT: NONE

FORM AND LEGALITY
H. Dutton
SECRETARY

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 Air Pollution Control Board

By *Barbara Noyce*
Barbara Noyce, Deputy

(Seal)

Resolution No. 97-162

APCB NO. 1
5/21/97 (kjt)

Rules 11 & 11.1

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

CHANGE COPY

**PROPOSED AMENDMENTS TO RULE 11 AND
DELETING RULE 11.1 IN ITS ENTIRETY**

1. Proposed Rule 11 amendments to read as follows:

RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS

INDEX OF EXEMPTION CATEGORIES AS LISTED IN SECTION (d)

	<u>PAGE</u>
(1) Mobile Sources	3
(2) Combustion and Heat Transfer Equipment	3
(3) Structures and Structural Modifications	5
(4) Laboratory Equipment and Related Operations	5
(5) Replacement of Equipment	6
(6) Plant Support Equipment	7
(7) Metallurgical Processing Equipment--General	7
(8) Metallurgical, Glass and Ceramic Processing Equipment-- Using Furnaces, Kilns and Ovens	8
(9) Abrasive Blasting Equipment	9
(10) Machining Equipment	9
(11) Printing and Reproduction Equipment	10
(12) Food Processing and Preparation Equipment	10
(13) Plastics, Foam and Rubber Processing Equipment and Operations	11
(14) Mixing, Blending and Packaging Equipment	11
(15) Coating <u>and Adhesive</u> Application Equipment and Operations	12
(16) Solvent Application Equipment and Operations	13
(17) Storage and Transfer Equipment	14
(18) Drycleaning, Laundry Equipment and Fabric Related Operations	14
(19) Miscellaneous Equipment and Operations	15
(20) Registered Equipment	17

RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS

(a) APPLICABILITY

(1) This rule is applicable to any article, machine, equipment or other contrivance which would otherwise be subject to Rule 10.

(2) This rule shall not exempt equipment, operations or processes described in Section (d) from meeting all other applicable requirements of these Rules and Regulations.

(3) This rule shall not apply to any equipment, operation or process which violates Rule 51 as determined by the Air Pollution Control Officer (APCO). When the Air Pollution Control Officer APCO makes such a determination and written notification is given to the owner or operator, the equipment, operation, or process may thereafter be subject to Rule 10. If no additional violations of Rule 51 are determined over a two-year period, a permit may no longer be required.

(4) This rule shall not apply to any equipment, operation or process described in Sections (d)(2) through (d)(19) which emits more than 100 lbs per day of any one of the following criteria air pollutants: Particulate Matter (PM₁₀), Oxides of Nitrogen (NO_x), Volatile Organic Compounds (VOC), Oxides of Sulfur (SO_x), Carbon Monoxide (CO), or Lead (Pb).

(5) This rule shall not apply to any article, machine, equipment or other contrivance which is subject to the provisions of Regulation X - Standards of Performance for New Stationary Sources and/or Regulation XI - National Emission Standards for Hazardous Air Pollutants.

(6) Section (d) of this rule shall not apply to any new or modified equipment, operation or process which emits or may emit toxic air contaminants, as defined in Rule 1200, and which the Air Pollution Control Officer determines has emissions which, in the absence of any emission control device or limitation on material usage or production, may be expected to exceed any standard specified in Rule 1200 (d)(1)(i), (d)(2) or (d)(3). This provision shall not apply to any equipment, operation or process for which construction or modification, as applicable, commenced prior to (date of adoption), unless such equipment, operation or process is subsequently modified in such a manner that increases emissions of one or more toxic air contaminants.

In the event the Air Pollution Control Officer makes a preliminary determination that any standard specified in Rule 1200 (d)(1)(i), (d)(2) or (d)(3) may be exceeded, the Air Pollution Control Officer shall notify the owner or operator in writing and specify the information needed to make a final determination. If the Air Pollution Control Officer makes a final determination that emissions, in the absence of any emission control device or limitation on material usage or production, may be expected to exceed any standard specified in Rule 1200 (d)(1)(i), (d)(2) or (d)(3), the Air Pollution Control Officer shall notify the owner or operator in writing and include a statement that, as a result, Rule 11(d) does not apply and an Authority to Construct and Permit to Operate are therefore required.

(b) RESERVED

(c) DEFINITIONS

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

(1) **"Bench Scale Equipment"** means equipment which:

- (i) is under direct, immediate and exclusive control of a laboratory director, and
- (ii) is sub-scale in size, and
- (iii) is used for the sole purpose of conducting studies or tests to develop a new or improved product or service.

(2) **"Emergency Standby Engine"** means an engine used exclusively in emergency situations to drive an electrical generator, an air compressor or a water pump.

(3) **"Emergency Situation"** means any one of the following:

- (i) An unforeseen electrical power failure from the serving utility or of on-site electrical transmission equipment.
- (ii) An unforeseen flood or fire, or a life-threatening situation.
- (iii) Operation of emergency generators for Federal Aviation Administration licensed airports for the purpose of providing power in anticipation of a power failure due to severe storm activity shall be considered an emergency situation.

Emergency situation shall not include operation for purposes of supplying power for distribution to an electrical grid, operation for training purposes, or other foreseeable events.

(1)(4) **"Exempt Compounds"** means the same as defined in Rule 2.

(2)(5) **"First-Article Deliverable Product or Service"** means the first product or service which is produced using bench-scale research and development equipment and which is delivered to a potential intra-company or external customer for approval. First-article deliverable product or service shall not exceed one unit of each product or service per customer.

(3) **"Hot Melt Adhesive"** means a thermoplastic adhesive which melts at temperatures above 300°F, sets instantly upon cooling and remains flexible.

(4)(6) **"Military Tactical Support Equipment"** means any equipment owned by the U.S. Department of Defense or the National Guard and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.

(5)(7) **"Operating Day"** means any calendar day during which the specified equipment is operated, or specified operations occur.

(6)(8) **"Portable Emission Unit"** means an emission unit which is designed and equipped to be easily movable and, as installed, easily capable of being moved from one stationary source to another, as determined by the Air Pollution Control Officer. Portable emission units are periodically moved and may not be located more than 180 days at any one stationary source within any consecutive 12-month period. Days when portable emissions units are stored in a designated holding or storage area shall not be counted towards the 180-day limit, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding area the entire calendar day.

(7) **"Research and Development Equipment"** means equipment that is used to conduct research and develop new or improved processes and products, where such equipment is operated by technically trained personnel under the supervision of a research director, and is not used in the manufacture of products for sale or exchange for commercial profit, other than the first-article deliverable product.

