



# COUNTY OF SAN DIEGO

## AIR POLLUTION CONTROL DISTRICT

### AIR POLLUTION CONTROL BOARD

GREG COX  
First District

DIANNE JACOB  
Second District

PAM SLATER-PRICE  
Third District

RON ROBERTS  
Fourth District

BILL HORN  
Fifth District

**DATE:** April 25, 2007

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

**SUBJECT:** ADOPTION OF FINDINGS FOR AGRICULTURAL SOURCES AND AMENDMENTS TO RULE 11 - EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS (District: All)

### SUMMARY:

#### Overview

Adoption by the Air Pollution Control Board is requested for proposed amended Rule 11 – Exemptions from Rule 10 Permit Requirements. Rule 11 provides exemptions for equipment, operations, and processes that otherwise would require an Air Pollution Control District permit. The proposed amendments will add new exemptions from permit requirements for equipment and processes that constitute insignificant sources of air pollution. Several existing exemptions will be clarified because some currently exempt equipment is now being used for processes that may emit toxic air contaminants in quantities of concern. The proposed amendments will also delete an existing exemption for identical replacement of stationary and portable diesel engines that are now subject to recently adopted State Air Toxic Control Measures.

As provided by a change in State law eliminating a statewide exemption from permit requirements for equipment used in agricultural operations, the amended rule will exempt such equipment from permits if it emits less than specified amounts of criteria and toxic air contaminants. No existing agricultural operations in San Diego County are expected to require permits as a result of this change.

State law also mandates air districts to adopt a rule requiring permits and emission controls for large confined animal facilities as defined by the Air Resources Board. It was determined that there are no large confined animal facilities operating in San Diego County. Therefore, the Air Pollution Control District does not propose adopting such a rule and is requesting that the Air Pollution Control Board make a finding that there are no large confined animal facilities operating in San Diego County and that a rule requiring permits and emission controls is not necessary.

#### Recommendation(s)

#### AIR POLLUTION CONTROL OFFICER

Adopt a resolution titled Resolution Adopting Findings Concerning Agricultural Sources and Amending Rule 11 of Regulation II of the Rules and Regulations of the San Diego

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County Air Pollution Control District, and make appropriate findings:

- (i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;
- (ii) that amending Rule 11 will alleviate a problem and will not interfere with the attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);
- (iii) that it is certain there is no possibility that amending Rule 11 may have a significant adverse effect on the environment, and this action is exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Section 15061 (b)(3);
- (iv) that an assessment of socioeconomic impacts of the proposed amendments is not required by Section 40728.5 of the State Health and Safety Code because the amendments will not significantly affect air quality or emission limitations;
- (v) that an analysis comparing amended Rule 11 with existing federal or other District regulations is not required by Section 40727.2 of the State Health and Safety Code because the proposed amendments do not impose a new emission limit or standard, make an existing emission limit or standard more stringent, or impose new or more stringent monitoring, reporting, or recordkeeping requirements as specified in Section 40727.2(g);
- (vi) that there are no large confined animal facilities as defined by the California Air Resources Board operating in San Diego County and, therefore, a rule mandating Air Pollution Control District permits is not required for such facilities.

**Fiscal Impact**

The recommended amendments to Rule 11 will not have a significant fiscal impact on the Air Pollution Control District.

**Business Impact Statement**

Amending Rule 11 will remove the requirement for obtaining an Air Pollution Control District permit from some operations that are insignificant sources of air pollution. For stationary or portable diesel engines already required to have a permit, a full permit review instead of a simple permit update will be required when such engines are replaced due to new State emission standards for replacement engines.

It is expected that existing agricultural operations in San Diego County will not be affected by the change in State law that eliminated permit exemptions for certain agricultural operations. The Air Pollution Control District has found no existing agricultural operations in the County which exceed the emission thresholds for permits specified in State requirements and proposed in amended Rule 11. However, any new large or significantly

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expanding existing agricultural operations whose emissions exceed the exemption thresholds specified in the rule will be required to obtain Air Pollution Control District permits.

Overall, it is anticipated that there will not be a significant impact on businesses.

