



**Air Pollution Control Board**  
Greg Cox                      District 1  
Dianne Jacob                District 2  
Pam Slater                   District 3  
Ron Roberts                 District 4  
Bill Horn                     District 5

**Air Pollution Control District**  
R. J. Sommerville            Director

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**DATE:**            May 23, 2001

**TO:**              San Diego County Air Pollution Control Board

**SUBJECT:**       ADOPTION OF AMENDMENTS TO RULES 1401, 1410, 1415, AND  
APPENDIX A OF REGULATION XIV – TITLE V OPERATING PERMITS  
(District: ALL)

**SUMMARY:**

**Overview**

Title V of the federal Clean Air Act amendments requires states and local air districts to develop and implement a federal major stationary source permit program. In San Diego County (serious nonattainment area), a major source has actual or potential emissions of 50 tons per year or more of oxides of nitrogen or volatile organic compounds; 100 tons per year or more of PM10, carbon monoxide, or sulfur oxides; 10 tons per year or more of any federally-listed hazardous air pollutant; or 25 tons per year or more of any combination of any federally-listed hazardous air pollutants. Certain categories of non-major sources may also be required to obtain Title V permits.

On February 5, 1996, EPA granted interim approval of the District's Title V permit program and identified deficiencies needing correction before granting final program approval. The deadline for correcting these deficiencies is June 1, 2001.

As a result, Rule 1401 – General Provisions is being amended to define an affected state as any state or Indian tribe designated by EPA as an affected state within 50 miles of a Title V source. There are no states within 50 miles of any Title V source in San Diego County and no Indian tribes in the County have been designated by EPA as affected states. The definition of federally mandated new source review is being clarified to exclude New Source Review rule requirements derived solely from state law or local requirements. This will avoid EPA from having any authority, including enforcement authority, over state and local program requirements that are not federally mandated.

Rule 1410 – Permits Required is being amended to require any significant change in emissions-related monitoring be treated as a significant permit modification. Significant permit modifications require a change to a Title V permit and associated public and EPA notification for review and comment. Previously, only relaxations in

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the stringency of emissions monitoring requirements were considered significant permit modifications. Additionally, the rule includes a list of permit amendments considered administrative in nature and not requiring prior EPA and public notice for review and comment. Monitoring and reporting requirements that are more frequent than existing requirements have been added to the list.

Rule 1415 – Permit Process – Public Notification is being amended to add procedures for notifying affected states of Title V permitting actions, including EPA-designated Indian tribes.

Appendix A of Regulation XIV lists insignificant activities (equipment or operations with low emissions potential) not required to be listed in a Title V permit application. It is also being revised to incorporate recent changes to Rule 11 – Exemption from Permit Requirements. The Appendix A revisions also correct other EPA-identified deficiencies including clarifying insignificant activities involving ozone depleting compounds.

There are 25 major sources in San Diego County that will be affected in varying degrees by the proposed amendments. They include industrial, military, and governmental (e.g. municipal landfills) installations.

There is a remaining Title V program deficiency identified by EPA that is beyond the control of California air districts to resolve. Currently, state law exempts agricultural production operations from air district permitting requirements. EPA requires these operations to obtain a Title V permit if they are major sources. There are currently no such major sources in San Diego County. The legislature will need to amend state law to allow air districts to require Title V permits of major source agricultural production operations. If this does not happen, EPA could disapprove all Title V programs in the state and then take over the program and impose sanctions (eliminate federal highway funding and increase the emission offset required for any new construction in San Diego County).

A public workshop was held on March 22, 2001, to discuss the proposed amendments. The workshop report is Attachment II.

**Recommendation(s)**

**AIR POLLUTION CONTROL OFFICER**

Adopt the resolution amending Rule 1401, Rule 1410, Rule 1415, and Appendix A of Regulation XIV 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;

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- (ii) that an analysis of existing requirements applicable to the source or category is not required by Section 40727.2 of the Health and Safety Code because the proposed amendments do not impose new or more stringent emission standards nor new or more stringent monitoring, reporting or recordkeeping requirements;
- (iii) that an assessment of the socioeconomic impact 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 proposed amended Regulation XIV may have a significant adverse effect on the environment and that this action is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

**Fiscal Impact**

Adopting the amendments to Regulation XIV will have no fiscal impact on the District.

**Business Impact Statement**

Adopting the amendments to Regulation XIV will avoid a federal EPA takeover of the Title V program resulting in a loss of local control and sanctions being imposed on San Diego County (e.g., loss of federal highway funds). The District will continue to work closely with affected facilities to minimize the fiscal impacts of this program.

**Advisory Board Statement**

The Air Pollution Control District Advisory Committee recommended adopting the amendments to Regulation XIV at its April 25, 2001, meeting.

**BACKGROUND:**

**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 adoption of amendments to Regulation XIV will not affect air quality or emissions limitations. Therefore, a socioeconomic impact assessment is not required.

**Compliance with Board Policy on Adopting New Rules**

On February 2, 1993, the Board directed that, with the exception of a regulation requested by

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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 adoption of amendments to Regulation XIV is required by federal law and is consistent with this Board directive.

**California Environmental Quality Act**

The California Environmental Quality Act (CEQA) requires an environmental review for certain actions. The District has conducted a preliminary review of whether the California Environmental Quality Act applies to the amendments of Regulation XIV. It is certain there is no possibility that adopting the proposed amendments may have a significant adverse effect on the environment. Therefore, adoption of amendments to Regulation XIV is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

**Comparison to Existing Requirements**

Health and Safety Code section 40727.2 requires that whenever the District proposes adopting, amending or repealing a rule or regulation, an analysis be prepared to identify and compare the air pollution control elements of the proposal with corresponding elements of existing or proposed federal or District requirements. However, pursuant to Section 40727.2(g), this analysis is not necessary if the District finds that the proposed rule does not impose a new emission limit or standard nor make an existing emission limit or standard more stringent nor impose new or more stringent monitoring, reporting, or recordkeeping requirements. The proposed amendments to Regulation XIV do not impose new or more stringent emission standards nor impose new or more stringent monitoring, reporting, or recordkeeping requirements.

**Additional Information:**

Attachment I contains the Resolution and Change Copy amending Rules 1401, 1410, 1415, and Appendix A of Regulation XIV of the District's Rules and Regulations.

Attachment II contains the report for the workshop held on March 22, 2001.

Respectfully submitted,

ROBERT R. COPPER  
Deputy Chief Administrative Officer

R. J. SOMMERVILLE  
Air Pollution Control Officer

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**AGENDA ITEM INFORMATION SHEET**

**CONCURRENCE(S)**

<b>COUNTY COUNSEL REVIEW</b>	<input checked="" type="checkbox"/> Yes	
Written disclosure per County Charter Section 1000.1 required	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>GROUP/AGENCY FINANCE DIRECTOR</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
<b>CHIEF FINANCIAL OFFICER</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
<b>CHIEF TECHNOLOGY OFFICER</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
<b>DEPARTMENT OF HUMAN RESOURCES</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

**Other Concurrence(s):** N/A

**ORIGINATING DEPARTMENT:** Air Pollution Control District, County of San Diego

**CONTACT PERSON(S):**

R. J. Sommerville  
Name  
(858) 650-4500  
Phone  
(858) 650-4657  
Fax  
0176  
Mail Station  
rsommeha@co.san-diego.ca.us  
E-mail

**AUTHORIZED REPRESENTATIVE:**

R. J. Sommerville, Air Pollution Control Officer

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**AGENDA ITEM INFORMATION SHEET**  
(continued)

**PREVIOUS RELEVANT BOARD ACTIONS:**

March 7, 1995 (4) Approved resolution amending Regulation XIV  
January 19, 1994 (2) Approved resolution adding Regulation XIV – Title V  
Operating Permits to the Rules and Regulations of San Diego County Air  
Pollution Control District

**BOARD POLICIES APPLICABLE:**

Not Applicable.

**BOARD POLICY STATEMENTS:**

Not Applicable.

**CONTRACT NUMBER(S):**

Not Applicable.

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

RESOLUTION NO. 01-157

**RESOLUTION AMENDING RULES 1401, 1410, 1415,  
AND APPENDIX A OF REGULATION XIV OF  
THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY  
AIR POLLUTION CONTROL DISTRICT**

On motion of Member Cox, seconded by Member Slater, 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 1401 Section (c) are to read as follows:

**RULE 1401. GENERAL PROVISIONS**

(a) **APPLICABILITY . . . .**

(b) **EXEMPTIONS . . . .**

(c) **DEFINITIONS**

For purposes of Regulation XIV, the following definitions shall apply.

(1) **"Abrasive Blast Cabinet"** means an enclosure used to contain abrasive media and which can only be entered through ports for gloved arms and hands when abrasive blasting is conducted.

(2) **"Actual Annual Emissions"** means emissions from any stationary source established according to information gathered by means of annual emission inventory and confirmed accurate by the Air Pollution Control Officer.

(3) **"Administrative Permit Amendment"** means changes to the terms and conditions of a permit, which have been approved pursuant to this regulation. [See Rule 1410(i)]

(4) **"Affected Source (Acid Rain)"** means any emission unit that is subject to emission reduction requirements or limitations under Title IV of the federal Clean Air Act as amended in 1990.

(5) **"Affected State"** means any state that:

(i) is contiguous with California and whose air quality may be affected by a permit action, or

(ii) is within 50 miles of the source for which a permit action is being proposed.

For purposes of this rule, affected state includes any federally recognized eligible Indian tribe.

(6) **"Aggrieved Person"** means any person, including a person or group representing the interest of the public in air quality, who alleges that the issuance of a Permit to Operate will infringe upon or deny such person's legal rights or the legal rights of the general public in respect to air quality.

(7) **"Air Contaminant(s)"** means any substance discharged, released, or otherwise propagated into the atmosphere and includes, but is not limited to, any combination of the following: volatile organic compounds, exempt compounds, oxides of nitrogen, particulate matter, gaseous sulfur compounds, carbon monoxide, smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, and federal hazardous air pollutant, including hazardous air pollutants identified in Section 112 of the federal Clean Air Act. Also included are Class I and Class II ozone depleting substances under Title VI of the federal Clean Air Act, any pollutant for which a national ambient air quality standard has been promulgated, and any substance subject to a standard promulgated under Sections 111 or 112 of the federal Clean Air Act.

(8) **"Alternative Operating Scenario"** means each coordinated set of alternative operational parameters and permit conditions proposed by an operator in a permit application and approved and implemented pursuant to this regulation.

(9) **"Appeared, Submitted Written Testimony, or Otherwise Participated"** means communicated specific substantive or procedural air pollution issues to the Air Pollution Control District (District) staff members who were responsible for permit to operate issuance, communicated with the Air Pollution Control Officer or his designee in the context of a formal public participation process, or testified before the Hearing Board in a formal proceeding. The term does not include mere expression of general interest or concern or oral communication outside of a formal public forum, whether by telephone or otherwise, with District staff members who were not directly responsible for issuance



of the permit to operate. A party may show that it has otherwise participated in a matter by contemporaneous written documentation, or by declaration under oath.

(10) **"Applicable Requirements"** means:

(i) all federally enforceable requirements applicable to a stationary source prior to issuance of a permit to operate; and

(ii) any new federally enforceable requirements that become effective during the term of a permit.

(11) **"Application Shield"** means the protection from enforcement of the requirement to have a permit provided pursuant to Rule 1410(a).

(12) **"Architectural Surface Coating"** means any coating applied to stationary structures and their appurtenances coated onsite or in close proximity to the intended installed location, to mobile homes, to pavement, or to curbs.

(13) **"Complete Application"** means an application for which the applicant has provided all information required under Rule 1414(f) or an application deemed to be complete pursuant to Rule 1414(i)

(14) **"Contiguous Property"** means two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public or private right-of-way. Non-adjoining parcels of land separated solely by bodies of water designated "navigable" by the U. S. Coast Guard shall not be considered contiguous properties.

(15) **"Emission Unit"** means any non-vehicular article, machine, equipment, contrivance, process or process line, which emit(s) or reduce(s) or may emit or reduce the emission of any air contaminant.

(16) **"Exempt Compound"** means, with regard to the definition of volatile organic compounds, any of the following:

Chlorodifluoromethane (HCFC-22)

Dichlorotrifluoroethane (HCFC-123)

2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)

Pentafluoroethane (HFC-125)

1,1,2,2-tetrafluoroethane (HFC-134)

Tetrafluoroethane (HFC-134a)

Dichlorofluoroethane (HCFC-141b)

Chlorodifluoroethane (HCFC-142b)

1,1,1,-trifluoroethane (HFC-143a)

1,1-difluoroethane (HFC-152a)

Cyclic, branched, or linear, completely fluorinated alkanes

Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations

Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations

Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

Methylene chloride

1,1,1-trichloroethane

Trifluoromethane (HFC-23)

Trichlorofluoromethane (CFC-11)

Dichlorodifluoromethane (CFC-12)

Trichlorotrifluoroethane (CFC-113)

Dichlorotetrafluoroethane (CFC-114)

Chloropentafluoroethane (CFC-115)

Any other compound(s) listed as negligibly reactive by the U.S. Environmental Protection Agency.

(17) **"Federal Hazardous Air Pollutant"** means any air pollutant which is listed pursuant to Section 112 of the federal Clean Air Act.

(18) **"Federal Non-Attainment Pollutant"** means any air pollutant for which San Diego County, or portion thereof, has been classified as exceeding a national ambient air quality standard (NAAQS) by the federal EPA.

(19) **"Federally Enforceable Requirement"** for purposes of this regulation, means all of the following as they apply to emission units at a stationary source. Requirements that have been promulgated or approved by the federal EPA through rule making at the time a permit to operate is issued, but which have future effective compliance dates, are federally enforceable requirements if listed below:

(i) Any standard or other requirement provided for in the State Implementation Plan (SIP), including any revisions approved or promulgated by the federal EPA through rule making under Title I of the federal Clean Air Act.