(8)(9) **"Stationary Internal Combustion Engine"** means a spark or compression ignited, reciprocating internal combustion engine which is not a portable emission unit.

(9)(10) **"Stationary Source"** means the same as defined in Rule 2.

(10)(11) **"Volatile Organic Compound (VOC)"** means the same as defined in Rule 2.

(11)(12) **"Volatile Organic Solvent"** means an organic solvent with an initial boiling point of less than 400°F (204°C).

(d) EQUIPMENT, OPERATIONS OR PROCESSES NOT REQUIRING A PERMIT TO OPERATE

Any equipment, operation or process that is listed below in Subsections (1) through (20), and that meets the stated exemption provision, parameter, requirement or limitation, is exempt from the requirements of Rule 10. Any person claiming such an exemption shall provide documentation sufficient to substantiate the applicability of the stated exemption provision, parameter, requirement or limitation at the request of the Air Pollution Control Officer.

(1) MOBILE SOURCES

(i) Any engine mounted on, within or incorporated into any vehicle, train, ship, boat or barge, that is used primarily to provide propulsion, but which may also supply heat, mechanical, hydraulic or electrical power to that same vehicle, train, ship, boat, or barge. This exemption does not apply to equipment located onboard floating dry docks.

(ii) Railway, road and runway sweepers used respectively for cleaning rail tracks, roadways and runways, provided the maximum manufacturer's output rating of any auxiliary sweeper engine is 200 brake horsepower or less.

(2) COMBUSTION AND HEAT TRANSFER EQUIPMENT

(i) Any piston-type internal combustion engine with a manufacturer's output rating of less than 50 brake horsepower.

(ii) Piston-type stationary internal combustion engines, each with a manufacturer's output rating of 50 brake horsepower or greater, whose total combined manufacturer's rating is 200 brake horsepower or less, and which are all located at a single stationary source. This exemption does not apply to engines located at a major stationary source of NO_x emissions, as defined in Rule 2-20-1.

(iii) Any engine mounted on, within or incorporated into any motor vehicle, train, ship, boat or barge, that is used exclusively to load or unload cargo. For the purposes of this exemption, cargo shall not include the removal or relocation of sand, rock, silt, soil or other materials from dredging operations.

(iv) Any gas turbine engine which ~~is fired exclusively with JP-5 fuel, natural gas and/or liquefied petroleum gas and has:~~

(A) an output power rating of less than 0.3 megawatt (MW), or

(B) a maximum gross heat input rating at ISO Standard Day Conditions of less than 1 million BTU per hour.

(v) Any boiler, process heater or steam generator with a manufacturer's maximum gross heat input rating of less than:

(A) 1 million BTU per hour, and which is fired with any fuel, or

(B) 5 million BTU per hour and which is fired exclusively with natural gas and/or liquefied petroleum gas.

This exemption does not apply to piston-type internal combustion or gas turbine engines.

(vi) Combustion equipment with a manufacturer's maximum gross heat input rating of less than 20 50 million BTU per hour and which is fired exclusively with natural gas and/or liquefied petroleum gas. This exemption does not apply to any boiler, process heater, steam generator, piston-type internal combustion engine or gas turbine engine.

(vii) Portable pile drivers and construction cranes that are routinely dismantled and transported to non-contiguous locations for temporary use. This exemption does not apply to diesel pile driving hammers.

(viii) Portable aircraft engine test stands which were constructed before November 4, 1976.

(ix) Back-pack power blowers.

(x) Orchard or citrus grove heaters.

(xi) Any oven having an internal volume of 27 cubic feet (0.765 cubic meter) or less.

(xii) Curing or baking ovens in which no volatile organic solvents or materials containing volatile organic solvents are introduced.

(xiii) Any oven used exclusively for the curing, softening or annealing of plastics.

(xiv) Any oven which is an integral part of a process for which a Permit to Operate is not required pursuant to this rule.

(xv) Any portable internal combustion engine or gas turbine engine used exclusively in conjunction with military tactical support equipment. Such engines shall not be subject to the limitations of Subsections (a)(3) or (a)(4) of this rule. For the purposes of this subsection, portable means carried or moved from one location within a stationary source to another location within the same stationary source, or from one stationary source to another stationary source, in the normal course of operations. Indicia of portability shall include, but are not limited to, wheels, skids, carrying handles, or a dolly, trailer or vessel. This exemption shall not apply to engines used

to propel nonroad equipment or a motor vehicle of any kind, including but not limited to, a heavy duty vehicle.

(xvi) Internal combustion engines used exclusively for purposes of educating students in the operation, maintenance, repair and rebuilding of such engines.

(3) STRUCTURES AND STRUCTURAL MODIFICATIONS

(i) Equipment used exclusively in support of any structure designed for and used exclusively as a dwelling for not more than four families.

(ii) Structural modifications which cannot change the quality, nature or quantity of air contaminant emissions.

(4) LABORATORY EQUIPMENT AND RELATED OPERATIONS

(i) Laboratory testing equipment and quality control testing equipment, used exclusively for chemical and physical analysis.

(ii) Vacuum-producing devices used in laboratory operations.

(iii) Hoods, stacks or ventilators.

(iv) Research and development equipment.

(iv) Non-production bench-scale equipment used for research and development provided:

(A) such equipment is not used to directly produce a deliverable product or service, other than the first-article deliverable product or service, and

(B) the uncontrolled emissions of VOC's from such equipment do not exceed an average of five pounds per operating day for each calendar month, and

(C) such equipment does not emit any Acutely Hazardous materials as defined in Section 25532 of the California Health and Safety Code, and

(D) that all data and/or records which are necessary to demonstrate that this exemption is applicable, shall be kept, maintained on-site for two years and made available to the District upon request.

(v) Peptide and DNA synthesis operations,

~~which emit less than an average of five pounds of VOC's per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.~~

(vi) Equipment used to manufacture:

(A) biotechnology pharmaceutical products for exclusive use in federal Food and Drug Administration (FDA) approved clinical trials, or

(B) biomedical devices and diagnostic kits for exclusive use in FDA approved clinical trials and laboratory failure analysis testing, or

(C) bioagricultural products for exclusive use in field testing required to obtain FDA, Environmental Protection Agency (EPA), United States Department of Agriculture (USDA) and/or California Environmental Protection Agency (Cal-EPA) approval, and

provided the uncontrolled emissions of VOC's from all such operations located at the stationary source do not exceed five tons per calendar year. All data and/or records necessary to demonstrate that this exemption is applicable, shall be maintained on-site for two years and made available to the District upon request.

(vii) Laboratory equipment and laboratory operations located at secondary schools, colleges or universities and used exclusively for instruction.