**Advisory Board Statement**

There was no quorum at the Air Pollution Control Advisory Committee meeting. The two members present recommended amending Rule 11 at the January 10, 2007, meeting.

**BACKGROUND:**

Air Pollution Control District (District) Rule 10 (Permits Required) requires all persons to obtain a written Permit to Operate before engaging in any activity that may emit air contaminants. Rule 11 (Exemptions from Rule 10 Permit Requirements) provides a list of equipment, operations and processes that have negligible emissions, or that are preempted from permit requirements by State or federal law and thus are not subject to Rule 10 requirements. Over the years, Rule 11 has undergone several revisions and updates, and was last amended on November 15, 2000 (APCB #2). Since then, the District has received comments from affected businesses related to a variety of equipment and operations that are negligible sources of air contaminants. In addition, changes in State law and adoption of new State Air Toxic Control Measures have affected permit requirements, necessitating changes to Rule 11.

Specifically, the proposed amendments add new exemptions from permit requirements for coating or adhesive application operations emitting 150 pounds of volatile organic compounds (ozone precursors) per year or less; operations using materials such as greases and waxes not containing volatile organic solvents; robotically-operated enclosed abrasive blasting equipment; equipment used to control emissions during draining and degassing of bulk gasoline storage tanks; sterilizers or autoclaves utilizing only steam or hydrogen peroxide; and waste treatment, water reclamation, and sludge treatment facilities with a specified throughput capacity. Exemptions are also added for tub grinders and trommel screens processing wood waste, smokehouses for preparing food, and equipment used for drilling fiberglass parts provided it is vented through a bag filter inside a building (and the amount of fiberglass dust collected is less than 500 pounds per year). The amended rule also includes exemptions for fuel cell power or heat generating equipment that is certified under the Air Resources Board's (ARB) Distributed Generation Program, auxiliary engines mounted on authorized emergency vehicles, and smoke generating equipment used for either training military personnel by the Department of Defense or certifying persons evaluating visible emissions for compliance with State laws or District Rules and Regulations.

Current exemptions for equipment that may emit toxic air contaminants such as gas turbines operating on a waste-derived gaseous fuel, and for portable equipment while in use for screening contaminated soils in soil remediation projects, will be deleted. In addition, an exemption from full permit review for identical replacement of permitted stationary and portable diesel engines has been removed because the replacement engines are now subject to recent State Air Toxic Control Measures that require more stringent emission limitations and thus cannot be identical.

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In 2003, the Health and Safety Code (Section 39011.5) was amended to rescind a statewide permit exemption for equipment used in agricultural operations. As provided by the legislation, the amendments to Rule 11 exempt from permits any agricultural source where the aggregate actual emissions from all emission units do not exceed 25 tons per year of each criteria pollutant and specified amounts of hazardous air pollutants. No existing agricultural operations in San Diego County have emissions exceeding these thresholds. Future new or expanding agricultural operations that exceed the emission levels specified in amended Rule 11 will require District permits.

State law (Health and Safety Code Section 40724.7) also requires the District to develop a rule requiring permits and emission controls for large confined animal facilities as defined by the ARB. Such facilities include very large dairies and chicken ranches. Based on information obtained from the Department of Agriculture, Weights, and Measures regarding the number of animals at each facility, information regarding the number of animals at facilities in San Diego County contained in the U. S. Department of Agriculture 2002 Census of Agriculture, and the ARB definition, the District has determined there are no large confined animal facilities in San Diego County. Thus the District is not proposing such a rule be adopted at this time and recommends that the Board find that there are no large confined animal facilities as defined by ARB in San Diego County and, therefore, no such rule is required.

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

On February 2, 1993 (APCB #2), the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or State law. Amended Rule 11 does not require a socioeconomic impact assessment because it does not contain any new emission limitations. Therefore, the proposed rule adoption is consistent with this Board directive.

**California Environmental Quality Act**

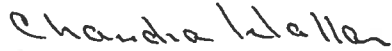
The California Environmental Quality Act requires an environmental review for certain actions. The District has conducted a preliminary review to evaluate whether the California Environmental Quality Act applies to the proposed amendments to Rule 11. It is certain there is no possibility that adopting revised Rule 11 may have a significant adverse effect on the environment. Therefore, adoption of amendments to Rule 11 is exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15061(b)(3).