(ii) Any term or condition of an Authority to Construct issued pursuant to these rules and regulations which term or condition is imposed pursuant to any federally mandated new source review (NSR) or prevention of significant deterioration (PSD) regulation.

(iii) Any standard or other requirement under Sections 111 or 112 of the federal Clean Air Act.

(iv) Any standard or other requirement of the Acid Rain Program under Title IV of the federal Clean Air Act or the regulations promulgated thereunder.

(v) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the federal Clean Air Act (enhanced monitoring and compliance certifications).

(vi) Any standard or other requirement governing solid waste incineration under Section 129 of the federal Clean Air Act.

(vii) Any standard or other requirement for consumer and commercial products under Section 183(e) of the federal Clean Air Act.

(viii) Any standard or other requirement for tank vessels under Section 183(f) of the federal Clean Air Act.

(ix) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under Section 328 of the federal Clean Air Act.

(x) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under of the federal Clean Air Act unless the Administrator of the federal EPA has determined that such requirements need not be contained in a permit to operate.

(xi) Any national ambient air quality standard or air quality increment or visibility requirement under Part C of Title I of the federal Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the federal Clean Air Act.

(20) **"Federally Mandated New Source Review (NSR)"** means new source review that would be required by the approved State Implementation Plan (SIP).

(21) **"Final Permit Action"** means a decision by the Air Pollution Control Officer to grant, deny or cancel an application for a permit to operate, modification or renewal; solely for purposes of seeking judicial review, a failure by the Air Pollution Control Officer to take action on an application within the time periods specified in this regulation; a decision by the Hearing Board altering a permit action by the District; or a decision by the federal EPA to veto a permit or to modify, terminate or revoke a permit or to issue a permit that differs from the permit proposed for issuance by the Air Pollution Control Officer.

(22) **"Fugitive Emissions"** means those quantifiable non-vehicular emissions which could not reasonably pass through a stack, chimney, flue, vent, or other functionally equivalent opening.

(23) **"Hearing Board"** means the Hearing Board of the Air Pollution Control District of San Diego County as authorized by the California Health and Safety Code.

(24) **"In-Scope Permit Actions"** means actions not inconsistent with applicable permit conditions, including alternative conditions under any approved alternative operating scenario during the period for which the operator has designated that scenario as applicable.

(25) **"Insignificant Unit"** means any of the equipment as specified in Rule 1411 and listed in Appendix A of this regulation. An insignificant unit shall not include any unit subject to an applicable requirement other than District Rules 50 and 51.

(26) **"Major Stationary Source"** means any stationary source which emits or has the potential to emit one or more air contaminants in amounts equal to or greater than any of the following emission rates:

- (i) 50 tons per year of volatile organic compounds or oxides of nitrogen.
- (ii) 10 tons per year of any federal hazardous air pollutant.
- (iii) 25 tons per year of any combination of federal hazardous air pollutants.
- (iv) 100 tons per year or more of any regulated air pollutant (including any fugitive emission of any such pollutant, as determined by rule by the Administrator of the federal EPA). The fugitive emissions from the stationary source shall not be considered unless the stationary source belongs to one of the following categories of sources:

- |   |   |
|---|---|
| 1. All other stationary source categories regulated by a standard promulgated under Section 112 of the federal Clean Air Act, but only with respect to those air pollutants that have been regulated for that category. |   |
| 2. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units (Btu) per hour heat input  |   |
| 3. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input   |   |
| 4. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels   |   |
| 5. Municipal incinerators capable of charging more than 250 tons of refuse per day  |   |
| 6. Coal cleaning plants (with thermal dryers)   | 17. Coke oven batteries                   |
| 7. Kraft pulp mills   | 18. Sulfur recovery plants                |
| 8. Portland cement plants   | 19. Carbon black plants (furnace process) |
| 9. Primary zinc smelters  | 20. Primary lead smelters                 |
| 10. Iron and steel mills  | 21. Fuel conversion plants                |
| 11. Primary aluminum ore reduction plants   | 22. Sintering plants                      |
| 12. Primary copper smelters   | 23. Secondary metal production plants     |
| 13. Hydrofluoric, sulfuric, or nitric acid plants   | 24. Chemical process plants               |
| 14. Petroleum refineries  | 25. Taconite ore processing plants        |
| 15. Lime plants   | 26. Glass fiber processing plants         |
| 16. Phosphate rock processing plants  | 27. Charcoal production plants            |

(27) **"Minor Permit Modification"** means any modification to a permit issued pursuant to this regulation that would not trigger federally-mandated new source review. A permit modification shall not qualify as minor if the permit modification:

- (i) Causes a violation of any applicable requirement;
- (ii) Involves significant relaxation to monitoring, recordkeeping, or reporting requirements;
- (iii) Requires the establishment of, or requires a change in an existing federally-mandated source-specific emission limitation or standard (e.g., a case-by-case determination of control requirements for federal hazardous air pollutants under Section 112 of the federal Clean Air Act), or a federally-mandated source-specific determination for temporary sources of ambient impacts on air quality, or a visibility or air quality increment analysis;
- (iv) Changes permit terms and conditions (e.g., a voluntary emissions cap) for which there is no applicable requirement(s), but which terms and conditions the source accepted in order to qualify as exempt from an otherwise applicable requirement;
- (v) Is a "modification" under any provision of Title I of the federal Clean Air Act, or results in an emissions increase that would trigger federally-mandated new source review; or
- (vi) Is a change involving a federal hazardous air pollutant that is subject to review and required to install Maximum Achievable Control Technology (MACT) under Section 112(g) of the federal Clean Air Act.

(28) **"Modification"** means any physical or operational change in any emission unit, or the addition of an emission unit at a stationary source, which would result in increased emissions of any air contaminant currently emitted, or emissions of air contaminants not previously emitted, except:

- (i) Identical replacement in whole or in part of any emission unit at a stationary source, where a permit to operate has previously been granted for such emission unit, is not a modification.
- (ii) The addition of an insignificant unit or units is not a modification.
- (iii) The following changes shall not be considered modifications provided that such changes are not contrary to any permit conditions intended to limit emissions, to any emission limit established in the permit or implied by a permit condition, or to any applicable requirement of these Rules and Regulations:
  - (A) an increase in production rate and/or an increase in hours of operation;
  - (B) use of an alternate raw material;

(C) use of an alternate production method that reduces the generation of or allows for the reuse or recycling of wastes;

(D) actions pursuant to a temporary authorization issued under Subsection (b)(2) of Rule 1410 are not modifications for so long as the temporary authorization is effective, or

(E) relocation of equipment, designated as portable on the permit to operate, from one stationary source to another.

For purposes of this regulation, a modification does not have the same meaning as a permit amendment or permit modification. A modification may, but does not necessarily, require a permit amendment or permit modification and a permit amendment or permit modification may be required even if the change does not qualify as a modification.

(29) **"National Ambient Air Quality Standards (NAAQS)"** means maximum allowable ambient air concentrations for specified air contaminants and monitoring periods as established by the federal EPA.

(30) **"Non-Vehicular"** as used in this regulation means the same as "non-vehicular sources" as defined in Section 39043 of the California Health and Safety Code.

(31) **"Organic Compound"** means the same as volatile organic compound.

(32) **"Organic Solvent"** means organic materials which are liquids at standard conditions and which are used as solvers, viscosity reducers, extractants, or cleaning agents, or are reactants or products in manufacturing processes except materials which exhibit an initial boiling point of 450°F (232°C) or higher at 760 mm Hg, unless these materials are exposed to temperatures exceeding 200°F (93.3°C).

(33) **"Particulate Matter (PM<sub>10</sub>)"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns as measured by an applicable reference test method or methods found in Article 2, Subchapter 8, Title 17, of the California Code of Regulations Section 94100 et seq.

(34) **"Permit to Operate"** means authorization to operate an emission unit or combination of emission units as specified and issued by the Air Pollution Control Officer on a form or forms prescribed by the Air Pollution Control Officer. Unless otherwise specified, the term permit to operate refers to permits issued pursuant to this regulation.

(35) **"Permit"** means the same as permit to operate.

(36) **"Permit Shield"** means the protection from enforcement of certain applicable requirements in the manner and to the extent provided in Rule 1410(p).

(37) **"Potential to Emit"** means the capacity of a stationary source to emit air pollutants, based on its physical and operational design, taking into consideration any

federally-enforceable requirements applicable to the source. Potential to emit includes fugitive emissions, except to the extent such emissions are excluded under the definition of "major stationary source" in this regulation.

(38) **"Quantifiable"** means that a reliable basis for calculating the amount, rate, nature and characteristics of an emission reduction can be established.

(39) **"Regulated Air Pollutant"** means any of the following:

- (i) Oxides of nitrogen and volatile organic compounds.
- (ii) Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the federal Clean Air Act.
- (iii) Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the federal Clean Air Act.
- (iv) Any ozone-depleting compound specified as a Class I or Class II substance pursuant to Title VI of the federal Clean Air Act.
- (v) Any federal hazardous air pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the federal Clean Air Act.

(40) **"Related Emission Units"** means emission units, where the operation of one emission unit is dependent upon, or affects the process or operation (which may include duration of operation) of another emission unit, as determined by the Air Pollution Control Officer.

(41) **"Reopening of the Permit to Operate"** means reconsideration of a permit to operate or modification of a permit to operate as provided in Rule 1410(o).

(42) **"Responsible Official"** means, for each source required to have a permit, any one of the following:

- (i) For a corporation:
  - (A) corporation president,
  - (B) corporation secretary,
  - (C) corporation treasurer,
  - (D) corporation vice-president,
  - (E) any other person who performs policy or decision-making functions for the corporation similar to (A), (B), (C) or (D), or

(F) a duly authorized designated representative of any of the above persons if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(1) the facility employs more than 250 persons or has gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(2) the delegation of authority to such representatives is approved in advance by the permitting authority.

(ii) For a partnership or sole proprietorship:

(A) a general partner, or

(B) the proprietor, respectively.

(iii) For a municipality, state, federal, or other public agency:

(A) the principal executive officer, or

(B) a ranking elected official.

For the purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the federal EPA).

(iv) For affected sources (Acid Rain):

(A) the designated representative for purposes of actions, standards, requirements, or prohibitions under Title IV of the federal Clean Air Act or regulations promulgated thereunder, as they exist on January 18, 1994; and

(B) the designated representative for any other purposes under these rules and regulations or 40 CFR Part 70 as it exists on January 18, 1994.

(43) **"Section 502(b)(10) Change"** means a change, pursuant to Section 502(b)(10) of the federal Clean Air Act, that contravenes the express terms and conditions of a permit to operate, but which does not violate any applicable requirement or a federally-enforceable permit term establishing monitoring, recordkeeping, reporting or compliance certification requirements.

(44) **"Significant Permit Modification"** means any modification to a permit issued pursuant to this regulation that is not an administrative amendment or a minor modification, or any modification to such permit which:

(i) Causes a violation of any applicable requirement; or



(ii) Involves significant change in existing monitoring permit terms or conditions or relaxation to monitoring, recordkeeping, or reporting requirements; or

(iii) Requires the establishment of, or requires a change in, an existing federally-mandated source-specific emission limitation or standard (e.g., a case-by-case determination of control requirements for federal hazardous air pollutants under Section 112 of the federal Clean Air Act), or a federally-mandated source-specific determination for temporary sources of ambient impacts on air quality, or a visibility or air quality increment analysis; or

(iv) Changes permit terms and conditions (e.g., a voluntary emissions cap) for which there is no applicable requirement(s), but which terms and conditions the source accepted in order to qualify as exempt from an otherwise applicable requirement; or

(v) Is a "modification" under any provision of Title I of the federal Clean Air Act, or results in an emissions increase that would trigger federally-mandated new source review; or

(vi) Is a change involving a federal hazardous air pollutant that is subject to review and required to install Maximum Available Control Technology (MACT) under Section 112(g) of the federal Clean Air Act.

Any relaxation of monitoring, reporting or recordkeeping requirements at a source required to have a permit to operate (e.g., a change from daily to monthly recordkeeping) shall be a significant modification.

(45) **"Source"** means any emission unit; any combination of emission units; any owner or operator of an emission unit, combination of emission units, or stationary source; or any applicant for a permit to operate for any emission unit, or combination of emission units.

(46) **"Stationary Source"** means an emission unit, or aggregation of emission units which are located on the same or contiguous properties and which units are under common ownership or entitlement to use. Stationary sources also include those emission units or aggregation of emission units located in the California Coastal Waters.

(47) **"Volatile Organic Compound (VOC)"** means any volatile compound containing at least one atom of carbon excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, and exempt compounds.

(d) **REQUIREMENT FOR AUTHORITY TO CONSTRUCT . . .**

2. Proposed amendments to Rule 1410 (h) and (i) are to read as follows:

**RULE 1410. PERMITS REQUIRED**

- (a) **APPLICATION SHIELD . . .**
- (b) **PERMIT TO OPERATE . . .**
- (c) **POSTING OF PERMIT TO OPERATE . . .**
- (d) **ALTERATION OF PERMIT . . .**
- (e) **RESERVED**
- (f) **EXISTING REQUIREMENTS . . .**
- (g) **CONTROL EQUIPMENT**
- (h) **RENEWAL OF PERMITS TO OPERATE**

A permit to operate issued under this regulation shall have a life of five years from the date of issuance. Permits to operate shall be renewed upon approval of the Air Pollution Control Officer in accordance with the procedures in this rule every five years on a staggered schedule to be determined by the Air Pollution Control Officer.

In addition to this five year renewal the permit to operate will be subject to annual review in accordance with Rule 10(h) of these Rules and Regulations.

An application for renewal of a permit to operate issued must be submitted at least 12 months, but not more than 18 months, prior to permit expiration, on forms prescribed by the Air Pollution Control Officer. The application and any necessary certification of compliance must be submitted by a responsible official of the source.