(5) REPLACEMENT OF EQUIPMENT

The provisions of Subsection (d)(5) shall not apply to replacement of equipment pursuant to other requirements of these Rules and Regulations; or replacement of equipment in whole or part, that in sum would constitute reconstruction or modification under District Regulation X - Standards of Performance for New Stationary Sources, or would constitute a major source, as defined in District Rule 2-20-1; or rim seal replacements for bulk gasoline floating roof tanks subject to the Best Available Control Technology (BACT) requirements of Rule 61.1.

(i) Identical replacement in whole or part of any article, machine, equipment or other contrivance for which a Permit to Operate has previously been granted for such equipment. Identical means the same manufacturer, model number, and type.

(ii) Replacement in whole or part of any article, machine, equipment or other contrivance where a Permit to Operate has previously been granted for such equipment, and the Air Pollution Control Officer determines that the replacement equipment meets the following requirements:

(A) is identical in function, and

(B) is similar in design, and

(C) the actual air contaminant emissions are the same in nature, and

(D) has a capacity, production rate, and actual air contaminant emissions which are equal to or less than the currently permitted equipment.

In order to claim the applicability of Subsection (5)(ii), written notification of the proposed equipment replacement, the information required to make the determinations listed above, and a fee of \$75 must be submitted to the District. Written authorization must be granted by the District for each piece of replacement equipment prior to replacing any equipment under Subsection (5)(ii).

(6) PLANT SUPPORT EQUIPMENT

The exemptions listed in Subsection (d)(6) shall not apply to any interrelated combustion equipment unless the combustion equipment is also exempt pursuant to Subsection (d)(2) of this rule.

- (i) Vacuum cleaning devices used exclusively for housekeeping purposes.
- (ii) Equipment used exclusively for comfort air conditioning or comfort ventilation systems, and which is not designed or used to remove air contaminants generated by or released from, specific equipment.
- (iii) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
- (iv) Equipment used exclusively to compress or hold dry natural gas.
- (v) Vacuum-producing devices used in connection with other equipment not requiring a Permit to Operate pursuant to this rule.
- (vi) Equipment used exclusively for space heating, other than boilers.
- (vii) Water cooling towers and water cooling ponds used for evaporative cooling of water utilized solely in heat transfer processes but not used for evaporative cooling of:
 - (A) process water (e.g., contaminated water or industrial wastewater), or
 - (B) water from barometric jets or barometric condensers.

(7) METALLURGICAL PROCESSING EQUIPMENT--GENERAL

- (i) Non-automated soldering equipment, such as handheld soldering irons and guns.
- (ii) Solder-screen processes and associated infrared soldering ovens, which use a process similar to silk-screening in order to apply the solder paste.
- (iii) Solder levelers, hydrosqueegees, wave solder machines, and drag solder machines which each use less than an average of 10 pounds of any material containing VOC's per operating day for each calendar month. The number of operating days per calendar month, monthly purchase records, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.
- (iv) Brazing, and welding equipment, including arc welding equipment.
- (v) Molds used for the casting of metals.
- (vi) Foundry sand mold forming equipment. This exemption does not apply if heat, sulfur dioxide or volatile organic compounds are applied.
- (vii) Forming equipment used exclusively for forging, rolling, or drawing of metals.

(viii) Metal and ceramic deposition spray guns where all the material being sprayed contains no chromium, lead or nickel. Metallizing guns where the metal being sprayed is in wire form. This exemption does not apply to electric arc spray guns.

(ix) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

(x) Shell-core and shell-mold manufacturing machines.

(xi) Extrusion equipment used exclusively for extruding metals, or minerals. This exemption does not apply to coking extrusion equipment or processes which manufacture products containing greater than one percent asbestos fiber by weight.

(xii) Shot peening operations where only steel shot is employed and no surface material such as scale, rust, or old paint is removed.

(xiii) Chemical milling of titanium, and titanium alloys which do not contain any hazardous air pollutants, at temperatures below 110°F (43°C).

(xiv) Chemical milling of niobium (columbium), and niobium alloys which do not contain any hazardous air pollutants, using nitric or hydrofluoric acids at temperatures below 110°F (43°C).

(xv) Oil quenching tanks which use less than 20 gallons per year of make-up oil. Monthly purchase records and daily or monthly usage records of all materials added must be maintained on-site to claim applicability of this exemption.

(xvi) Salt bath quenching tanks where no chromium containing compounds are added to the tank.

(8) METALLURGICAL, GLASS AND CERAMIC PROCESSING EQUIPMENT- USING FURNACES, KILNS AND OVENS

(i) Crucible furnaces, or pot furnaces or induction furnaces with a brimful capacity of less than 450 cubic inches of any molten metal. Monthly records of the quantity of all metal poured from such furnaces shall be maintained on-site for three years and be made available to the District upon request.

(ii) Crucible furnaces, pot furnaces or induction furnaces:

(A) each with a brimful capacity of 2,500 cubic inches or less, and

(B) where no sweating or distilling is conducted, and

(C) where only non-ferrous metals, except lead and yellow brass, the following materials are poured or held in a molten state.:

(1) Aluminum or any alloy containing over 50 percent aluminum,

(2) Magnesium or any alloy containing over 50 percent magnesium,

(3) Tin or any alloy containing over 50 percent tin,

(4) Zinc or any alloy containing over 50 percent zinc,

- (5) Copper or any alloy containing over 50 percent copper,
- (6) Precious metals, or
- (7) Glass.

Monthly records of the quantity of all metal poured from such furnaces shall be maintained on-site for three years and be made available to the District upon request. This exemption does not apply if any of the materials contain alloying elements of arsenic, beryllium, cadmium, chromium, lead and/or nickel are utilized in such furnaces.

- (iii) Equipment used exclusively for the sintering of glass or metals (excluding lead), where no coke or limestone is used.
- (iv) Equipment used exclusively for heating metals immediately prior to forging, pressing, rolling or drawing.
- (v) Any oven used exclusively for heat treating glass or metal if the materials are not heated to a molten state, and the oven is heated exclusively by natural gas, liquefied petroleum gas, and/or electricity.
- (vi) Atmosphere generators and vacuum producing devices used in connection with metal heat treating processes.
- (vii) Die casting machines.
- (viii) Kilns used exclusively for firing ceramic ware, heated exclusively with natural gas, liquefied petroleum gas, and/or electricity.

(9) ABRASIVE BLASTING EQUIPMENT

The exemptions listed in Subsection (d)(9) shall not apply to any combustion equipment unless the combustion equipment is also exempt pursuant to Subsection (d)(2) of this rule, or if asbestos containing materials are being removed.