**Linkage to the County of San Diego's Strategic Plan**

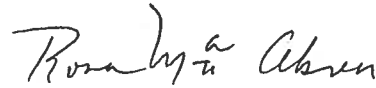
The County's five-year strategic plan includes an Environment Initiative to ensure environmental preservation and enhance quality of life. Eliminating exemptions for several sources that may emit toxic air pollutants or sizeable amounts of criteria pollutants will fulfill the objective to improve air quality by helping reduce emissions, thus protecting public health.

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Respectfully submitted,



CHANDRA L. WALLAR  
Deputy Chief Administrative Officer



ROSA MARIA S. ABREU  
Assistant Air Pollution Control Officer

**ATTACHMENTS:**

Attachment A – Resolution Adopting Findings Concerning Agricultural Sources and Amending  
Rule 11 of Regulation II of the Rules and Regulations of the San Diego County  
Air Pollution Control District.


Attachment B – Change Copy

Attachment C – Workshop Report

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**AGENDA ITEM INFORMATION SHEET**

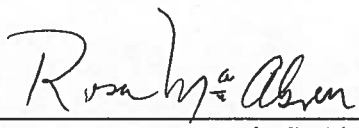
**CONCURRENCE(S)**

<b>COUNTY COUNSEL REVIEW</b> Written disclosure per County Charter §1000.1 required?	<input checked="" type="checkbox"/> Yes	TD 4/10/07
	<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> Requires Four Votes	<input type="checkbox"/> Yes <input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> No
<b>GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
<b>COUNTY TECHNOLOGY OFFICE</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
<b>Other Concurrence(s):</b> Agriculture / Weights & Measures Department 		

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

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**AUTHORIZED REPRESENTATIVE:**   
Rosa Maria S. Abreu,  
Assistant Air Pollution Control Officer

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**AGENDA ITEM INFORMATION SHEET**  
(continued)

**PREVIOUS RELEVANT BOARD ACTIONS:**

November 15, 2000 (APCB #2), Adopted amendments to Rule 11 that removed an exemption for engines subject to new Rule 69.4.1 and clarified identical engine replacement provisions; February 2, 1993 (APCB #2), Delayed implementation of new or revised regulations unless requested by business, specifically ordered by federal or State law, or for which a socioeconomic impact assessment is not required.

**BOARD POLICIES APPLICABLE:**

N/A

**BOARD POLICY STATEMENTS:**

N/A

**CONTRACT AND/OR REQUISITION NUMBER(S):**

N/A

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

**RESOLUTION ADOPTING FINDINGS CONCERNING  
AGRICULTURAL SOURCES AND AMENDING RULE 11 OF  
REGULATION II OF THE RULES AND REGULATIONS OF  
THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member ~~Slater-Price~~, seconded by Member Jacob, the following resolution is adopted:

**WHEREAS**, an evaluation of available information conducted with due diligence has determined that there are no large confined animal facilities as defined by the California Air Resources Board operating in San Diego County; and

**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 held 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:

(1) The San Diego County Air Pollution Control Board hereby finds that there are no large confined animal facilities as defined by the California Air Resources Board operating in San Diego County and a rule pursuant to Section 40724.7 of the State Health and Safety Code mandating permits for such facilities is not required at the present time; and

(2) The Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

Proposed amendments to Rule 11 Sections (a), (c), (d), (g), and (h) are to read as follows:

**RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS**

(Effective 1/1/69:      Rev. Adopted & Effective 10/17/95  
Rev. Adopted & Effective 7/30/96  
Rev. Adopted & Effective 5/21/97



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**RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS**

**(a) APPLICABILITY** (Revision Effective (date of adoption))

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

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

(3) This rule shall not apply to any equipment, operation, or process that violates Rule 51 as determined by the Air Pollution Control Officer. When the Air Pollution Control Officer makes such a determination and written notification is given to the owner or operator, the equipment, operation, or process may thereafter be subject to Rule 10. If no additional violations of Rule 51 are determined over a 2-year period, a permit may no longer be required.