Permits to operate may be renewed only upon:

- (1) Submission of a complete application for permit, including required statements and certifications, as set forth in Rule 1414.
- (2) Payment of appropriate renewal fees as prescribed in Rule 40.
- (3) Annual submittal of a supplemental statement certified by a responsible official setting out the status of the source with respect to past and current compliance with substantive requirements of the existing permit to operate, as evidenced by monitoring or other compliance reports (including progress reports if any are required under an applicable schedule of compliance).

(4) Determination by the Air Pollution Control Officer that the source can be operated in compliance with the terms and conditions of the proposed renewed permit to operate, taking into account any compliance schedule that will be a part of that permit.

(5) Completion of a 30-day public comment period and a 45-day review period for affected states and the federal EPA.

(6) There being no objection to the renewal of the permit from the Administrator of the federal EPA. If the Administrator objects within the 45-day period, a permit shall not be renewed until the Administrator has withdrawn the objection.

**(i) ADMINISTRATIVE PERMIT AMENDMENTS**

Administrative permit amendments are changes that can be made to a permit which has been granted pursuant to this regulation as follows:

(1) Address changes that do not result in physical relocation of equipment.

(2) Correction of typographical errors and updates to information such as phone numbers.

(3) Incorporation of Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permits issued through an Authority to Construct pursuant to federal EPA approved new source review and prevention of significant deterioration rules, provided that such Authority to Construct has been issued in accordance with the provisions of Section (q) of this rule.

(4) Any emission unit that is the subject of a permit to operate and which is transferred from one person to another shall not be operated until application is made to the Air Pollution Control Officer for a revised permit and such permit is issued unless a temporary authorization pursuant to Rule 1410(b)(2) has been issued to the new owner or operator. Such revisions shall be administrative permit amendments. The revision shall specify a date for the transfer of permit responsibility, coverage and liability between the prior and the new permittee. If such transfer is accompanied by modification of the emission unit, which modification is not exempt under this regulation, an application for permit modification shall be required.

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

(5) A change to require more frequent monitoring or reporting by the permittee;

(6) Revisions to conditions identified as District-only enforceable requirements.

Administrative permit amendments will be recorded by the Air Pollution Control Officer upon request from the applicant for such amendment, are not subject to any notice requirements of this regulation unless otherwise specified in this Section, and may be

implemented by the applicant upon filing of the application with the Air Pollution Control Officer. The Air Pollution Control Officer shall provide the federal EPA with a copy of each approved revised permit.

Administrative permit amendments shall be reflected in the next application to renew the affected permit to operate.

- (j) **MINOR PERMIT MODIFICATIONS . . .**
- (k) **SIGNIFICANT PERMIT MODIFICATION . . .**
- (l) **OPERATIONAL FLEXIBILITY: SECTION 502(b)(10) CHANGES . . .**
- (m) **OPERATIONAL FLEXIBILITY: TRADING UNDER AN EMISSIONS CAP . . .**
- (n) **OPERATIONAL FLEXIBILITY: ALTERNATIVE OPERATING SCENARIOS . . .**
- (o) **REOPENING OF A PERMIT TO OPERATE . . .**
- (p) **PERMIT SHIELD . . .**
- (q) **ENHANCED PROCEDURES FOR AUTHORITIES TO CONSTRUCT . . .**

3. Proposed amendments to Rule 1415 (a) and (h) are to read as follows:

**RULE 1415. PERMIT PROCESS-PUBLIC NOTIFICATION**

**(a) PUBLIC NOTICE**

At least 45 days prior to issuance of a five year initial permit to operate subject to this regulation, a revised permit resulting from an application for significant modification or renewal of such a permit, the Air Pollution Control Officer shall publicly notice and make available a draft of the proposed permit for public and affected state review and comment as follows:

(1) Publication in a newspaper of general circulation of a notice of intent to issue a permit to operate.

(2) Notification to all persons requesting to be included in a mailing list for purposes of notification of all permit actions.

(3) By other means if determined necessary by the Air Pollution Control Officer to assure adequate notice to the affected public.

(4) Availability of a copy of the draft permit for public review at the Air Pollution Control District offices.

**(b) PUBLIC HEARINGS . . .**

**(c) NOTICE TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA) . . .**

**(d) CONTENTS OF PUBLIC NOTICE . . .**

**(e) COORDINATED PROCESSING OF RELATED PERMITS . . .**

**(f) EXCEPTIONS . . .**

**(g) NEW APPLICATION LISTS . . .**

**(h) CONSIDERATION OF COMMENTS**

Comments that are relevant to the permit review and areas appropriate for public comment identified pursuant to Subsection (d)(8) of this rule shall be considered and responded to by the District in the review of an application for permit.

The Air Pollution Control Officer shall provide a written response, including reasons for not accepting comments and recommendations for a proposed permit, to persons or agencies that submitted written comments which are postmarked or otherwise submitted by the close of the public notice and comment period. All written comments and responses to such comments shall be kept on file at the District office and made available upon request.

- (i) **COPIES OF PERMIT ACTION . . .**
- (j) **PUBLIC INSPECTION . . .**
- (k) **TRADE SECRETS . . .**
- (l) **ACTION ON APPLICATIONS . . .**
- (m) **TRANSMITTAL OF PERMIT DOCUMENTS TO THE FEDERAL EPA . . .**

4. Proposed amendments to Appendix A are read as follows:

#### **APPENDIX A INSIGNIFICANT UNITS**

This listing is of equipment determined to be insignificant units under this regulation due to the relatively low potential to emit. An insignificant unit shall not include any unit subject to an applicable requirement other than District Rules 50 and 51.

(a) Any engines mounted on, within or incorporated into any vehicle, train, ship, boat or barge, that are used exclusively to provide propulsion, supply heat or electrical energy to that same vehicle, train, ship, boat, or barge, or that are used exclusively to load or unload cargo. Sand, rock, silt, soil or other materials which come from the bottom of a body of water shall not be considered cargo. This exemption is not intended to apply to equipment used for the dredging of waterways, to floating dry docks, or to equipment used in pile driving adjacent to or in waterways.

(b) Equipment utilized exclusively in connection with any structure, which is designed for and used exclusively as a dwelling for not more than four families.

(c) Air pollution control equipment associated with any article, machine, equipment, process or contrivance not required to have a permit to operate.

(d) The following equipment:

(i) Motor vehicle engines, pile drivers (except for Diesel pile driving hammers), and construction cranes that are routinely dismantled and transported to non-contiguous locations for temporary use;

(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 50 brake horsepower or less;

(iii) Stationary and portable internal combustion engines with a brake horsepower output rating of 50 or less;

(iv) Any stationary gas turbine with a power rating of less than 0.3 megawatt (MW);

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

(2) Water cooling towers and water cooling ponds with a capacity less than 10,000 gallons per minute not used for evaporative cooling of process water or not used



for evaporative cooling of water, contaminated water or industrial waste water from barometric jets or from barometric condensers.

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

(4) Fuel-burning equipment as described below:

(i) Fuel-burning equipment, except internal combustion engines, with a maximum gross heat input rate of less than one million British Thermal Units (Btu's) ( $0.252 \times 10^6$  Kcal) per hour when not part of a process, process line, line, equipment, article, machine or other contrivance for which a permit to operate is required by these Rules and Regulations.

(ii) Fuel burning equipment, except steam boilers, process heaters, steam generators, and internal combustion engines, with a maximum gross heat input of less than 20 million Btu's per hour, and fired exclusively with natural gas, liquefied petroleum gas or a combination of natural gas and liquefied petroleum gas.

(iii) Steam boilers, process heaters, and steam generators with a maximum gross heat input of less than five million Btu's per hour.

(5) Extrusion equipment used exclusively for metals, minerals, or plastic except coking extrusion equipment or processes which manufacture products containing greater than one percent asbestos fiber by weight.

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

(7) All printing or graphic arts presses located at a stationary source which emits a total of less than 15 pounds of volatile organic compounds, subject to Rule 67.16, on each day of operation.

(8) Inkjet and laser printing equipment.

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

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

(11) Any oven which is an integral part of a process that is an insignificant unit pursuant to this rule.

(12) Crucible-type or pot-type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.

(13) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 2500 cubic inches or less each, in which no sweating or distilling is conducted and from which



only non-ferrous metals except yellow brass, are poured or non-ferrous metals are held in a molten state.

- (14) Shell core and shell-mold manufacturing machines.
- (15) Molds used for the casting of metals.
- (16) Foundry sand mold forming equipment except those to which heat, sulfur dioxide or organic material is applied.
- (17) Shot peening cabinets where only steel shot is employed and no scale, rust, or old paint is being removed.
- (18) Die casting machines.
- (19) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
- (20) Metalizing guns, except electric arc spray guns, where the metal being sprayed is in wire form.
- (21) Brazing, welding equipment including arc welding equipment.
- (22) Hand soldering equipment and solder-screen processes. Solder-screen means those processes which use a process similar to silk-screening to apply solder and which subsequently undergo a reflow process other than a vapor phase solder reflow process.
- (23) Solder levelers, hydrosqueegees, wave solder machines, and drag solder machines which use less than an average of 10 pounds of any material containing VOCs per operating day each calendar month.
- (24) Equipment used exclusively for the sintering of glass or metals.
- (25) Equipment used exclusively for heating metals immediately prior to forging, pressing, rolling, or drawing.
- (26) Atmosphere generators and vacuum producing devices used in connection with metal heat treating processes.
- (27) Dry batch mixers of 0.5 cubic yards (0.38 cubic meters) rated working capacity or less. Dry batch means material is added in a dry form prior to the introduction of a subsequent liquid fraction or when no liquid fraction is added.
- (28) Batch mixers (wet) of 1 cubic yard (0.765 cubic meter) capacity or less where no organic solvents, diluents or thinners are used.

- (29) Equipment used exclusively for the packaging of lubricants or greases.
- (30) Portable conveyors (belt or screw type) where there is no screening.
- (31) Fire extinguishing equipment using halons with a charge of less than 50 pounds of a Class I or Class II ozone depleting compound.
- (32) Equipment used exclusively for the purposes of flash-over fire fighting training, or hand-held fire extinguisher training operations.
- (33) Roofing kettles (used to heat asphalt) with a capacity of 85 gallons (322 liters) or less.
- (34) Abrasive blasting equipment with a manufacturer's-rated sand capacity of less than 100 pounds (45.4 kg) or 1 cubic foot or less.
- (35) Abrasive blast cabinets which vent through control devices and into the buildings in which such cabinets are located.
- (36) Blast cleaning equipment using a suspension of abrasive in water.
- (37) Equipment used for buffing or polishing, carving, cutting, drilling, machining, routing, shearing, sanding, sawing, surface grinding, or turning of: ceramic artwork, ceramic precision parts, leather, metals, rubber, fiberboard, masonry, or non-fiberglass reinforced plastic.
- (38) Wet-jet devices used to cut fiberglass reinforced plastic.
- (39) Handheld equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of fiber reinforced plastic, when not used at a designated workstation, booth or room.
- (40) Equipment used for carving, cutting, drilling, surface grinding, planning, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.
- (41) Paper shredders and paper disintegrators which have a capacity of 600 pounds per hour or less, and the associated conveying systems and baling equipment.
- (42) Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.
- (43) Equipment used exclusively to grind, blend or package tea, cocoa, spices, dried flowers, or roasted coffee.
- (44) Equipment, other than boilers, located at eating establishments which is used exclusively for preparing food for human consumption at the same establishment.

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

(46) Equipment used exclusively for surface preparation and cleaning if the volatile organic compound content of the aqueous material does not exceed 10 percent by weight. Chromate conversion coating processes are not insignificant units.

(47) Laboratory testing equipment and quality control testing equipment, used exclusively for chemical and physical analysis. Vacuum-producing devices used in laboratory operations and hoods, stacks or ventilators.

(48) 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 product which is produced using research and development equipment and which is delivered to a potential intra-company or external customer for approval, and provided that emissions from all such operations at a source are less than 15 pounds per day.

(49) Equipment used to manufacture:

(i) bio-technology pharmaceutical products for exclusive use in federal Food and Drug Administration (FDA) approved clinical trials, or

(ii) bio-medical devices and diagnostic kits for exclusive use in FDA approved clinical trials and laboratory failure analysis testing, or

(iii) bio-agricultural 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, provided the uncontrolled emissions of VOCs from all such operations located at the stationary source do not exceed five tons per calendar year.

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

(51) Titanium chemical milling at temperatures below 110°F (43°C).

(52) Orchard or citrus grove heaters.

(53) Non-immersion dry cleaning equipment.

(54) Alkaline chemical milling equipment for which construction or installation commenced prior to March 27, 1990, or alkaline chemical milling equipment used exclusively for the cleaning of internal combustion engine parts.

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

(56) Oil quenching tanks which use less than 20 gallons per year of make-up oil.

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

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

(59) Ovens having an internal volume of 27 cubic feet (0.765 cubic meter) or less in which organic solvents or materials containing organic solvents are charged.

(60) Equipment used for compression molding and injection molding of plastics.

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

(i) with a liquid surface area of 1.0 square foot (0.09 square meter) or less,  
or

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

(62) Equipment used for powder coating operations, except metalizing gun operations, where surface preparation or cleaning solvent usage is less than one-half gallon each day.

(e) Stationary storage tanks (excluding tanks subject to Rule 61.9) for the storage of organic compounds, as follows:

(1) With a capacity of 250 gallons (946 liters) or less.

(2) With a capacity greater than 250 gallons (946 liters) provided that such containers, reservoirs or tanks will be used exclusively to store organic compounds that are not volatile organic compounds as defined in Rule 61.0.

(3) Used exclusively for the storage of organic solvents which are liquids at standard conditions and which are to be used as dissolvers, viscosity reducers, reactants, extractants, cleaning agents or thinners and not used as fuels provided that emissions from all such operations at a source are less than 15 pounds per day.