- (i) Blast cleaning equipment using a suspension of abrasive in water.
- (ii) Abrasive blast cabinets ~~or rooms~~ which are vented through a control device and into the building where such cabinets ~~or rooms~~ are located.
- (iii) Abrasive blasting equipment with a manufacturer's sand capacity rating of 100 pounds or less (45.4 kg), or 1 cubic foot or less.

(10) MACHINING EQUIPMENT

- (i) Equipment used for buffing, polishing, carving, cutting, deburring, drilling, machining, routing, shearing, sanding, sawing, surface grinding or turning of: ceramic artwork, ceramic precision parts, glass, leather, metal, rubber, fiberboard, masonry, or non-fiberglass reinforced plastic. This exemption does not apply to tire buffers.
- (ii) Wet-jet devices used to cut fiberglass reinforced plastic.

(iii) Portable handheld equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of fiber-glass reinforced plastic, when not used at a designated workstation, booth or room.

(iv) Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood.

(v) Equipment used for the pressing or storing of sawdust, wood chips or wood shavings.

(vi) Equipment used exclusively to mill or grind coatings or molding compounds where all materials introduced are in a paste form and no volatile organic solvents are used.

(11) PRINTING AND REPRODUCTION EQUIPMENT

(i) Any graphic arts operation or group of graphic arts operations located at a stationary source, which emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors or mix ratios, VOC content of each material used, number of operating days per month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(ii) Inkjet and Lithographic laser printing equipment.

(iii) Ink cartridge filling, refilling and/or refurbishing operations.

(12) FOOD PROCESSING AND PREPARATION EQUIPMENT

(i) Equipment used exclusively to grind, blend or package tea, cocoa, spices, dried flowers or roasted coffee.

(ii) Equipment located at eating establishments which is used exclusively for preparing food for human consumption at the same establishment. This exemption does not apply to boilers.

(iii) Coffee roasting equipment with a manufacturer's rating of 15 pounds per hour or less.

(iv) Any bakery oven which is located at a stationary source where the combined rated heat input capacity of all bakery ovens is less than 2 million BTU per hour.

(v) Any bakery oven used exclusively to bake non-yeast-leavened products.

(vi) Equipment used to crush and/or ferment grapes to produce wine.

(vii) Equipment used to brew beer at breweries that produce less than one million gallons of beer per year. This exemption does not apply to boilers.

(13) PLASTICS, FOAM AND RUBBER PROCESSING EQUIPMENT OR OPERATIONS

- (i) Extrusion equipment used exclusively for extruding rubber products or plastics where no organic additives are present.
- (ii) Equipment used for compression molding and/or injection molding of plastics.
- (iii) Mixers, roll mills and calendars for rubber or plastics, where no material in powder form is added and no volatile organic solvents are used.
- (iv) Equipment used exclusively for conveying and storing plastic materials.
- (v) Foam manufacturing or foam application operations which emit less than an average of five pounds of VOC's per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.
- (vi) Plastics manufacturing or fabrication operations, including reinforced plastic fabrication operations using materials such as epoxy and/or polyester resins, which emit less than an average of five pounds of VOC's per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.
- (vii) Hot wire cutting of expanded polystyrene foam.

(14) MIXING, BLENDING AND PACKAGING EQUIPMENT

- (i) Dry batch mixers with a rated working capacity of 0.5 cubic yards (~~0.38 cubic meters~~) or less, where material is added in a dry form prior to the introduction of a subsequent liquid fraction or where no liquid fraction is added.
- (ii) Wet batch mixers with a rated working capacity of 1 cubic yard (~~0.765 cubic meters~~) or less, where no volatile organic solvents are used.
- (iii) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.
- (iv) Equipment used exclusively for the packaging of lubricants or greases.
- (v) Equipment used at ambient temperatures exclusively for mixing and blending materials which are used to make water-based adhesives.
- (vi) Any coating and/or ink manufacturing operations ~~ink mixing tank or group of ink mixing tanks~~ located at a stationary source, which emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all such tanks operations. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

(15) COATING AND ADHESIVE APPLICATION EQUIPMENT AND OPERATIONS

(i) Powder coating operations where less than 0.5 gallons per day of any surface preparation or cleaning material containing volatile organic compounds are used. Monthly purchase and daily or monthly usage records of surface preparation and cleaning materials shall be maintained on-site for three years and made available to the District upon request. This exemption does not apply to metallizing gun operations.

(ii) Application equipment and processes used exclusively to apply coatings subject to Rule 67.0 -- Architectural Coatings.

(iii) Any coating or adhesive operation (portable or stationary) where 20 gallons or less of liquid coatings or adhesives are applied per consecutive 12-month period. Monthly purchase records and daily or monthly usage records of all coatings or adhesives applied must be maintained on-site for three years to claim applicability of this exemption. The volume of materials coatings applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption. This exemption does not apply to chromate conversion coating processes, unless such coatings are applied by brush or roller.
(NOTE: As with all other provisions listed, this provision only provides an exemption from permit requirements and not from any other standards, such as the VOC limits in Rules 67.18 and 67.20.)

(iv) Coating operations which exclusively use non-refillable handheld aerosol spray containers.

(v) The application of coatings outside of a defined application station which are necessary to cover minor imperfections or repair minor mechanical damage incurred prior to intended use. Coating operations which occur outside defined coating areas for the purpose of maintenance of stationary equipment or for the purpose of touchup operations.

(vi) Coating application equipment located at primary or secondary schools and used exclusively for instruction.

(vii) Liquid surface coating operations which exclusively use hand-held brushes to apply wet fastener primer coatings from containers which are eight (8) ounces or less in size.

(viii) Liquid surface coating operations which exclusively use air brushes with a coating capacity of two (2) ounces or less.

(ix) Any liquid surface coating or adhesive operation which:

(A) exclusively uses materials with a VOC content of less than 20 grams per liter, less water and exempt solvents, and

(B) is located at a stationary source where less than an average of 30 gallons of such materials are applied per operating day for each calendar month.

Records of daily or monthly material usage, the number of operating days per calendar month, and the VOC content of each material used, shall be maintained on-site for two years and be made available to the District upon request.

(x) Hot melt adhesive application equipment.

(xi) The application of coatings outside of a defined application station which are necessary for the maintenance of stationary equipment.

(16) SOLVENT APPLICATION EQUIPMENT AND OPERATIONS

(i) Equipment used exclusively for surface preparation and cleaning if the volatile organic compound content of the aqueous material does not exceed 10% by weight. This exemption does not apply to chromate conversion coating processes.