(4) This rule shall not apply to any equipment, operation, or process described in Subsections (d)(2) through (d)(19) that emits more than 100 lbs per day of any one of the following criteria air pollutants: particulate matter (PM<sub>10</sub>), oxides of nitrogen (NO<sub>x</sub>), volatile organic compound (VOC), oxides of sulfur (SO<sub>x</sub>), carbon monoxide (CO), or lead (Pb).

(5) This rule shall not apply to any equipment, operation, or process that is subject to the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP), 40 CFR 63, the New Source Performance Standards (NSPS), 40 CFR 60, and the Air Pollution Control District (District) Regulation X - Standards of Performance for New Stationary Sources and/or Regulation XI - National Emission Standards for Hazardous Air Pollutants.

(6) Except for equipment specified in Subsection (d)(20)(iii), Section (d) of this rule shall not apply to any new or modified equipment, operation, or process that

(i) emits or may emit toxic air contaminants, as defined in Rule 1200, and

(ii) has emissions of toxic air contaminants that, in the absence of any emission control device or limitation on material usage or production, may be expected to exceed any standard specified in Rule 1200 (d)(1)(i), (d)(2), or (d)(3) as determined by the Air Pollution Control Officer. This provision shall not apply to any equipment, operation, or process for which construction or modification, as applicable, commenced prior to November 15, 2000, unless such equipment, operation, or process is subsequently modified in such a manner that increases emissions of one or more toxic air contaminants.

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

(b) **RESERVED**

(c) **DEFINITIONS** (Revision Effective *(date of adoption)*)

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

- (1) **"Abrasive Blasting Cabinet"** means an enclosure used to contain abrasive media that can only be entered through ports for gloved arms and hands when abrasive blasting is conducted.
- (2) **"Agricultural Source"** means any equipment, operation, or process, or aggregation thereof, used in the production of crops, or raising of fowl or animals and located on contiguous property under common ownership or control that meets any of the criteria identified in Section 39011.5 of California Health and Safety Code.
- (3) **"Brake Horsepower Rating"** means the maximum continuous brake horsepower output rating of the internal reciprocating combustion engine as specified by the engine manufacturer and listed on the engine nameplate, if available.
- (4) **"CFR"** means Code of Federal Regulations.
- (5) **"Designated Workstation"** means an assigned area within the stationary source where a specified operation is conducted.
- (6) **"Exempt Compounds"** means the same as defined in Rule 2.
- (7) **"First-Article Deliverable Product"** means the first product that is produced using research and development equipment and that is delivered to a potential intra-company or external customer for approval. First-article deliverable product shall not exceed one unit of each product per customer.
- (8) **"Hazardous Air Pollutant (HAP)"** means an air contaminant identified in the Federal Clean Air Act, Title 1, Section 112 (b).
- (9) **"Hot Melt Adhesive"** means a thermoplastic adhesive that melts at temperatures above 180°F (82°C), does not contain organic solvents, and sets rapidly upon cooling.
- (10) **"Major Stationary Source"** means the same as defined in Rule 2.
- (11) **"Military Tactical Support Equipment"** means any equipment owned by the U.S. Department of Defense or the National Guard and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.
- (12) **"Operating Day"** means any calendar day during which the specified equipment is operated, or specified operations occur.
- (13) **"Organic Solvent"** means any substance that is liquid at standard conditions and contains an organic compound or combination of organic compounds, and that is used

as a diluent, thinner, dissolver, viscosity reducer, or cleaning agent, or for other similar purposes.

(14) **"Pilot Plant Facility"** means a trial assembly of small-scale reaction and processing equipment that is the intermediate stage between laboratory experiment and full-scale operation in the development of a new product and/or process.

(15) **"Portable Emission Unit"** means the same as defined in Rule 20.1.

(16) **"Process Heater"** means any combustion equipment fired with liquid and/or gaseous fuel that transfers heat from the combustion gases to water or process streams. Heaters used for swimming pools, spas, and/or therapy pools shall be considered process heaters. This definition does not include any combustion equipment where the material being heated is in direct contact with the products of combustion, such as furnaces or kilns, or any unfired waste heat recovery heater that is used to recover sensible heat from the exhaust of any combustion equipment.