(4) For the storage of natural gas or propane when not mixed with other volatile organic compounds as defined in Rule 61.0.

(5) Used exclusively as a source of fuel for wind machines used for agricultural purposes.

(6) Pressurized tanks used to store inorganic or halogenated organic gases and associated equipment used exclusively to transfer materials into such tanks provided such tanks contain less than 50 pounds of a Class I or II ozone depleting compound.

(f) The following equipment:

(1) Mobile transport tanks or delivery tanks or cargo tanks on vehicles used for the delivery of volatile organic compounds, except asphalt tankers used to transport and transfer hot asphalt used for roofing applications.

(2) 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.

(3) 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.

(g) Application equipment for architectural surface coatings as defined in Rule 67.0.

(h) Liquid surface coating or adhesive application operations:

(1) Conducted within an application station (portable or stationary) where not more than 20 gallons per year of material containing organic compounds are applied;

(2) Exclusively using materials with a VOC content of less than 20 grams per liter, less water and exempt solvents, and 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;

(3) Using non-refillable aerosol spray cans for application of coatings;

(4) Conducted outside defined coating areas for the purpose of touch-up or maintenance of equipment;

(5) Using hand-held brushes for application of a primer coating from containers of eight (8) ounces (236.6 milliliters) or less in size to fasteners to be installed on aerospace component parts;

(6) Using air brushes with a coating capacity of two (2) ounces (59.1 milliliters) or less for the application of a stencil coating;

(7) Conducted in primary or secondary schools for instruction; or

(8) Hot melt adhesive application equipment provided emissions from all such operations at a source are less than 15 pounds per day.

(i) The following uncontrolled equipment or processes using materials containing volatile organic compounds when the emissions of organic compounds from the equipment or process do not exceed five pounds in any one day:

- (1) Foam manufacturing or application.
- (2) Reinforced plastic fabrication using resins such as epoxy and/or polyester.
- (3) Plastics manufacturing or fabrication.
- (4) Cold solvent degreasers used exclusively for educational purpose.
- (5) Golf grip application stations which exclusively use liquid materials with an initial boiling point of 450°F (232°C), or greater.
- (6) Batch-type waste-solvent recovery stills with batch capacity of 7.5 gallons or less for onsite 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.
- (7) Peptide and DNA synthesis operations.
- (8) Equipment used for washing or drying articles fabricated from metal, cloth, fabric or glass, provided that no organic solvent is employed in the process and that no oil or solid fuel is burned and none of the products being cleaned has residues of organic solvent.
- (9) Hot wire cutting of expanded polystyrene foam.

The exemptions in this section shall not apply to equipment required to obtain a permit for emissions of air contaminants other than organic compounds.

- (j) Vacuum cleaning systems used exclusively for housekeeping purposes.
- (k) Back-pack power blowers.
- (l) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.
- (m) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.
- (n) Any article, machine, equipment, or contrivance other than an incinerator or boiler, the discharge from which contains airborne radioactive materials and which is emitted into the atmosphere in concentrations above the natural radioactive background concentration in air. "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, smoke, mists, liquids, vapors or gases. This exemption from the requirement to



have a permit shall not include any emission unit subject to the provisions of Section 112 of the federal Clean Air Act or any implementing regulations promulgated by the federal EPA.

(o) The following equipment:

- (1) Equipment used for hydraulic or hydrostatic testing.
- (2) Equipment used exclusively for the dying or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.
- (3) Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in a paste form and no organic solvents, diluents or thinners are used.
- (4) Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.
- (5) Equipment used for inspection of metal products except metal inspection tanks utilizing a suspension of magnetic or fluorescent dye particles in volatile organic solvent which have a liquid surface area greater than 5 ft<sup>2</sup> and are equipped with spray type flow or a means of solvent agitation.
- (6) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.
- (7) Equipment used exclusively for conveying and storing plastic pellets.
- (8) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.
- (9) Any coating and/or ink manufacturing operations located at a stationary source, which emit less than an average of 15 pounds of VOCs 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 five years and be made available to the District upon request.
- (10) Curing or baking ovens in which no organic solvents or materials containing organic solvents are charged.
- (11) Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.
- (12) 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 VOCs per operating

day for each calendar month from all phases of all such operations located at a single stationary source.

(13) Roll mills or calendars for rubber or plastics and no organic solvents, diluents or thinners are used.

(14) Vacuum-producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 11.

(15) Natural draft hoods, natural draft stacks or natural draft ventilators.

(16) Natural gas-fired or liquefied petroleum gas-fired or electrically heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

(17) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(18) Refrigeration units except those used as, or in conjunction with, air pollution control equipment with a charge of less than 50 pounds of a Class I or II ozone depleting compound.

(19) Equipment used exclusively for space heating, other than boilers.

(20) Equipment used exclusively for bonding lining to brake shoes.

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

(22) Equipment used exclusively to compress or hold dry natural gas.

(23) Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.

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

(25) 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.

(26) 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.

(27) Nail salon operations.



(28) 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.

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

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

(ii) 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.

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

(31) Equipment used to brew beer at breweries that produce less than one million gallons of beer per year excluding boilers.

(32) Solvent wipe cleaning operations, not associated with a significant unit, using a container applicator 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 located at a facility where the uncontrolled emissions of VOCs from all such operations 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. Total purchase of solvents containing a single HAP shall not exceed 350 gallons per calendar year.

(33) Equipment approved for use by the EPA for recovering and/or recycling chlorofluorocarbons (CFCs) or alternative fluorocarbons provided such equipment is charged with less than 50 pounds of a Class I or II ozone depleting compound.

(34) The following registered equipment:

(i) Internal combustion emergency standby engines installed and operated before November 15, 2000. An emergency standby engine is an engine used exclusively in emergency situations to drive an electrical generator, an air compressor or a water pump, except for operations up to 52 hour per calendar year for non-emergency purposes.

(ii) Stationary internal combustion engines rated at 200 brake horsepower or less installed and operated before November 15, 2000 which operate less than 200 hours per calendar year.

(iii) Asphalt roofing kettles and asphalt roofing day tankers.

(iv) Rock drills. This does not include any associated power units.

(35) Ceramic deposition spray guns where all the material being sprayed contains no chromium, lead, or nickel.

(36) Military tactical support equipment.

**IT IS FURTHER RESOLVED AND ORDERED** that the subject amendments to Rules 1401, 1410, 1415, and Appendix A of Regulation XIV, shall take effect and be in force 30 days after approval by the U.S. Environmental Protection Agency, as published in the Federal Register.

ADMINISTRATIVE AND LEGALITY  
COUNCIL  
BY *W. Dutton*  
SENIOR DEPUTY

PASSED AND ADOPTED by the Members of the Air Pollution Control Board of San Diego County, State of California, this 23<sup>RD</sup> day of May, 2001, by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn

NOES: None

ABSENT: None

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 San Diego County  
Air Pollution Control Board

By   
Lorena Monteleone, Deputy



**SAN DIEGO AIR POLLUTION CONTROL DISTRICT**

**PROPOSED AMENDMENTS TO RULES 1401, 1410, 1415,  
AND APPENDIX A OF REGULATION XIV**

**CHANGE COPY**

1. Proposed amendments to Rule 1401 Section (c) are to read as follows:

**RULE 1401. GENERAL PROVISIONS**

(a) **APPLICABILITY . . . .**

(b) **EXEMPTIONS . . . .**

(c) **DEFINITIONS**

For purposes of Regulation XIV, the following definitions shall apply.

(1) **"Abrasive Blast Cabinet"** means an enclosure used to contain abrasive media and which can only be entered through ports for gloved arms and hands when abrasive blasting is conducted.

(2) **"Actual Annual Emissions"** means emissions from any stationary source established according to information gathered by means of annual emission inventory and confirmed accurate by the Air Pollution Control Officer.

(3) **"Administrative Permit Amendment"** means changes to the terms and conditions of a permit, which have been approved pursuant to this regulation. [See Rule 1410(i)]

(4) **"Affected Source (Acid Rain)"** means any emission unit that is subject to emission reduction requirements or limitations under Title IV of the federal Clean Air Act as amended in 1990.

(5) **"Affected State" means any state that:**

(i) is contiguous with California and whose air quality may be affected by a permit action, or

(ii) is within 50 miles of the source for which a permit action is being proposed.

For purposes of this rule, affected state includes any federally recognized eligible Indian tribe.

(56) **"Aggrieved Person"** means any person, including a person or group representing the interest of the public in air quality, who alleges that the issuance of a Permit to Operate will infringe upon or deny such person's legal rights or the legal rights of the general public in respect to air quality.

(67) **"Air Contaminant(s)"** means any substance discharged, released, or otherwise propagated into the atmosphere and includes, but is not limited to, any combination of the following: volatile organic compounds, exempt compounds, oxides of nitrogen, particulate matter, gaseous sulfur compounds, carbon monoxide, smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, and federal hazardous air pollutant, including hazardous air pollutants identified in Section 112 of the federal Clean Air Act. Also included are Class I and Class II ozone depleting substances under Title VI of the federal Clean Air Act, any pollutant for which a national ambient air quality standard has been promulgated, and any substance subject to a standard promulgated under Sections 111 or 112 of the federal Clean Air Act.

(78) **"Alternative Operating Scenario"** means each coordinated set of alternative operational parameters and permit conditions proposed by an operator in a permit application and approved and implemented pursuant to this regulation.

(89) **"Appeared, Submitted Written Testimony, or Otherwise Participated"** means communicated specific substantive or procedural air pollution issues to the Air Pollution Control District (District) staff members who were responsible for permit to operate issuance, communicated with the Air Pollution Control Officer or his designee in the context of a formal public participation process, or testified before the Hearing Board in a formal proceeding. The term does not include mere expression of general interest or concern or oral communication outside of a formal public forum, whether by telephone or otherwise, with District staff members who were not directly responsible for issuance of the permit to operate. A party may show that it has otherwise participated in a matter by contemporaneous written documentation, or by declaration under oath.

(910) **"Applicable Requirements"** means:

(i) all federally enforceable requirements applicable to a stationary source prior to issuance of a permit to operate; and

(ii) any new federally enforceable requirements that become effective during the term of a permit.

(1011) **"Application Shield"** means the protection from enforcement of the requirement to have a permit provided pursuant to Rule 1410(a).

(1112) **"Architectural Surface Coating"** means any coating applied to stationary structures and their appurtenances coated onsite or in close proximity to the intended installed location, to mobile homes, to pavement, or to curbs.

(1413) **"Complete Application"** means an application for which the applicant has provided all information required under Rule 1414(f) or an application deemed to be complete pursuant to Rule 1414(i)

(1414) **"Contiguous Property"** means two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public or private right-of-way. Non-adjoining parcels of land separated solely by bodies of water designated "navigable" by the U. S. Coast Guard shall not be considered contiguous properties.

(1415) **"Emission Unit"** means any non-vehicular article, machine, equipment, contrivance, process or process line, which emit(s) or reduce(s) or may emit or reduce the emission of any air contaminant.

(1416) **"Exempt Compound"** means, with regard to the definition of volatile organic compounds, any of the following:

- Chlorodifluoromethane (HCFC-22)
- Dichlorotrifluoroethane (HCFC-123)
- 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
- Pentafluoroethane (HFC-125)
- 1,1,2,2-tetrafluoroethane (HFC-134)
- Tetrafluoroethane (HFC-134a)
- Dichlorofluoroethane (HCFC-141b)
- Chlorodifluoroethane (HCFC-142b)
- 1,1,1-trifluoroethane (HFC-143a)
- 1,1-difluoroethane (HFC-152a)
- Cyclic, branched, or linear, completely fluorinated alkanes
- Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations
- Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations
- Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
- Methylene chloride
- 1,1,1-trichloroethane
- Trifluoromethane (HFC-23)
- Trichlorofluoromethane (CFC-11)
- Dichlorodifluoromethane (CFC-12)
- Trichlorotrifluoroethane (CFC-113)
- Dichlorotetrafluoroethane (CFC-114)
- Chloropentafluoroethane (CFC-115)
- Any other compound(s) listed as negligibly reactive by the U.S. Environmental Protection Agency.

(1417) **"Federal Hazardous Air Pollutant"** means any air pollutant which is listed pursuant to Section 112 of the federal Clean Air Act.



(1718) **"Federal Non-Attainment Pollutant"** means any air pollutant for which San Diego County, or portion thereof, has been classified as exceeding a national ambient air quality standard (NAAQS) by the federal EPA.

(1819) **"Federally Enforceable Requirement"** for purposes of this regulation, means all of the following as they apply to emission units at a stationary source. Requirements that have been promulgated or approved by the federal EPA through rule making at the time a permit to operate is issued, but which have future effective compliance dates, are federally enforceable requirements if listed below:

(i) Any standard or other requirement provided for in the State Implementation Plan (SIP), including any revisions approved or promulgated by the federal EPA through rule making under Title I of the federal Clean Air Act.

(ii) Any term or condition of an Authority to Construct issued pursuant to these rules and regulations which term or condition is imposed pursuant to any federally mandated new source review (NSR) or prevention of significant deterioration (PSD) regulation.

(iii) Any standard or other requirement under Sections 111 or 112 of the federal Clean Air Act.

(iv) Any standard or other requirement of the Acid Rain Program under Title IV of the federal Clean Air Act or the regulations promulgated thereunder.

(v) Any requirements established pursuant to Section 504(b) or Section 114(a)(3) of the federal Clean Air Act (enhanced monitoring and compliance certifications).

(vi) Any standard or other requirement governing solid waste incineration under Section 129 of the federal Clean Air Act.

(vii) Any standard or other requirement for consumer and commercial products under Section 183(e) of the federal Clean Air Act.

(viii) Any standard or other requirement for tank vessels under Section 183(f) of the federal Clean Air Act.

(ix) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under Section 328 of the federal Clean Air Act.