(ii) Cold solvent cleaning tanks, vapor degreasers and paint stripping tanks:

(A) with a liquid surface area of 1.0 square foot or less, or

(B) which have a maximum capacity of one gallon or less.

(iii) Batch-type waste solvent recovery stills with a batch capacity of 7.5 gallons or less, for on-site recovery of waste solvent, provided the still is equipped with a device which shuts off the heating system if the solvent vapor condenser is not operating properly.

(iv) Metal inspection tanks which:

(A) have a liquid surface area of less than 5 square feet, or

(B) do not use volatile organic solvents, or

(C) are not equipped with spray type flow devices or a means of solvent agitation.

(v) Cold solvent degreasers used exclusively for educational purposes.

(vi) Golf grip application stations which exclusively use liquid materials with an initial boiling point of 450°F (232°C), or greater.

(vii) Solvent wipe cleaning operations, not associated with any permitted operation, provided the solvent is applied from a container that minimizes emissions to the air, such as, but not limited to, squeeze containers with narrow tips, spray bottles, or dispensers with press down caps; and the uncontrolled emissions of VOC's from all such operations located at the stationary source do not exceed five tons per calendar year, or the total purchase of solvents for such operations does not exceed 1,500 gallons per calendar year. All data and/or records necessary to demonstrate that this exemption is applicable, shall be maintained on-site for two years and made available to the District upon request.

(17) **STORAGE AND TRANSFER EQUIPMENT**

For the purpose of Subsection (d)(17), "**Volatile Organic Compound (VOC)**" means the same as defined in Rule 61.0.

(i) Stationary equipment storage tanks used exclusively to store and/or transfer organic compounds which are not volatile organic compounds.

(ii) Stationary storage tanks with a capacity of less than 250 249 gallons (946 liters) or less, and associated equipment used exclusively to store transfer materials into such tanks. ~~volatile organic compounds.~~

(iii) Equipment used exclusively to store and/or transfer organic solvents which are liquids at standard conditions and which are not used as fuels.

(iv) Equipment used exclusively to store and/or transfer natural gas, butane or propane when not mixed with other volatile organic compounds, other than odorants.

(v) Equipment used exclusively to store and/or transfer fuels which are used exclusively as a source of fuel for wind machines used for agricultural purposes.

(vi) Mobile transport, delivery, or cargo tanks on vehicles used for the delivery of volatile organic compounds. This exemption does not apply to asphalt tankers used to transport and transfer hot asphalt used for roofing applications.

(vii) Equipment used to transfer fuel to and from amphibious ships for maintenance purposes, provided total annual transfers do not exceed 60,000 gallons per year at a stationary source.

(viii) Equipment used exclusively to store and/or transfer liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, or waxes and wax emulsions.

(ix) Pressurized tanks used to store inorganic or halogenated organic gases and associated equipment used exclusively to transfer materials into such tanks.

(18) **DRYCLEANING, LAUNDRY EQUIPMENT AND FABRIC RELATED OPERATIONS**

(i) Non-immersion dry cleaning equipment.

(ii) Lint traps used exclusively in conjunction with dry cleaning tumblers.

(iii) Wastewater processing units associated with drycleaning operations using halogenated compounds, provided the water being evaporated in the unit does not exceed 400 ppm (by weight) of halogenated compounds as determined by EPA Test Method 634.

(iv) Laundry dryers, extractors or tumblers used for fabrics cleaned only with solutions of bleach or detergents containing no volatile organic solvents.

(v) Equipment used for washing or drying articles fabricated from cloth, fabric or glass, where no volatile organic solvents are employed in the process and none of the articles being cleaned have residues of volatile organic solvents.

(vi) Equipment, including dryers, used exclusively for printing, dyeing, stripping, or bleaching of textiles where no volatile organic solvents are used.

(vii) Any equipment listed above in Subsections (18)(iv), (18)(v) or (18)(vi) which does not emit more than an average of five pounds of VOC's per operating day for each calendar month. All records needed to calculate average daily VOC emissions, such as emission factors, VOC content of all materials used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

(19) MISCELLANEOUS EQUIPMENT AND OPERATIONS

(i) Air pollution control equipment associated with any article, machine, equipment, process or contrivance not required to have a Permit to Operate.

(ii) Repairs or maintenance not involving structural changes to any equipment for which a Permit to Operate has been granted.

(iii) Roofing kettles (used to heat asphalt) with a capacity of 85 gallons (~~322~~ liters) or less.

(iv) Paper shredders and disintegrators which have a capacity of 600 pounds per hour or less, and the associated conveying systems and baling equipment.

(v) Alkaline chemical milling equipment:

(A) used exclusively for the cleaning of internal combustion engine parts, or

(B) for which construction or installation commenced prior to March 27, 1990.

(vi) Portable conveyors (belt or screw type) where there is no screening.

(vii) Fire extinguishing equipment using halons.

(viii) ~~Fire-fighting-e~~ Equipment and operations used exclusively for the purposes of:

(A) flash-over fire fighting training, or

(B) hand-held fire extinguisher ~~natural gas line fire extinguishing training operations.~~

(ix) Equipment used exclusively for bonding lining to brake shoes, where no volatile organic solvents are used.

(x) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the inert gases from air.

(xi) Any operation producing or blending materials for use in cosmetic or pharmaceutical products and/or manufacturing cosmetic or pharmaceutical products by chemical processes, which emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all phases of all such operations located

at a single stationary source. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(xii) Equipment used for hydraulic or hydrostatic testing.

(xiii) Atmospheric organic gas sterilizer cabinets where ampules are utilized exclusively to dispense ethylene oxide gas into a liner bag and where total ethylene oxide emissions are less than five pounds per year. All records needed to substantiate the annual ethylene oxide emissions, such as emission factors and records of material usage, shall be maintained on-site for two years and be made available to the District upon request.

(xiv) Nail salon operations.

(xv) Equipment used exclusively for the melting or applying of wax where no volatile organic solvents are used.

(xvi) Aerosol can puncturing or crushing operations which use:

(A) a closed loop recovery system that emits no air contaminants, or

(B) a recovery system that vents all emissions through a properly operated and maintained carbon canister, provided not more than 500 cans are processed through the equipment per day. Throughput records of the number of cans processed shall be maintained on-site for two years and be made available to the District upon request.

(xvii) Any article, machine, equipment, or contrivance which emits airborne radioactive materials in concentrations above the natural radioactive background concentration in air in the form of dusts, fumes, smoke, mists, liquids, vapors or gases. This exemption does not apply to incinerators or boilers.

Atomic energy development and radiation protection are controlled by the State of California to the extent it has jurisdiction thereof, in accordance with the advice and recommendations made to the Governor by the Advisory Council on atomic energy development and radiation protection. Such development and protection are fully regulated by the Nuclear Regulatory Commission to the extent that such authority has not been delegated to the states.