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

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

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

(20) **"Toxic Air Contaminant"** means the same as defined in Rule 2.

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

(22) **"Volatile Organic Liquid"** means any organic liquid either having a Reid Vapor Pressure (RVP) greater than 3 pounds per square inch if the American Society for Testing Material International (ASTM) RVP test method is applicable, or having a true vapor pressure greater than 3 pounds per square inch absolute at 100°F if the ASTM RVP test is not applicable.

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

**(d) EQUIPMENT, OPERATIONS, OR PROCESSES NOT REQUIRING A PERMIT TO OPERATE** (Revision Effective *(date of adoption)*)

Any equipment, operation, or process that is listed below in Subsections (d)(1) through (d)(20), and that meets the stated exemption provision, parameter, requirement, or limitation, is exempt from the requirements of Rule 10. Such equipment, operation, or process shall not be

exempt from any otherwise applicable standards in these Rules and Regulation, or applicable State or federal regulations, unless specified as exempt by that rule or regulation.

Any person claiming such an exemption shall provide documentation sufficient to substantiate the applicability of the stated exemption provision, parameter, requirement, or limitation at the request of the Air Pollution Control Officer.

**(1) MOBILE SOURCES**

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

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

**(2) COMBUSTION AND HEAT TRANSFER EQUIPMENT**

(i) Any reciprocating internal combustion engine with a brake horsepower rating of less than 50.

**(ii) RESERVED**

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

(iv) Any gas turbine engine that has:

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

(B) a maximum gross heat input rating at International Standards Organization (ISO) Standard Day Conditions of less than 1 million British thermal units (BTU) per hour.

This exemption does not apply to any gas turbine operating on waste-derived gaseous fuel.

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

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

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

This exemption does not apply to reciprocating internal combustion or gas turbine engines.

(vi) Air heaters with a manufacturer's maximum gross heat input rating of less than 20 million BTU per hour fired exclusively with natural gas and/or liquefied petroleum gas and installed in conjunction with combustor testing in gas turbine test cells.

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

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

(ix) Back-pack power blowers.

(x) Orchard or citrus grove heaters.

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

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

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

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

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

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

(xvii) Auxiliary internal combustion reciprocating engines mounted on any authorized emergency vehicle as specified in Section 165 of the California Vehicle Code.

**(3) STRUCTURES AND STRUCTURAL MODIFICATIONS**

- (i) Equipment used exclusively in support of any structure designed for and used exclusively as a dwelling for not more than four families.
- (ii) Structural modifications that cannot change the quality, nature, or quantity of air contaminant emissions.

**(4) LABORATORY EQUIPMENT AND RELATED OPERATIONS**

- (i) Laboratory testing equipment and quality control testing equipment, used exclusively for chemical and physical analysis.
- (ii) Vacuum-producing devices used in laboratory operations.
- (iii) Hoods, stacks, or ventilators.
- (iv) Research and development equipment.
- (v) Peptide and DNA synthesis operations.
- (vi) Equipment used to manufacture:
  - (A) biotechnology pharmaceutical products for exclusive use in federal Food and Drug Administration (FDA) approved clinical trials, or
  - (B) biomedical devices and diagnostic kits for exclusive use in FDA approved clinical trials and laboratory failure analysis testing, or
  - (C) bioagricultural products for excluding use in field testing required to obtain FDA, Environmental Protection Agency (EPA), United States Department of Agriculture (USDA) and/or California Environmental Protection Agency (Cal-EPA) approval, and provided the uncontrolled emissions of VOCs from all such operations located at the stationary source do not exceed 5 tons per calendar year. All data and/or records necessary to demonstrate that this exemption is applicable, shall be maintained on-site for 2 years and made available to the District upon request.
- (vii) Laboratory equipment and laboratory operations located at secondary schools, colleges, or universities and used exclusively for instruction.
- (viii) Any temporary equipment installed in a pilot plant facility, provided that the total emissions increase from all such temporary equipment does not exceed 10 pounds per day of VOCs. For the purposes of this exemption, temporary equipment means equipment located at a pilot plant facility for a period not exceeding 90 days in any consecutive 12-month period excluding construction and installation periods. It shall be the responsibility of a person claiming this exemption to maintain daily records necessary for the District to determine its applicability.