(x) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under of the federal Clean Air Act unless the Administrator of the federal EPA has determined that such requirements need not be contained in a permit to operate.

(xi) Any national ambient air quality standard or air quality increment or visibility requirement under Part C of Title I of the federal Clean Air Act, but only as it would apply to temporary sources permitted pursuant to Section 504(e) of the federal Clean Air Act.

(1920) **"Federally Mandated New Source Review (NSR)"** means new source review that would be required ~~using emission thresholds specified in federal law or in~~ by the approved State Implementation Plan (SIP) or any requirements submitted for inclusion in the SIP, and does not include new source review that is required solely as a result of state law or local requirements ~~these Rules and Regulations~~. *NOTE: still being resolved with EPA.*

(2021) **"Final Permit Action"** means a decision by the Air Pollution Control Officer to grant, deny or cancel an application for a permit to operate, modification or renewal; solely for purposes of seeking judicial review, a failure by the Air Pollution Control Officer to take action on an application within the time periods specified in this regulation; a decision by the Hearing Board altering a permit action by the District; or a decision by the federal EPA to veto a permit, or to modify, terminate or revoke a permit or to issue a permit that differs from the permit proposed for issuance by the Air Pollution Control Officer.

(2122) **"Fugitive Emissions"** means those quantifiable non-vehicular emissions which could not reasonably pass through a stack, chimney, flue, vent, or other functionally equivalent opening.

(2223) **"Hearing Board"** means the Hearing Board of the Air Pollution Control District of San Diego County as authorized by the California Health and Safety Code.

(2324) **"In-Scope Permit Actions"** means actions not inconsistent with applicable permit conditions, including alternative conditions under any approved alternative operating scenario during the period for which the operator has designated that scenario as applicable.

(2425) **"Insignificant Unit"** means any of the equipment as specified in Rule 1411 and listed in Appendix A of this regulation. An insignificant unit shall not include any unit subject to an applicable requirement other than District Rules 50 and 51.

(2526) **"Major Stationary Source"** means any stationary source which emits or has the potential to emit one or more air contaminants in amounts equal to or greater than any of the following emission rates:

- (i) 50 tons per year of volatile organic compounds or oxides of nitrogen.
- (ii) 10 tons per year of any federal hazardous air pollutant.



(iii) 25 tons per year of any combination of federal hazardous air pollutants.

(iv) 100 tons per year or more of any regulated air pollutant (including any fugitive emission of any such pollutant, as determined by rule by the Administrator of the federal EPA). The fugitive emissions from the stationary source shall not be considered unless the stationary source belongs to one of the following categories of sources:

- |   |   |
|---|---|
| 1. All other stationary source categories regulated by a standard promulgated under Section 112 of the federal Clean Air Act, but only with respect to those air pollutants that have been regulated for that category. |   |
| 2. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units (Btu) per hour heat input  |   |
| 3. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input   |   |
| 4. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels   |   |
| 5. Municipal incinerators capable of charging more than 250 tons of refuse per day  |   |
| 6. Coal cleaning plants (with thermal dryers)   | 17. Coke oven batteries                   |
| 7. Kraft pulp mills   | 18. Sulfur recovery plants                |
| 8. Portland cement plants   | 19. Carbon black plants (furnace process) |
| 9. Primary zinc smelters  | 20. Primary lead smelters                 |
| 10. Iron and steel mills  | 21. Fuel conversion plants                |
| 11. Primary aluminum ore reduction plants   | 22. Sintering plants                      |
| 12. Primary copper smelters   | 23. Secondary metal production plants     |
| 13. Hydrofluoric, sulfuric, or nitric acid plants   | 24. Chemical process plants               |
| 14. Petroleum refineries  | 25. Taconite ore processing plants        |
| 15. Lime plants   | 26. Glass fiber processing plants         |
| 16. Phosphate rock processing plants  | 27. Charcoal production plants            |

- ~~(A) coal cleaning plants (with thermal dryers);~~  
~~(B) kraft pulp mills;~~  
~~(C) portland cement plants;~~  
~~(D) primary zinc smelters;~~  
~~(E) iron and steel mills;~~  
~~(F) primary aluminum ore reduction plants;~~  
~~(G) primary copper smelters;~~  
~~(H) municipal incinerators capable of charging more than 250 tons of refuse per day;~~  
~~(I) hydrofluoric, sulfuric, or nitric acid plants;~~  
~~(J) petroleum refineries;~~  
~~(K) lime plants;~~  
~~(L) phosphate rock processing plants;~~  
~~(M) coke oven batteries;~~  
~~(N) sulfur recovery plants;~~  
~~(O) carbon black plants (furnace process);~~  
~~(P) primary lead smelters;~~  
~~(Q) fuel conversion plants;~~

~~(R) sintering plants;~~  
~~(S) secondary metal production plants;~~  
~~(T) chemical process plants;~~  
~~(U) fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units (Btu) per hour heat input;~~  
~~(V) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;~~  
~~(W) taconite ore processing plants;~~  
~~(X) glass fiber processing plants;~~  
~~(Y) charcoal production plants;~~  
~~(Z) fossil fuel fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input; or~~  
~~(AA) all other stationary source categories regulated by a standard promulgated under Section 112 of the federal Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.~~

**(2627) "Minor Permit Modification"** means any modification to a permit issued pursuant to this regulation that would not trigger federally mandated new source review. A permit modification shall not qualify as minor if the permit modification:

- (i) Causes a violation of any applicable requirement;
- (ii) Involves significant relaxation to monitoring, recordkeeping, or reporting requirements;
- (iii) Requires the establishment of, or requires a change in an existing federally mandated source-specific emission limitation or standard (e.g., a case-by-case determination of control requirements for federal hazardous air pollutants under Section 112 of the federal Clean Air Act), or a federally mandated source-specific determination for temporary sources of ambient impacts on air quality, or a visibility or air quality increment analysis;
- (iv) Changes permit terms and conditions (e.g., a voluntary emissions cap) for which there is no applicable requirement(s), but which terms and conditions the source accepted in order to qualify as exempt from an otherwise applicable requirement;
- (v) Is a "modification" under any provision of Title I of the federal Clean Air Act, or results in an emissions increase that would trigger federally mandated new source review; or
- (vi) Is a change involving a federal hazardous air pollutant that is subject to review and required to install Maximum Achievable Control Technology (MACT) under Section 112(g) of the federal Clean Air Act.

(2728) **"Modification"** means any physical or operational change in any emission unit, or the addition of an emission unit at a stationary source, which would result in increased emissions of any air contaminant currently emitted, or emissions of air contaminants not previously emitted, except:

(i) Identical replacement in whole or in part of any emission unit at a stationary source, where a permit to operate has previously been granted for such emission unit, is not a modification.

(ii) The addition of an insignificant unit or units is not a modification.

(iii) The following changes shall not be considered modifications provided that such changes are not contrary to any permit conditions intended to limit emissions, to any emission limit established in the permit or implied by a permit condition, or to any applicable requirement of these Rules and Regulations:

(A) an increase in production rate and/or an increase in hours of operation;

(B) use of an alternate raw material;

(C) use of an alternate production method that reduces the generation of or allows for the reuse or recycling of wastes;

(D) actions pursuant to a temporary authorization issued under Subsection (b)(2) of Rule 1410 are not modifications for so long as the temporary authorization is effective, or

(E) relocation of equipment, designated as portable on the permit to operate, from one stationary source to another.

For purposes of this regulation, a modification does not have the same meaning as a permit amendment or permit modification. A modification may, but does not necessarily, require a permit amendment or permit modification and a permit amendment or permit modification may be required even if the change does not qualify as a modification.

(2829) **"National Ambient Air Quality Standards (NAAQS)"** means maximum allowable ambient air concentrations for specified air contaminants and monitoring periods as established by the federal EPA.

(2930) **"Non-Vehicular"** as used in this regulation means the same as "non-vehicular sources" as defined in Section 39043 of the California Health and Safety Code.

(3031) **"Organic Compound"** means the same as volatile organic compound.

(3132) **"Organic Solvent"** means organic materials which are liquids at standard conditions and which are used as solvers, viscosity reducers, extractants, or cleaning agents, or are reactants or products in manufacturing processes except materials which exhibit an initial boiling point of 450°F (232°C) or higher at 760 mm Hg, unless these materials are exposed to temperatures exceeding 200°F (93.3°C).

(3233) **"Particulate Matter (PM<sub>10</sub>)"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns as measured by an applicable reference test method or methods found in Article 2, Subchapter 8, Title 17, of the California Code of Regulations Section 94100 et seq.

(3334) **"Permit to Operate"** means authorization to operate an emission unit or combination of emission units as specified and issued by the Air Pollution Control Officer on a form or forms prescribed by the Air Pollution Control Officer. Unless otherwise specified, the term permit to operate refers to permits issued pursuant to this regulation.

(3435) **"Permit"** means the same as permit to operate.

(3536) **"Permit Shield"** means the protection from enforcement of certain applicable requirements in the manner and to the extent provided in Rule 1410(p).

(3637) **"Potential to Emit"** means the capacity of a stationary source to emit air pollutants, based on its physical and operational design, taking into consideration any federally enforceable requirements applicable to the source. Potential to emit includes fugitive emissions, except to the extent such emissions are excluded under the definition of "major stationary source" in this regulation.

(3738) **"Quantifiable"** means that a reliable basis for calculating the amount, rate, nature and characteristics of an emission reduction can be established.

(3839) **"Regulated Air Pollutant"** means any of the following:

- (i) Oxides of nitrogen and volatile organic compounds.
- (ii) Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the federal Clean Air Act.
- (iii) Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the federal Clean Air Act.
- (iv) Any ozone-depleting compound specified as a Class I or Class II substance pursuant to Title VI of the federal Clean Air Act.
- (v) Any federal hazardous air pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the federal Clean Air Act.

(3940) **"Related Emission Units"** means emission units, where the operation of one emission unit is dependent upon, or affects the process or operation (which may include duration of operation) of another emission unit, as determined by the Air Pollution Control Officer.

(4041) **"Reopening of the Permit to Operate"** means reconsideration of a permit to operate or modification of a permit to operate as provided in Rule 1410(o).

(4142) **"Responsible Official"** means, for each source required to have a permit, any one of the following:

(i) For a corporation:

(A) corporation president,

(B) corporation secretary,

(C) corporation treasurer,

(D) corporation vice-president,

(E) any other person who performs policy or decision-making functions for the corporation similar to (A), (B), (C) or (D), or

(F) a duly authorized designated representative of any of the above persons if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(1) the facility employs more than 250 persons or has gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or

(2) the delegation of authority to such representatives is approved in advance by the permitting authority.

(ii) For a partnership or sole proprietorship:

(A) a general partner, or

(B) the proprietor, respectively.

(iii) For a municipality, state, federal, or other public agency:

(A) the principal executive officer, or

(B) a ranking elected official.

For the purposes of this paragraph, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the federal EPA).

(iv) For affected sources (Acid Rain):

(A) the designated representative for purposes of actions, standards, requirements, or prohibitions under Title IV of the federal Clean Air Act or regulations promulgated thereunder, as they exist on January 18, 1994; and

(B) the designated representative for any other purposes under these rules and regulations or 40 CFR Part 70 as it exists on January 18, 1994.

(4243) **"Section 502(b)(10) Change"** means a change, pursuant to Section 502(b)(10) of the federal Clean Air Act, that contravenes the express terms and conditions of a permit to operate, but which does not violate any applicable requirement or a federally enforceable permit term establishing monitoring, recordkeeping, reporting or compliance certification requirements.

(4344) **"Significant Permit Modification"** means any modification to a permit issued pursuant to this regulation that is not an administrative amendment or a minor modification, or any modification to such permit which:

(i) Causes a violation of any applicable requirement; or

(ii) Involves significant change in existing monitoring permit terms or conditions or relaxation to monitoring, recordkeeping, or reporting requirements; or

(iii) Requires the establishment of, or requires a change in, an existing federally mandated source-specific emission limitation or standard (e.g., a case-by-case determination of control requirements for federal hazardous air pollutants under Section 112 of the federal Clean Air Act), or a federally mandated source-specific determination for temporary sources of ambient impacts on air quality, or a visibility or air quality increment analysis; or

(iv) Changes permit terms and conditions (e.g., a voluntary emissions cap) for which there is no applicable requirement(s), but which terms and conditions the source accepted in order to qualify as exempt from an otherwise applicable requirement; or

(v) Is a "modification" under any provision of Title I of the federal Clean Air Act, or results in an emissions increase that would trigger federally mandated new source review; or

(vi) Is a change involving a federal hazardous air pollutant that is subject to review and required to install Maximum Available Control Technology (MACT) under Section 112(g) of the federal Clean Air Act.

Any relaxation of monitoring, reporting or recordkeeping requirements at a source required to have a permit to operate (e.g., a change from daily to monthly recordkeeping) shall be a significant modification.

(4445) **"Source"** means any emission unit; any combination of emission units; any owner or operator of an emission unit, combination of emission units, or stationary source; or any applicant for a permit to operate for any emission unit, or combination of emission units.

(4546) **"Stationary Source"** means an emission unit, or aggregation of emission units which are located on the same or contiguous properties and which units are under common ownership or entitlement to use. Stationary sources also include those emission units or aggregation of emission units located in the California Coastal Waters.

(4647) **"Volatile Organic Compound (VOC)"** means any volatile compound containing at least one atom of carbon excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, and exempt compounds.

(d) **REQUIREMENT FOR AUTHORITY TO CONSTRUCT . . . .**

2. Proposed amendments to Rule 1410 (h) and (i) are to read as follows:

**RULE 1410. PERMITS REQUIRED**

- (a) **APPLICATION SHIELD ...**
- (b) **PERMIT TO OPERATE ...**
- (c) **POSTING OF PERMIT TO OPERATE ...**
- (d) **ALTERATION OF PERMIT ...**
- (e) **RESERVED**
- (f) **EXISTING REQUIREMENTS ...**
- (g) **CONTROL EQUIPMENT**
- (h) **RENEWAL OF PERMITS TO OPERATE**

A permit to operate issued under this regulation shall have a life of five years from the date of issuance. Permits to operate shall be renewed upon approval of the Air Pollution Control Officer in accordance with the procedures in this rule every five years on a staggered schedule to be determined by the Air Pollution Control Officer.