(xviii) Any other piece of equipment or operation which the Air Pollution Control Officer determines to be a negligible source of air contaminants. This provision applies only to equipment or operations which have obtained a Certificate of Exemption in writing from the District. The Certificate of Exemption document must be maintained with the exempt equipment or be made readily available at all times and applies only to the specific equipment or operation described in the Certificate of Exemption document.

(xix) Equipment used for anodizing, plating, polishing, stripping or etching, if the volatile organic compound content of the aqueous material does not exceed 10% by weight. This exemption does not apply to acid chemical milling, chrome plating, chromic acid anodizing, chromate conversion coating processes, or the stripping of chromium. This exemption also does not apply to copper etching or plating operations which use formaldehyde, ammonium hydroxide, ammonium chloride, or solutions of

nitric, hydrofluoric and/or hydrochloric acids which contain more than 17 percent acid concentration by weight.

(xx) Equipment approved for use by the Environmental Protection Agency (EPA) for recovering and/or recycling chlorofluorocarbons (CFC's) or alternative fluorocarbons.

(20) **REGISTERED EQUIPMENT**

(i) Any portable equipment which is registered in accordance with District Rule 12.1. the District's registration program for such equipment.

(ii) ~~Any stationary internal combustion emergency standby engine which operates only during emergency situations and not more than 52 hours per calendar year for maintenance purposes, provided that such engines are registered in accordance with the District's registration program for such units.~~

(iii) ~~Any stationary internal combustion engine with a manufacturer's output rating of less than 500 brake horsepower, for which construction commenced before April 5, 1983, provided that such engines are registered in accordance with the District's registration program for such units.~~

(ii) Any emission unit registered in accordance with District Rule 12.

(iii) Any engine registered in accordance with the Statewide Portable Engine Registration Program adopted pursuant to California Health and Safety Code Section 41750, et seq.

(e) **RESERVED**

(f) **RESERVED**

(g) **TEST METHODS**

The following test methods will be used for compliance verification purposes.

(1) Measurement of the VOC content of all materials subject to this rule, except materials subject to Subsection (d)(17), shall be conducted in accordance with EPA Test Method 24 (40 CFR 60, Appendix A).

(2) Measurement of the initial boiling point of all materials subject to this rule shall be conducted in accordance with ASTM Standard Test Method D1078-86 for distillation range of volatile organic liquids.

(3) Calculation of total VOC vapor pressure for all materials subject to this rule shall be conducted in accordance with the District's "Procedures for Estimating the Vapor Pressure of VOC Mixtures." If the vapor pressure of the liquid mixture, as calculated by this procedure, exceeds the limits specified, the vapor pressure shall be determined in accordance with ASTM Standard Test Method D2879-86. The solvent composition shall be determined using one of the following ASTM standard recommended practices: E168-92, E169-93 or E260-91. The fraction of water and exempt compounds in the liquid phase shall be determined by using ASTM Standard Test Methods D3792-91 and D4457-85 and shall be used to calculate the partial pressure of water and exempt compounds. The results of vapor pressure measurements obtained using ASTM Standard Test Method D2879-86 shall be corrected for partial pressure of water and exempt compounds.

(h) **COMPLIANCE SCHEDULE**

Any person operating existing equipment previously exempt from Rule 10 permit requirements pursuant to the version of Rule 11 existing prior to (date of adoption) October 17, 1995, and which is no longer exempt from Rule 10 permit requirements pursuant to this rule, shall submit an application for permit to operate such equipment by (one year from date of adoption) September 27, 1996.

2. Rule 11.1 is deleted in it's entirety.

~~RULE 11.1 NSPS AND NESHAPS EXEMPTIONS~~

~~Notwithstanding the provisions of Rule 11, with the exception of Subdivisions (a) and (b), any article, machine, equipment or other contrivance which is subject to the provisions of Regulation X and/or Regulation XI is not exempt from the requirements for an Authority to Construct or Permit to Operate.~~

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

RULE 11 -- EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS

WORKSHOP REPORT

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

The workshop was held on March 11, 1997, and was attended by 49 people. The workshop comments and District responses are as follows:

1. WORKSHOP COMMENT

The definitions in Subsections (c)(1) and (c)(2) for 'Emergency Standby Engine' and 'Emergency Situation,' respectively, are no longer needed based on the proposed amendments to Section (d)(20) Registered Equipment.

DISTRICT RESPONSE

The District agrees. The specified definitions have been deleted.

2. WORKSHOP COMMENT

'First-article deliverable product' is defined in renumbered Subsection (c)(2) as 'the first product which is produced using research & development equipment and which is delivered to a potential intra-company or external customer for approval. First-article deliverable product shall not exceed one unit of each product per customer.' Would the delivery of a set of golf clubs to a golf pro for evaluation be consistent with this definition or would it only apply to the first golf club of the set that is delivered?

DISTRICT RESPONSE

In this case the deliverable product is a 'set' or 'unit' of golf clubs. Therefore, the entire set would be considered the first-article deliverable product as long as only one unit (set) was provided to each 'customer.'

3. WRITTEN/WORKSHOP COMMENT

The definition of 'Research and Development Equipment' provided in renumbered Subsection (c)(7) should not be limited to only the manufacture of a 'first-article deliverable product.' No business would make a significant investment in a new product or process based on the evaluation of one unit of product. The District should utilize a definition similar to the one set forth in CFR 40 Part 63 Subpart B Section 63.41 for 'Research and Development Activities' as follows:

'Research and development activities' means activities conducted at a research or laboratory facility whose primary purpose is to conduct research and development into new processes and products, where such source is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for sale or exchange for commercial profit, except in a de minimis manner.

DISTRICT RESPONSE

The District disagrees. While the proposed definition is very similar to the current definition provided in Rule 11, it would require the District to determine what constitutes 'a de minimis manner,' and would require some type of recordkeeping mechanism to demonstrate compliance. During the August 1995 workshop to discuss proposed Rule 11 amendments, the District received several comments indicating that the existing bench scale equipment exemption and associated recordkeeping requirements were overly burdensome to industry. Accordingly, the District has worked to provide acceptable language which exempts research and development operations, without opening the exemption to abuses inconsistent with the intent. It should also be noted that the first-article deliverable product clause has been an element of similar exemptions for bench scale equipment since 1990, and has proven effective in preventing abuses of the research and development exemption.

Sources that do not meet all the requirements of this provision, but which emit insignificant emissions, may utilize the provisions of Subsection (d)(19)(xviii) which allows the District, on a case-by-case basis, to issue a Certificate of Exemption (COE) for specific operations that are insignificant sources of air contaminants.