In addition to this five year renewal the permit to operate will be subject to annual review in accordance with Rule 10(h) of these Rules and Regulations.

An application for renewal of a permit to operate issued must be submitted at least 12 months, but not more than 18 months, prior to permit expiration, on forms prescribed by the Air Pollution Control Officer. The application and any necessary certification of compliance must be submitted by a responsible official of the source.

Permits to operate may be renewed only upon:

- (1) Submission of a complete application for permit, including required statements and certifications, as set forth in Rule 1414.
- (2) Payment of appropriate renewal fees as prescribed in Rule 40.
- (3) Annual submittal of a supplemental statement certified by a responsible official setting out the status of the source with respect to past and current compliance with substantive requirements of the existing permit to operate, as evidenced by monitoring or other compliance reports (including progress reports if any are required under an applicable schedule of compliance).
- (4) Determination by the Air Pollution Control Officer that the source can be operated in compliance with the terms and conditions of the proposed renewed permit to operate, taking into account any compliance schedule that will be a part of that permit.



(5) Completion of a 30-day public comment period and a 45-day review period for affected states and the federal EPA.

(6) There being no objection to the renewal of the permit from the Administrator of the federal EPA. If the Administrator objects within the 45-day period, a permit shall not be renewed until the Administrator has withdrawn the objection.

(7) ~~Inactive Status. Any person who holds a permit to operate as required by Rule 1410(b) and who desires to not operate or rent any emission unit for at least one year after the expiration date of the permit, prior to the expiration date of the permit, may apply to the Air Pollution Control Officer for a permit indicating the equipment is to be maintained in an inactive status. A renewal permit in this case shall contain all of the terms and conditions of an active permit applicable under this regulation and shall also contain a condition prohibiting operation of the equipment and suspending the effect of other permit conditions. All such inactive status permits shall be renewable annually as well as every five years pursuant to this regulation.~~

~~The condition prohibiting operation of the equipment and suspending the effect of other permit conditions, shall be removed by the Air Pollution Control Officer, notwithstanding Rule 1421, upon receipt of an application and payment of the appropriate renewal fees pursuant to these Rules and Regulations. At the same time, the permit will be modified and conditions added, as appropriate, to reflect any new requirements that have become applicable to the emission unit as a result of changes in these Rules and Regulations during the period the unit was inactive. Operation of equipment on inactive status without prior authorization from the District shall constitute a violation of Rules 1410(b) and 1421. No changes shall be made to the emission unit without the source applying for and obtaining any necessary approval to change the unit pursuant to the permit modification procedures of this rule.~~

#### (i) ADMINISTRATIVE PERMIT AMENDMENTS

Administrative permit amendments are changes that can be made to a permit which has been granted pursuant to this regulation as follows: ~~without being subject to the requirements of Sections (j) and (k) of this rule. These shall include the following:~~

- (1) Address changes that do not result in physical relocation of equipment.
- (2) Correction of typographical errors and updates to information such as phone numbers.
- (3) Incorporation of Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permits issued through an Authority to Construct pursuant to federal EPA approved new source review and prevention of significant deterioration rules, provided that such Authority to Construct has been issued in accordance with the provisions of Section (q) of this rule.

(4) Any emission unit that is the subject of a permit to operate and which is transferred from one person to another shall not be operated until application is made to the Air Pollution Control Officer for a revised permit and such permit is issued unless a temporary authorization pursuant to Rule 1410(b)(2) has been issued to the new owner or operator. Such revisions shall be administrative permit amendments. The revision shall specify a date for the transfer of permit responsibility, coverage and liability between the prior and the new permittee. If such transfer is accompanied by modification of the emission unit, which modification is not exempt under this regulation, an application for permit modification shall be required.

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

(5) A change to require more frequent monitoring or reporting by the permittee;

(6) Revisions to conditions identified as District-only enforceable requirements.

Administrative permit amendments will be recorded by the Air Pollution Control Officer upon request from the applicant for such amendment, are not subject to any notice requirements of this regulation unless otherwise specified in this Section, and may be implemented by the applicant upon filing of the application with the Air Pollution Control Officer. The Air Pollution Control Officer shall provide the federal EPA with a copy of each approved revised permit.

Administrative permit amendments shall be reflected in the next application to renew the affected permit to operate.

(j) **MINOR PERMIT MODIFICATIONS ...**

(k) **SIGNIFICANT PERMIT MODIFICATION ...**

(l) **OPERATIONAL FLEXIBILITY: SECTION 502(b)(10) CHANGES ...**

(m) **OPERATIONAL FLEXIBILITY: TRADING UNDER AN EMISSIONS CAP ...**

(n) **OPERATIONAL FLEXIBILITY: ALTERNATIVE OPERATING SCENARIOS ...**

(o) **REOPENING OF A PERMIT TO OPERATE ...**

(p) **PERMIT SHIELD ...**

(q) **ENHANCED PROCEDURES FOR AUTHORITIES TO CONSTRUCT ...**

3. Proposed amendments to Rule 1415 (a) and (h) are to read as follows:

**RULE 1415. PERMIT PROCESS-PUBLIC NOTIFICATION**

**(a) PUBLIC NOTICE**

At least 45 days prior to issuance of a five year initial permit to operate subject to this regulation, a revised permit resulting from an application for significant modification or renewal of such a permit, the Air Pollution Control Officer shall publicly notice and make available a draft of the proposed permit for public and affected state review and comment as follows:

(1) Publication in a newspaper of general circulation of a notice of intent to issue a permit to operate.

(2) Notification to all persons requesting to be included in a mailing list for purposes of notification of all permit actions.

(3) By other means if determined necessary by the Air Pollution Control Officer to assure adequate notice to the affected public.

(4) Availability of a copy of the draft permit for public review at the Air Pollution Control District offices.

**(b) PUBLIC HEARINGS ...**

**(c) NOTICE TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA)...**

**(d) CONTENTS OF PUBLIC NOTICE ...**

**(e) COORDINATED PROCESSING OF RELATED PERMITS ...**

**(f) EXCEPTIONS ...**

**(g) NEW APPLICATION LISTS ...**

**(h) CONSIDERATION OF COMMENTS**

~~All comments received from the public notification process shall be retained by the Air Pollution Control Officer.~~ Comments that are relevant to the permit review and areas appropriate for public comment identified pursuant to Subsection (d)(8) of this rule shall be considered and responded to by the District in the review of an application for permit.

The Air Pollution Control Officer shall provide a written response, including reasons for not accepting comments and recommendations for a proposed permit, to persons or agencies that submitted written comments which are postmarked or otherwise submitted by the close of the public notice and comment period. All written comments and responses to such comments shall be kept on file at the District office and made available upon request.

- (i) **COPIES OF PERMIT ACTION ...**
- (j) **PUBLIC INSPECTION ...**
- (k) **TRADE SECRETS ...**
- (l) **ACTION ON APPLICATIONS ...**
- (m) **TRANSMITTAL OF PERMIT DOCUMENTS TO THE FEDERAL EPA ...**

4. Proposed amendments to Appendix A are read as follows:

## APPENDIX A INSIGNIFICANT UNITS

This listing is of equipment determined to be ~~exempt from permit requirements~~ insignificant units under this regulation due to the relatively low potential to emit. An insignificant unit shall not include any unit subject to an applicable requirement other than District Rules 50 and 51.

(a) Any engines mounted on, within or incorporated into any vehicle, train, ship, boat or barge, that are used exclusively to provide propulsion, supply heat or electrical energy to that same vehicle, train, ship, boat, or barge, or that are used exclusively to load or unload cargo. Sand, rock, silt, soil or other materials which come from the bottom of a body of water shall not be considered cargo. This exemption is not intended to apply to equipment used for the dredging of waterways, to floating dry docks, or to equipment used in pile driving adjacent to or in waterways.

(b) Equipment utilized exclusively in connection with any structure, which is designed for and used exclusively as a dwelling for not more than four families.

(c) Air pollution control equipment associated with any article, machine, equipment, process or contrivance not required to have a permit to operate.

(d) The following equipment:

(i) Motor vehicle engines, pile drivers (except for Diesel pile driving hammers), and construction cranes that are routinely dismantled and transported to non-contiguous locations for temporary use;

(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 50 brake horsepower or less;

(iii) Stationary and portable internal combustion engines with a brake horsepower output rating of 50 or less;

(iiiiv) Any stationary gas turbine with a power rating of less than 0.3 megawatt (MW);

(iv) ~~Any stationary gas turbine engine with a power rating of less than 1.0 megawatt (MW) which was installed and operating in San Diego County on or before September 27, 1994.~~

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

(2) Water cooling towers and water cooling ponds with a capacity less than 10,000 gallons per minute not used for evaporative cooling of process water or not used for evaporative cooling of water, contaminated water or industrial waste water from barometric jets or from barometric condensers.

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

(4) Fuel-burning equipment as described below:

(i) Fuel-burning equipment, except internal combustion engines, with a maximum gross heat input rate of less than one million British Thermal Units (Btu's) (0.252 x 10<sup>6</sup> Kcal) per hour when not part of a process, process line, line, equipment, article, machine or other contrivance for which a permit to operate is required by these Rules and Regulations.

(ii) Fuel burning equipment, except steam boilers, process heaters, steam generators, and internal combustion engines, with a maximum gross heat input of less than ~~50~~ 20 million Btu's per hour, and fired exclusively with natural gas, liquefied petroleum gas or a combination of natural gas and liquefied petroleum gas.

(iii) Steam boilers, process heaters, and steam generators with a maximum gross heat input of less than five million Btu's per hour.

(5) Extrusion equipment used exclusively for metals, minerals, or plastic except coking extrusion equipment or processes which manufacture products containing greater than one percent asbestos fiber by weight.

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

(7) All printing or graphic arts presses located at a stationary source which emits a total of less than 15 pounds lbs of volatile organic compounds, subject to Rule 67.16, on each day of operation. ~~It is the responsibility of any person claiming this exemption to maintain all usage records, including any mixing ratios, necessary to establish maximum daily emissions and to make this information available to the Air Pollution Control Officer upon request.~~

~~(8) Ovens, if only part of one or more processes which require a permit pursuant to these Rules and Regulations or which are exempt from a requirement for a permit to operate pursuant to this rule.~~

- (8) Inkjet and laser printing equipment.
- (9) Ink cartridge filling, refilling, and/or refurbishing operations.
- (10) Any oven used exclusively for curing, softening, or annealing of plastics.
- (11) Any oven which is an integral part of a process that is an insignificant unit pursuant to this rule.
- (912) Crucible-type or pot-type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.
- (1013) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 2500 cubic inches or less each, in which no sweating or distilling is conducted and from which only non-ferrous metals except yellow brass, are poured or non-ferrous metals are held in a molten state.
- (1114) Shell core and shell-mold manufacturing machines.
- (1215) Molds used for the casting of metals.
- (1316) Foundry sand mold forming equipment except those to which heat, sulfur dioxide or organic material is applied.
- (1417) Shot peening cabinets where only steel shot is employed and no scale, rust, or old paint is being removed.
- (1518) Die casting machines.
- (1619) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
- (1720) Metalizing guns, except electric arc spray guns, where the metal being sprayed is in wire form.
- (1821) Brazing, welding equipment including arc welding equipment.
- (1922) Hand soldering equipment and solder-screen processes. Solder-screen means those processes which use a process similar to silk-screening to apply solder and which subsequently undergo a reflow process other than a vapor phase solder reflow process.
- (23) Solder levelers, hydrosqueegees, wave solder machines, and drag solder machines which use less than an average of 10 pounds of any material containing VOCs per operating day each calendar month.

- (2024) Equipment used exclusively for the sintering of glass or metals.
- (25) Equipment used exclusively for heating metals immediately prior to forging, pressing, rolling, or drawing.
- (2126) Atmosphere generators and vacuum producing devices used in connection with metal heat treating processes.
- (2227) Dry batch mixers of 0.5 cubic yards (0.38 cubic meters) rated working capacity or less. Dry batch means material is added in a dry form prior to the introduction of a subsequent liquid fraction or when no liquid fraction is added.
- (2328) Batch mixers (wet) of 1 cubic yard (0.765 cubic meter) capacity or less where no organic solvents, diluents or thinners are used.
- (2429) Equipment used exclusively for the packaging of lubricants or greases.
- (2530) Portable conveyors (belt or screw type) where there is no screening.
- (31) Fire extinguishing equipment using halons with a charge of less than 50 pounds of a Class I or Class II ozone depleting compound.
- (32) Equipment used exclusively for the purposes of flash-over fire fighting training, or hand-held fire extinguisher training operations.
- (2633) Roofing kettles (used to heat asphalt) with a capacity of 85 gallons (322 liters) or less.
- (2734) Abrasive blasting equipment with a manufacturer's-rated sand capacity of less than 100 pounds (45.4 kg) or 1 cubic foot or less.
- (2835) Abrasive blast cabinets which vent through control devices and into the buildings in which such cabinets are located.
- (2936) Blast cleaning equipment using a suspension of abrasive in water.
- (3037) Equipment used for buffing (~~except automatic or semi-automatic tire buffers~~) or polishing, carving, cutting, drilling, machining, routing, shearing, sanding, sawing, surface grinding, or turning of: ceramic artwork, ceramic precision parts, leather, metals, rubber, fiberboard, masonry, or non-fiberglass ~~except fiber reinforced plastics unless the process involves the use of water as a means for cutting and is equipped with a control device that does not emit to the atmosphere.~~
- (38) Wet-jet devices used to cut fiberglass reinforced plastic.