Based on concerns raised in this Comment and Comment 4 below, the District has revised the definition of Research and Development (R&D) Equipment as follows:

"Research and Development Equipment" means equipment that is used to conduct research and develop new or improved processes and products, where such equipment is operated by technically trained personnel under the supervision of a research director, and is not used in the manufacture of deliverable products for sale or exchange for commercial profit, other than the first-article deliverable product.

The proposed change will allow the use of R&D equipment to manufacture test products and samples which are not sold or exchanged for commercial profit, and manufacture the first-article deliverable product as defined in renumbered Subsection (c)(2).

4. WORKSHOP COMMENT

Would a product delivered free of charge for approval by a customer still constitute a 'first-article deliverable product' according to the proposed definition in renumbered Subsection (c)(2)?

DISTRICT RESPONSE

The definition of Research and Development Equipment in renumbered subsection (c)(4) has been revised to state that such equipment can not be used to manufacture products which are sold or exchanged for commercial profit, except for the 'first-article deliverable product'. Accordingly, products manufactured using Research and Development Equipment and provided free of charge to a customer for approval would not constitute a 'first-article deliverable product'.

5. WORKSHOP COMMENT

The new definition for Research and Development Equipment in renumbered Subsection (c)(7) includes the term 'marketing research.' What is the definition for the term 'marketing research'?

DISTRICT RESPONSE

The term 'marketing research' has been deleted and a definition is no longer required.

6. WORKSHOP COMMENT

Subsection (d)(1)(ii) provides an exemption for various sweepers equipped with auxiliary power units of 200 brake horse power (bhp) or less. Do these auxiliary power units currently require a District permit to operate?

DISTRICT RESPONSE

No. This type of equipment is currently on the District's Permit Deferment List (PDL) and has not been required to obtain a District permit to operate. The proposed changes to Subsection (d)(1)(ii) will formalize the exemption status of such units.

7. WORKSHOP COMMENT

Subsection (d)(2)(iii) provides an exemption for engines mounted on any motor vehicle, train, ship, boat or barge, if it is used exclusively to load and unload cargo. The exemption language should be revised to also exempt engines mounted on rails, if used to load and unload cargo.

DISTRICT RESPONSE

The District disagrees. The engines in question are not mounted on a train but rather are mounted on rails to provide movement only within a portion of a stationary source. Such engines are considered stationary sources and are subject to the requirements of Rule 69.4 - Stationary Reciprocating Internal Combustion Engines. Therefore, it is not appropriate to provide an exemption from permit requirements for such equipment.

8. WORKSHOP COMMENT

Subsection (d)(2)(xvi) provides an exemption for engines used to educate students in the 'maintenance, repair and rebuilding' of such engines. For clarity, the word 'operation' should also be included as one of the educational objectives.

DISTRICT RESPONSE

The District agrees. The suggested language has been added.

9. WRITTEN COMMENT

Rule 67.15 - Pharmaceutical Manufacturing Operations, does not make a distinction between manufacturing for clinical trials, which is part of the development process and which falls under research and development SIC codes, and manufacturing for commercial sale, which falls under pharmaceutical manufacturing SIC codes. Therefore a question arises with respect to the recordkeeping requirements of proposed Rule 11 section (d)(4)(vi). If a company is manufacturing for clinical trials as a part of its development process, but has VOC purchasing records suggesting potential emissions greater than 15 pounds per day, but less than 40 pounds per day (equivalent to five tons per year), would VOC purchasing and VOC waste records, when taken together, be sufficient to meet both the recordkeeping requirements of Rule 67.15 and Rule 11 if they provide a basis for concluding the limits have not been exceeded?

DISTRICT RESPONSE

Purchase records may be adequate to demonstrate compliance with annual or monthly emission limits if the VOC emissions from all purchases of materials used in the operation are less than the stated emission limit. If records indicate potential VOC emissions from all materials purchased exceed the stated emission limit, then the emissions associated with VOC containing materials that are disposed of properly may be calculated and subtracted to determine if emissions are below the emission limit. Monthly materials inventory records may also be needed to establish an accurate emissions estimate. Such records must be kept to show compliance for the same time basis (annual, monthly or daily) as the emission limit. The exemption in Subsection (d)(19)(xi) for pharmaceutical manufacturing allows monthly recordkeeping to be used to determine daily average emissions. Therefore, at a minimum, monthly purchase, inventory, (and waste disposal) records would be required to demonstrate compliance with the 15 pound per day emission limit.

10. WORKSHOP COMMENT

Subsection (d)(7)(viii) provides an exemption for metallizing spray guns if the materials being sprayed contain no chrome or nickel. The District should consider including lead as a prohibited type of metal for these operations.

DISTRICT RESPONSE

The District agrees. The subsection has been revised to exclude the use of materials containing lead.

11. WORKSHOP COMMENT

Subsection (d)(7)(viii) provides an exemption for metallizing spray guns that do not spray materials containing specified Hazardous Air Pollutants (HAP). The District should consider expanding the exemption to include electric arc spray guns which only use materials not containing HAP or which use some de minimis level of materials.

DISTRICT RESPONSE

The District disagrees. Upon reviewing available information, the District determined that electric arc spray guns operate at much higher temperatures than metallizing spray guns (20,000°F compared to 5,000°F). The higher operating temperature results in significantly greater atomization of the metal. Operations which generate very small particles are difficult to control and may pose significant health risks. Accordingly, the District has determined that electric arc spray guns should not be exempted from permit requirements.

12. WORKSHOP COMMENT

Subsection (d)(8)(ii) provides an exemption for crucible, pot or induction furnaces with a volume capacity less than 2,500 cubic inches, while Subsection (d)(8)(i) only exempts crucible or pot furnaces with a volume capacity less than 450 cubic inches. An exemption for induction furnaces that are less than 450 cubic inches should be added to Subsection (d)(8)(i).

DISTRICT RESPONSE

The District agrees. The suggested exemption has been added.

13. WORKSHOP COMMENT

Are the recordkeeping requirements in Subsections (d)(8)(i) and (ii) the same as those required for exempted operations by the Air Toxic Control Measure (ATCM) for Metal Melting Operations?

DISTRICT RESPONSE

Yes. The ATCM requires facilities seeking an exemption from the regulation to maintain records of the amount and type of metal processed. The exemption limits are expressed in terms of tons per year and ARB has indicated that the exemption limit applies on a twelve month rolling average basis. Therefore, monthly records of material usage are required.