(3139) Handheld equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of fiber reinforced plastic, when not used at a designated workstation, booth or room.

(3240) Equipment used for carving, cutting, drilling, surface grinding, planning, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.

(3341) Paper shredders and paper disintegrators which have a capacity of 600 pounds per hour or less, and the associated conveying systems and baling equipment.

(3442) Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.

(3543) Equipment used exclusively to grind, blend or package tea, cocoa, spices, dried flowers, or roasted coffee.

(3644) Equipment, other than boilers, ~~used for preparing food for human consumption and located at eating establishments, bakeries and confectioneries, except for bakery ovens used for the baking of yeast leavened products which are located at a stationary source where the combined rated heat input capacity of all bakery ovens is equal to or more than two million Btu's per hour which is used exclusively for preparing food for human consumption at the same establishment.~~

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

(3746) Equipment used exclusively for surface preparation and cleaning aqueous solutions not containing if the volatile organic compounds content of the aqueous material does not in excess of exceed 10 percent by weight. for surface preparation, cleaning, anodizing, plating, polishing, stripping or etching except acid chemical milling, chrome plating, chromic acid anodizing or the stripping of chromium, or copper etching using ammonium hydroxide, ammonium chloride or concentrated solutions of nitric, hydrofluoric and/or hydrochloric acids exceeding 17 percent acid concentration by weight Chromate conversion coating processes are not insignificant units.

(47) Laboratory testing equipment and quality control testing equipment, used exclusively for chemical and physical analysis. Vacuum-producing devices used in laboratory operations and hoods, stacks or ventilators.

(38) ~~Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment provided such bench scale equipment is not used for production purposes to directly produce a deliverable product or service, other than the first article product or service, and provided the emissions of organic compounds from such bench scale equipment, do not exceed five (5) pounds per day and provided such bench scale equipment does not emit detectable levels of compounds listed as Acutely Hazardous by Section 25532 of the California Health and Safety Code.~~

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

~~"Bench Scale Laboratory Equipment" shall mean equipment which a) is under direct, immediate and exclusive control of a laboratory director; b) is sub-scale in size; and c) is used for the sole purpose of conducting studies or tests to develop a new or improved product or service.~~

~~"First Article Deliverable Product or Service" shall mean the first product or service which is produced using bench scale laboratory 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 (1) unit of product or service per customer.~~

(48) 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 product which is produced using research and development equipment and which is delivered to a potential intra-company or external customer for approval, and provided that emissions from all such operations at a source are less than 15 pounds per day.

(49) Equipment used to manufacture:

(i) bio-technology pharmaceutical products for exclusive use in federal Food and Drug Administration (FDA) approved clinical trials, or

(ii) bio-medical devices and diagnostic kits for exclusive use in FDA approved clinical trials and laboratory failure analysis testing, or

(iii) bio-agricultural 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, provided the uncontrolled emissions of VOCs from all such operations located at the stationary source do not exceed five tons per calendar year.

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

(3951) Titanium chemical milling at temperatures below 110°F (43°C).

(4052) Orchard or citrus grove heaters.

(4153) Non-immersion dry cleaning equipment.

(4254) Alkaline chemical milling equipment for which construction or installation commenced prior to March 27, 1990, or alkaline chemical milling equipment used exclusively for the cleaning of internal combustion engine parts.

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

(56) Oil quenching tanks which use less than 20 gallons per year of make-up oil.

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

(4358) Laundry dryers, extractors or tumblers used for fabrics cleaned only with solutions of bleach or detergents containing no organic solvents.

(4459) Ovens having an internal volume of 27 cubic feet (0.765 cubic meter) or less in which organic solvents or materials containing organic solvents are charged.

(4560) Equipment used for compression molding and injection molding of plastics.

(4661) Cold solvent cleaning tanks, vapor degreasers, and paint stripping tanks

(i) with a liquid surface area of 1.0 square foot (0.09 square meter) or less,  
or

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

~~(47) Railway sweepers used for cleaning rail tracks.~~

(4862) Equipment used for powder coating operations, except metalizing gun operations, where surface preparation or cleaning solvent usage is less than one-half gallon each day.

(e) Stationary storage tanks (excluding tanks subject to Rule 61.9) for the storage of organic compounds, as follows:

(1) With a capacity of ~~260~~ 250 gallons (~~984~~ 946 liters) or less.

(2) With a capacity greater than ~~260~~ 250 gallons (~~984~~ 946 liters) provided that such containers, reservoirs or tanks will be used exclusively to store organic compounds that are not volatile organic compounds as defined in Rule 61.0.

(3) Used exclusively for the storage of organic solvents which are liquids at standard conditions and which are to be used as dissolvers, viscosity reducers, reactants, extractants, cleaning agents or thinners and not used as fuels provided that emissions from all such operations at a source are less than 15 pounds per day.

(4) For the storage of natural gas or propane when not mixed with other volatile organic compounds as defined in Rule 61.0.

(5) Used exclusively as a source of fuel for wind machines used for agricultural purposes.

(6) Pressurized tanks used to store inorganic or halogenated organic gases and associated equipment used exclusively to transfer materials into such tanks provided such tanks contain less than 50 pounds of a Class I or II ozone depleting compound.

(f) The following equipment:

(1) Mobile transport tanks or delivery tanks or cargo tanks on vehicles used for the delivery of volatile organic compounds, except asphalt tankers used to transport and transfer hot asphalt used for roofing applications.

(2) 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.

(3) 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.

(g) Application equipment for architectural surface coatings as defined in Rule 67.0.

(h) Liquid surface coating or adhesive application operations:

(1) Conducted within an application station (portable or stationary) where not more than 20 gallons per year of material containing organic compounds are applied. ~~It is the responsibility of any person claiming this exemption to maintain purchase and daily usage records, including any mixing ratios, necessary to substantiate the claim. Coatings applied by means of non-refillable aerosol cans shall not be included in the annual usage determination for purposes of determining the 20-gallon per year limit stated above;~~

(2) Exclusively using materials with a VOC content of less than 20 grams per liter, less water and exempt solvents, and 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;

(23) Using non-refillable aerosol spray cans for application of coatings;

(34) Conducted outside defined coating areas for the purpose of touch-up or maintenance of equipment;

(4-5) Using hand-held brushes for application of a primer coating from containers of eight (8) ounces (236.6 milliliters) or less in size to fasteners to be installed on aerospace component parts;

(56) Using air brushes with a coating capacity of two (2) ounces (59.1 milliliters) or less for the application of a stencil coating; or

(67) Conducted in primary or secondary schools for instruction; or

(8) Hot melt adhesive application equipment provided emissions from all such operations at a source are less than 15 pounds per day.

(i) The following uncontrolled equipment or processes using materials containing volatile organic compounds when the emissions of organic compounds from the equipment or process do not exceed five pounds in any one day:

(1) Foam manufacturing or application.

(2) Reinforced plastic fabrication using resins such as epoxy and/or polyester.

(3) Plastics manufacturing or fabrication.

(4) ~~Ink mixing tanks.~~

(54) Cold solvent degreasers used exclusively for educational purpose.

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

(6) Batch-type waste-solvent recovery stills with batch capacity of 7.5 gallons or less for onsite 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.

(7) Peptide and DNA synthesis operations.

(8) Equipment used for washing or drying articles fabricated from metal, cloth, fabric or glass, provided that no organic solvent is employed in the process and that no oil or solid fuel is burned and none of the products being cleaned has residues of organic solvent.

(9) Hot wire cutting of expanded polystyrene foam.

The exemptions in this section shall not apply to equipment required to obtain a permit for emissions of air contaminants other than organic compounds.

(j) Vacuum cleaning systems used exclusively for housekeeping purposes.

(k) Back-pack power blowers.

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

(m) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

~~(n) Identical replacements in whole or part of any article, machine, equipment or other contrivance where a Permit to Operate had previously been granted for such equipment.~~

~~Identical replacement may also include 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 which the Air Pollution Control Officer determines is identical in function, capacity, production rate and design. In addition, the actual air contaminant emissions must be the same in nature and will not be increased. Written notification of such replacement shall be made to the District at least thirty (30) days prior to the replacement and shall be accompanied by a fee of \$75. Replacement of equipment pursuant to other requirements of these Rules and Regulations shall not be considered an identical replacement.~~

~~Identical replacement does not include replacements 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.~~

~~(e)~~(n) Any article, machine, equipment, or contrivance other than an incinerator or boiler, the discharge from which contains airborne radioactive materials and which is emitted into the atmosphere in concentrations above the natural radioactive background concentration in air. "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, smoke, mists, liquids, vapors or gases. This exemption from the requirement to have a permit shall not include any emission unit subject to the provisions of Section 112 of the federal Clean Air Act or any implementing regulations promulgated by the federal EPA.

~~(p)~~(o) The following equipment:

(1) Equipment used for hydraulic or hydrostatic testing.

(2) Equipment used exclusively for the dying or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.

(3) Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in a paste form and no organic solvents, diluents or thinners are used.

(4) Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.

(5) Equipment used for inspection of metal products except metal inspection tanks utilizing a suspension of magnetic or fluorescent dye particles in volatile organic solvent which have a liquid surface area greater than 5 ft<sup>2</sup> and are equipped with spray type flow or a means of solvent agitation.

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

(7) Equipment used exclusively for conveying and storing plastic pellets.

(8) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.

(9) Any coating and/or ink manufacturing operations located at a stationary source, which emit less than an average of 15 pounds of VOCs 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 five years and be made available to the District upon request.

(910) Curing or baking ovens in which no organic solvents or materials containing organic solvents are charged.

(1011) Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.

(11) ~~Each process line at a stationary source, as defined in Rule 20.1, for coating of pharmaceutical tablets provided maximum emissions of volatile organic compounds (defined in Rule 67.15), are below 15.0 pounds on each day for all operations subject to Rule 67.15. It will be the responsibility of any person claiming this exemption to maintain all records necessary to establish maximum daily emissions and to make this information available to the District upon request.~~

(12) 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 VOCs per operating day for each calendar month from all phases of all such operations located at a single stationary source.

(1213) Roll mills or calendars for rubber or plastics and no organic solvents, diluents or thinners are used.

(1314) Vacuum-producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 11.



- (1415) Natural draft hoods, natural draft stacks or natural draft ventilators.
- (1516) Natural gas-fired or liquefied petroleum gas-fired or electrically heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.
- (1617) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.
- (1718) Refrigeration units except those used as, or in conjunction with, air pollution control equipment with a charge of less than 50 pounds of a Class I or II ozone depleting compound.
- (1819) Equipment used exclusively for space heating, other than boilers.
- (1920) Equipment used exclusively for bonding lining to brake shoes.
- (2021) Lint traps used exclusively in conjunction with dry cleaning tumblers.
- (2122) Equipment used exclusively to compress or hold dry natural gas.
- (2223) Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.
- ~~(23) Equipment used exclusively for the purposes of flash-over fire fighting training.~~
- (24) Equipment, including dryers, used exclusively for printing, dyeing, stripping, or bleaching of textiles where no volatile organic solvents are used.
- (25) 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.
- (2426) 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.
- (27) Nail salon operations.
- (2528) 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.
- (29) Aerosol can puncturing or crushing operations which use:

- (i) a closed loop recovery system that emits no air contaminants, or
  - (ii) 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.
- (30) Equipment used to crush and/or ferment grapes to produce wine.
- (31) Equipment used to brew beer at breweries that produce less than one million gallons of beer per year excluding boilers.
- (32) Solvent wipe cleaning operations, not associated with a significant unit, using a container applicator 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 located at a facility where the uncontrolled emissions of VOCs from all such operations 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. Total purchase of solvents containing a single HAP shall not exceed 350 gallons per calendar year.
- (33) Equipment approved for used by the EPA for recovering and/or recycling chlorofluorocarbons (CFCs) or alternative fluorocarbons provided such equipment is charged with less than 50 pounds of a Class I or II ozone depleting compound.
- (34) The following registered equipment:
  - (i) Internal combustion emergency standby engines installed and operated before November 15, 2000. An emergency standby engine is an engine used exclusively in emergency situations to drive an electrical generator, an air compressor or a water pump, except for operations up to 52 hour per calendar year for non-emergency purposes.
  - (ii) Stationary internal combustion engines rated at 200 brake horsepower or less installed and operated before November 15, 2000 which operate less than 200 hours per calendar year.
  - (iii) Asphalt roofing kettles and asphalt roofing day tankers.
  - (iv) Rock drills. This does not include any associated power units.
- (35) Ceramic deposition spray guns where all the material being sprayed contains no chromium, lead, or nickel.
- (36) Military tactical support equipment.

AIR POLLUTION CONTROL DISTRICT  
COUNTY OF SAN DIEGO

**WORKSHOP REPORT**

**AMENDMENTS TO REGULATION XIV - TITLE V OPERATING PERMITS  
AND REVISION TO THE TITLE V PERMIT PROGRAM**

A notice for a workshop for proposed amendments to Regulation XIV and revisions to the Title V Permit Program was mailed to affected industry in San Diego County. Notices were also mailed to the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties. The workshop was held on March 22, 2001. Oral and written comments were received during and after the workshop. The comments and District responses are as follows:

**1. WORKSHOP COMMENT**

The District has not yet issued all the Title V permits for the initial group of affected facilities. What has been the holdup in permit issuance?

**DISTRICT RESPONSE**

The delays resulted from lengthy negotiations with EPA to provide more specific guidance on permit issuance and permit content. Issues unique to California and San Diego, such as variances, periodic monitoring, and outdated New Source Review rules in the State Implementation Plan, needed to be resolved for all facilities in the program prior to proposing individual permits for public and EPA review and final permit issuance. These negotiations created further delays as staff assigned to Title V had to take on other assignments that developed.

**2. WORKSHOP COMMENT**

When does the five-year term of the permit begin? When does the renewal process begin? Will application forms be distributed to permit holders?

**DISTRICT RESPONSE**

Each Title V permit has a five-year term listed on the cover page of the permit. The five years typically will start on the date of permit issuance. Permit renewal applications must be submitted between 12 and 18 months before the Title V permit expiration date. Necessary permit renewal application forms will be made available.

**3. WORKSHOP COMMENT**

What are significant changes in monitoring terms and conditions?

**DISTRICT RESPONSE**

EPA has indicated that less frequent monitoring and changes to the type of monitoring are examples of significant changes in monitoring terms and conditions.

**4. WORKSHOP COMMENT**

Is the disaggregation of the military bases into functional groups for purposes of New Source Review and the Title V Permit Program affected by the proposed amendments?

**DISTRICT RESPONSE**

No. EPA agreed to the functional groupings for military bases and the changes to Regulation XIV and the Title V Permit Program do not affect the handling of functional groupings.

**5. WORKSHOP COMMENT**

Is it possible to apply for a synthetic minor source permit for the Metropolitan Bio-solids Center? Facility emissions do not exceed the major source thresholds and there is no separate EPA source requirement.

**DISTRICT RESPONSE**

Yes. If actual emissions are less than the major source thresholds, the facility could choose to limit its potential to emit through a synthetic minor source permit in lieu of obtaining a Title V permit.

**6. WORKSHOP COMMENT**

What's the purpose of including Class I and Class II ozone depleting compounds in the definition of "air contaminant"? Does a facility need to inventory the emissions of these compounds under Title V?

**DISTRICT RESPONSE**

Ozone depleting compounds are regulated air pollutants in the Title V Permit Program and a major source of these compounds would require a Title V permit. The Title V Permit Program does not require an inventory for these compounds. A facility that is a major source of these compounds would only need to acknowledge that status on the summary Title V permit application form.

**7. WORKSHOP COMMENT**

The District should clarify what portions of Rules 20.1 through 20.4 are in the State Implementation Plan (SIP).

### **DISTRICT RESPONSE**

The District maintains a record of those rules, or portions thereof, which have been approved into the SIP. That information is available through the District's Rule Development Section. Current Rules 20.1 through 20.4 have not yet been approved by EPA into the SIP. Generally, the District requested that only those portions of the rules applicable to major sources and to determining the air quality impacts (relative to the NAAQS) of minor sources be approved into the SIP. That request is still under negotiation with EPA.

#### **8. WORKSHOP COMMENT**

What is the responsibility of the Title V facility for contractor portable equipment?

### **DISTRICT RESPONSE**

If the portable equipment is on site on a temporary basis, generally less than 12 months, and is not a major source of emissions, the equipment does not have to be included on the permit provided the associated operation is not ongoing at the facility. For an on-going activity, even though done over the term of the Title V permit by several different contractors, the Title V permit must contain the applicable requirements for the equipment. The Title V facility is responsible for the activities of portable equipment on site and for violations of any applicable requirements. Emissions of such equipment must be included in the determination of Title V applicability.

#### **9. WORKSHOP COMMENT**

The District should consider adding a process that would allow EPA and the District to resolve disagreements over EPA objections prior to permit issuance.

### **DISTRICT RESPONSE**

EPA's Title V regulation, 40 CFR Part 70, provides no additional resolution mechanism or process other than what Regulation XIV provides for in the case of an EPA objection. However, until there is resolution of an objection, EPA does not recognize any Title V permit issued and the facility remains protected by the application shield in Regulation XIV.

#### **10. WORKSHOP COMMENT**

Some of the prohibitory rules contain an exemption for application of a small quantity of non-complying coatings. Is there a similar provision in the list of insignificant activities?

### **DISTRICT RESPONSE**

No. The purpose of the insignificant activities list is to identify activities which are negligible sources of emission, are not subject to source-specific applicable requirements and are thus

subject to less burdensome permitting requirements. The insignificant activities list closely corresponds to permit exemptions in District Rule 11. The exemptions from specific prohibitory rule requirements described in this comment continue to apply under the Title V permits.

**11. WORKSHOP COMMENT**

Are Title V permits issued prior to the December 1, 2001, date for final Title V Program Approval considered draft?

**DISTRICT RESPONSE**

No. Title V permits issued under the interim approval are final permits and are not considered draft. EPA's interim approval included the authority for the District to issue final Title V permits.

**12. ARB COMMENT**

Rule 1401(c)(20) "Definition of Federally-mandated NSR" limits federally-enforceable new source review (NSR) requirements to those triggered by major source emission thresholds specified under federal law. EPA may object to this provision because the Agency believes that non-major source, as well as major source, NSR requirements are federally-enforceable.

**DISTRICT RESPONSE**

The District has discussed this issue with EPA and included all required elements of federal new source review in the definition to address EPA's concern. (See also the response to comment No. 26.)

**13. ARB COMMENT**

Rule 1410(h)(7) and (i)(8) "Inactive Status" provisions specify that the Title V administrative amendment procedure be used if a facility wants to temporarily stop the operation of certain equipment/process lines. However, administrative permit amendments do not provide an opportunity for public review and comment and the U.S. EPA is likely to find the administrative amendment procedure inadequate for a change in operating status. Title V procedures which require public review and comment and which U.S. EPA is likely to consider appropriate for establishing "alternative operating scenarios" are: initial permit issuance, permit renewal, and significant permit modifications.

**DISTRICT RESPONSE**

The District is proposing to remove the inactive status permit provisions from Rule 1410(h)(7) and (i)(8).

#### **14. ARB COMMENT**

The U.S. EPA generally requires permitting authorities to identify and justify activities or units that are designated as emitting "insignificant" amounts of air pollutants. The U.S. EPA is likely to reject several of the insignificant units listed in Appendix A unless the District provides justification or adds production, size, or emission level limits.

#### **DISTRICT RESPONSE**

The District agrees and has added production, size, or emission limit levels where necessary to the insignificant activities listed in Appendix A. These levels are being discussed with EPA and will be resolved before amending Regulation XIV.

#### **15. ARB COMMENT**

Section (d)(11) of Appendix A contains the following language which has been inadvertently carried over from the District's permit exemption rule: "... or which are exempt from a requirement for a permit to operate pursuant to this rule." We recommend that the District delete this language since the District's Title V rule does not contain an exemption for ovens and no such exemption is allowed by the Federal 40 CFR Part 70 Title V regulation.

#### **DISTRICT RESPONSE**

The District agrees and has removed the referenced section.

#### **16. EPA COMMENT**

EPA is very concerned that the language (in the District's Title V Permit Program) could be interpreted to not require agricultural sources to consider fugitive emissions of hazardous air pollutants for major source applicability determinations. San Diego must require consideration of fugitive emissions for purposes of determining whether a source is major under Section 112 of the Clean Air Act. Criteria pollutant fugitive emissions, however, can be excluded. See March 8, 1994, Memorandum entitled, "Consideration of Fugitive Emissions in Major Source Determinations," from Lydia Wegman, EPA's Office of Air Quality Planning and Standards to EPA Regional Air Divisions Directors.

Therefore, the District could either delete the following language:

~~Typically, agricultural production sources generate fugitive emissions which are excluded from determining Title V permit applicability. However, any agricultural production source that is a major source of stack emissions is subject to title V permits under EPA requirements.~~

Alternatively, the District could include the language but narrow the scope to only allow fugitive criteria pollutant emissions to be excluded from title V applicability determinations.



### **DISTRICT RESPONSE**

The District agrees and has deleted the language from the Title V Permit Program.

#### **17. EPA COMMENT**

The District has added language in the first paragraph of Rule 1410(h)(7) to allow the switch from active to inactive to be treated as an administrative amendment. This language should be struck as further discussed below. Also, when a source returns to “active” status NSR may be triggered. The District must include a provision in the second paragraph that would require sources to evaluate whether NSR was triggered by reactivation. We understand that the proposed language could be interpreted to require NSR in the “reflect new applicable requirements” phrase but we believe it should be explicit.

### **DISTRICT RESPONSE**

The District is proposing to remove the inactive status permit provisions from Rule 1410(h)(7) and (i)(8).

#### **18. EPA COMMENT**

The proposed changes to the list of insignificant activities do not correct the deficiency cited in our final interim approval rulemaking. For example, the revisions did not remove, or place a size limit on, the refrigeration unit described as insignificant at revised Appendix A, (p)(18). In our final rulemaking, we had cited this as an example of the type of equipment that either should be removed from the list or limited to a charge rate of 50 pounds or less of a Class I or II ozone-depleting compound so that the refrigeration units are not subject to a unit-specific applicable requirement. Such units are subject to applicable requirements and cannot be considered insignificant.

### **DISTRICT RESPONSE**

The District agrees and has added production, size or emission limit levels where necessary to the insignificant activities listed in Appendix A. These changes will be discussed and resolved with EPA before amendment of Regulation XIV.

#### **19. EPA COMMENT**

Subsection (n) of Appendix A would allow identical replacement that meet(s) certain requirements to qualify as an insignificant source. This is not approvable because federal law does not consider “identical replacements” to necessarily be exempt from federal NSR requirements. The District must remove this section from the list of insignificant activities list because new source review (and other requirements) may be required for identical replacement.

### **DISTRICT RESPONSE**

This matter is being further discussed with EPA. The District may be willing to remove this provision but is concerned with how these inconsequential permit changes will be handled under the Title V permit process. The District has requested EPA to allow these changes to be treated as administrative amendments or possibly “off-permit changes” to minimize any administrative burdens that might result from the need to periodically make permit changes associated with identical replacements.

#### **20. EPA COMMENT**

EPA is concerned that the equipment used for the recycling and/or recovering CFC or alternative fluorocarbons listed in Subsection (p)(34) of Appendix A may also be required to meet unit-specific applicable requirements under CAA Title VI, and therefore, would not qualify as insignificant. Either delete this or establish a limit on the size of the equipment.

### **DISTRICT RESPONSE**

The District agrees and has added a 50-pound maximum charge rate for Class I and II ozone depleting compounds.

#### **21. EPA COMMENT**

Provide a justification as to why no unit-specific requirements apply to any of the equipment under (p)(35), (p)(36) and (p)(37) or why these units are truly insignificant. We do not believe that these units should be considered insignificant and therefore should be removed from the list.

### **DISTRICT RESPONSE**

The District believes the registered equipment of these subsections have relatively low potentials to emit or that the referenced rules contain emission limits. Most registered units are portable engines or emergency standby generators that are already considered insignificant or exempt by EPA. This matter is being further discussed with EPA and will be resolved before Regulation XIV is amended.

#### **22. EPA COMMENT**

There is concern over a possible misinterpretation from the language in the first paragraph of Appendix A that introduces the list of insignificant activities:

“This listing is of equipment determined to be exempt from permit requirements under this regulation due to the relatively low potential to emit.”

EPA therefore recommends that San Diego revise the first sentence of the paragraph above to state:

“The District has determined, based on the relatively low potential to emit, that the following equipment are insignificant activities under this regulation.”

### **DISTRICT RESPONSE**

The District will revise the introductory phrase as follows:

“This listing is of equipment determined to be exempt from ~~permit~~ specified requirements under this regulation due to the relatively low potential to emit.”

### **23. EPA COMMENT**

The District has amended subsection (4) to allow transfer of ownership to qualify as an administrative permit amendment,

“provided the emission unit is not modified except in a manner exempt under this regulation and the emission unit is...”

EPA requires that you strike the phrase ~~except in a manner exempt under this regulation~~ from your proposed language.

### **DISTRICT RESPONSE**

The District has restored the original language of Rule 1410(i)(4) for change of ownership. EPA has agreed that this will address this comment.

### **24. EPA COMMENT**

Strike the entire subsection (6) of Rule 1410(i). 40 CFR Part 70 does not define the term “identical replacement” and the regulation does not allow identical replacements to qualify as administrative permit amendments at 40 CFR 70.7(d).

### **DISTRICT RESPONSE**

This matter is being further discussed with EPA. The District may be willing to remove this provision but is concerned with how these inconsequential permit changes will be handled under the Title V permit process. The District has requested EPA to allow these changes to be treated as administrative amendments or possibly “off-permit changes” to minimize any administrative burdens that might result from the need to periodically make permit changes associated with identical replacements.

### **25. EPA COMMENT**

Similar to our comment on subsection (6), above, 40 CFR Part 70 does not contemplate as administrative permit amendments, sources switching emission units from an “active” status to “inactive” status. We, therefore, request that you delete it.

### **DISTRICT RESPONSE**

The District has removed the proposed new inactive status permit provisions from this section and section (h) of Rule 1410.

#### **26. EPA COMMENT**

To avoid confusion and to sufficiently correct this deficiency revise the definition of Federally Mandated New Source Review (NSR) in rule 1401(c) as follows:

(20) "**Federally Mandated New Source Review (NSR)**" means new source review ~~that would be required using emission thresholds specified in federal law or in~~ by the approved State Implementation Plan (SIP) ~~or any requirements in Rules 20.1 through 20.4 that are in the SIP and apply to the source, including federal minor NSR, but not including and does not include~~ new source review that is required solely as a result of state law, ~~or these Rules and Regulations.~~

### **DISTRICT RESPONSE**

The District disagrees with two aspects of the suggested revision to the definition "federally mandated new source review." For one, EPA's suggested language strikes the reference to the requirements of Rules 20.1 through 20.4 and introduces the term "federal minor NSR" which has no definition and would be subject to interpretation. Also, the District believes that some elements of new source review are contained solely in the District's Rules and Regulations and therefore the reference must be retained. The proposed definition has been revised as follows:

"**Federally Mandated New Source Review (NSR)**" means new source review specified in federal law or that would be required by the approved State Implementation Plan (SIP) or any requirements in Rules 20.1 through 20.4 that are in the SIP and apply to the source, and does not include new source review that is required solely as a result of state law or those portions of these Rules and Regulations which have not been approved or submitted to be approved into the SIP.