14. WRITTEN COMMENT

Subsection (d)(8)(ii) provides an exemption for metal melting furnaces that are less than 2,500 cubic inches in capacity. The revised exemption requires monthly records of the quantity of materials being poured. The Air Toxic Control Measure (ATCM) for Metal Melting Operations does not require monthly records. This recordkeeping requirement is excessive and unnecessary.

DISTRICT RESPONSE

See District response to Workshop Comment 13.

15. WORKSHOP COMMENT

Subsection (d)(8)(ii) states that the exemption for metal melting furnaces with a volume capacity less than 2,500 cubic inches does not apply if alloying elements of arsenic, beryllium, cadmium, chromium, lead and/or nickel are utilized in such furnaces. Does this mean that any metal containing these elements is excluded from the exemption, or does it only prohibit the use of these elements when a metal is being alloyed within an exempt furnace?

DISTRICT RESPONSE

The District is aware that many metals contain some impurities which may include minute quantities of these alloying elements. The exemption only excludes the utilization of the listed alloying elements in metal melting operations that would otherwise be exempt under this Subsection.

16. WORKSHOP COMMENT

Rule 11 currently exempts polyester resin manufacturing operations which emit less than five pounds per day of VOC. The proposed amendments in Subsections (d)(13)(vi) & (vii) will change the exemption limit to usage of one gallon of VOC containing materials. This change in permit requirements will cause a financial hardship to a significant number of small business owners. Due to the emission factors associated with polyester resin operations and acetone no longer being classified as a VOC, seven gallons of polyester resin materials may be used before emitting five pounds of VOC. The District should withdraw the proposed exemption in Subsection (d)(13)(vii) and instead retain the current five pound per day exemption limit for polyester resin operations in Subsection (d)(13)(vi).

DISTRICT RESPONSE

The District agrees. Subsection (d)(13)(vii) has been deleted, and the original language of Subsection (d)(13)(vi) has been restored.

17. WRITTEN COMMENT

The proposed amendments specifically state that the exemptions provided in Subsections (d)(15)(iii) & (d)(19)(xix) do not apply to chromate conversion processes. There are currently nine exempted coating operations at one facility which use less than 20 gallons per year of coating, but use some chromate conversion coatings for touch-up operations. An annual de minimis usage level for chromate conversion coatings should be provided within Rule 11 for these small operations.

DISTRICT RESPONSE

The District agrees. The language in Subsection (d)(15)(iii) has been revised to prohibit the use of chromate conversion coatings, except when they are applied by brush or roller. This will allow the of small amounts of these coatings using an application methods with negligible potential chrome emissions.

18. WORKSHOP COMMENT

Subsection (d)(15)(v) provides an exemption for coatings applied outside of a defined application station which are necessary to cover minor imperfections or repair minor mechanical damage incurred prior to intended use. Can the District provide a definition for 'defined application station?'

DISTRICT RESPONSE

District Rule 2 - Definitions, provides a definition of 'application station.' The exemption is intended to apply to touch-up type operations that are required after an object has left the main coating operation or defined application station, and before the object is put into actual use.

19. WRITTEN COMMENT

The District should consider adding an exemption for small chromate conversion tanks similar to the exemption provided in Subsection (d)(16)(ii) for small solvent tanks.

DISTRICT RESPONSE

The District disagrees. Data obtained from the District's Air Toxics Hot Spots program for such sources have shown that even small annual emissions of hexavalent chrome from such tanks may cause significant health risk issues. Therefore it is not appropriate to consider an exemption for these sources.

20. WORKSHOP COMMENT

Subsection (d)(16)(vii) provides an exemption for solvent wipe cleaning operations. How will this new provision affect solvent wipe cleaning operations that are part of permitted activities?

DISTRICT RESPONSE

The exemption will have no effect on solvent wipe cleaning operations that occur as part of a permitted operation. Additional wording has been added to this provision to clarify that the exemption only applies to solvent wipe cleaning operations not directly associated with a permitted operation.

21. WRITTEN COMMENT

Subsection (d)(19)(viii) provides an exemption for fire fighting equipment and operations used exclusively for the purposes of: (A) flash-over fire fighting training, or (B) natural gas line fire extinguishing training. This should be expanded to include other types of fire fighting training, such as portable fire fighting training equipment that utilizes propane.

DISTRICT RESPONSE

The District agrees. The exemption in Subsection (d)(19)(viii) has been revised to exempt equipment used exclusively for hand-held fire extinguisher training operations.

22. WRITTEN COMMENT

Subsection (d)(19)(xx) provides an exemption for equipment used to recover and/or recycle chlorofluorocarbons (CFC's). The exemption should also apply to potential alternatives to CFC's.

DISTRICT RESPONSE

The District agrees. The Subsection has been revised to allow the recovery and/or recycling of alternative fluorocarbons.

23. WRITTEN COMMENT

The District should provide an exemption for bilge and oily waste treatment systems (BOWTS), such as those operated by the Navy. The District has already evaluated such systems and based on low annual emissions has determined that they do not need a permit. The equipment is currently included on the District's Permit Deferment List (PDL) for future inclusion in Rule 11.

DISTRICT RESPONSE

The District disagrees. An exemption from permitting requirements for the bilge and oily waste treatment system (BOWTS) operated by the Navy was provided by the District for that specific operation and location. The determination was based in part on the type of integrated control equipment used by the BOWTS. Rather than add numerous site specific exemptions to Rule 11, each containing site specific caveats, the District has developed the Certificate of Exemption (COE) program, (see Subsection (d)(19)(xviii)), which may be used to provide exemptions for operations with insignificant emissions which are not listed in Rule 11. The District believes the COE program provides a more efficient mechanism for exempting this type of single source equipment from permit requirements. Therefore a specific exemption for BOWTS will not be added to Rule 11.

24. WRITTEN COMMENT

The District should provide an exemption for antifreeze distillation/recycling units which process only ethylene glycol-based antifreeze solutions. Such devices are currently regulated in the same manner as solvent recovery/distillation units which process materials with significantly higher vapor pressures. Ethylene glycol, has a vapor pressure of less than 1 mm Hg at 20°C. Units that recycle only antifreeze have insignificant VOC emissions and requiring a District permit provides no additional protection to air quality.

DISTRICT RESPONSE

The District disagrees. While the vapor pressure of ethylene glycol is low at room temperatures, it must be vaporized as part of the distillation process. If these vapor emissions are not controlled properly, significant emissions to the atmosphere may occur. In addition, ethylene glycol is listed by EPA as a Hazardous Air Pollutant (HAP). The District does not believe it is appropriate to provide a permit exemption for this type of equipment as part of the current Rule 11 amendments.

ML:LY:jo
04/02/97