**(5) REPLACEMENT OF EQUIPMENT**

Subject to the limitations and requirements stated in this Subsection (d)(5), identical replacement equipment and like-kind replacement equipment as listed below are exempt from the requirements of Rule 10. The provisions of this Subsection (d)(5) shall not apply to replacement of equipment pursuant to other requirements of these Rules and Regulations; or replacement of equipment subject to air contaminant control standards specified for replacement equipment; or replacement of equipment in whole or part, that in sum would constitute reconstruction or modification under NSPS or District Regulation X - Standards of Performance for New Stationary Sources, or would constitute a major stationary source or replacement of any stationary or portable compression ignition reciprocating internal combustion engine; or rim seal replacements for bulk gasoline floating roof tanks subject to the Best Available Control Technology (BACT) requirements of Rule 61.1.

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

In order to claim the applicability of Subsection (d)(5)(i) for portable equipment (other than a diesel-fueled portable engine), written notification of the proposed equipment replacement and information identifying the manufacturer, model number, serial number, and type of the item used as a replacement, and information detailing the expected use of the equipment being replaced, must be submitted to the District prior to such replacement.

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

(A) is identical in function, and

(B) is similar in design, and

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

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

In order to claim the applicability of Subsection (d)(5)(ii) and prior to replacing any equipment, written notification in the form of an application for permit revision, the information required to make the determinations listed above, and the fees specified in Rule 40 must be submitted to the District.



**(6) PLANT SUPPORT EQUIPMENT**

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

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

**(7) METALLURGICAL PROCESSING EQUIPMENT - GENERAL**

- (i) Non-automated soldering equipment, such as handheld soldering irons and guns.
- (ii) Solder-screen processes and associated soldering ovens that use a process similar to silk-screening in order to apply the solder paste.
- (iii) Each solder leveler, hydrosqueegee, wave solder machine or drag solder machine that uses less than an average of 10 pounds of any material containing VOCs per operating day for each calendar month. The number of operating days per calendar month, monthly purchase records, and daily or monthly records of material usage shall be maintained on-site for 2 years and be made available to the District upon request.
- (iv) Brazing and welding equipment, including arc welding equipment.

- (v) Molds used for the casting of metals.
- (vi) Foundry sand mold forming equipment. This exemption does not apply if heat, sulfur dioxide, or VOCs are used.
- (vii) Forming equipment used exclusively for forging, rolling, or drawing of metals.
- (viii) Metal and ceramic deposition spray operations where all the materials sprayed contain no chromium, lead, or nickel. This exemption does not apply when electric arc or flame spray guns are used in these operations.
- (ix) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.
- (x) Shell-core and shell-mold manufacturing machines.
- (xi) Extrusion equipment used exclusively for extruding metals or minerals. This exemption does not apply to coking extrusion equipment or processes that manufacture products containing greater than 1% asbestos fiber by weight.
- (xii) Shot peening operations where only steel shot is employed and no surface material such as scale, rust, or old paint is removed.
- (xiii) Chemical milling of titanium or niobium (columbium) and/or their alloys using nitric and/or hydrofluoric acid at milling bath temperatures below 110°F (43°C).
- (xiv) Equipment used for anodizing, plating, polishing, stripping, or etching, if the VOC content of the aqueous material does not exceed 10% by weight. This exemption does not apply to acid chemical milling, chrome plating, chromic acid anodizing, chromate conversion coating processes, or the stripping of chromium. This exemption also does not apply to copper etching or plating operations which use formaldehyde, ammonium hydroxide, ammonium chloride, or solutions of nitric, hydrofluoric, and/or hydrochloric acids which contain more than 17% acid concentration by weight.
- (xv) Oil quenching tanks that use less than 20 gallons per year of make-up oil. Monthly purchase records and daily or monthly usage records of all materials added must be maintained on-site to claim applicability of this exemption.
- (xvi) Salt bath quenching tanks where no chromium containing compounds are added to the tank.

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

(i) Crucible furnaces, pot furnaces, or induction furnaces, each with a maximum rated capacity of less than 450 cubic inches of any molten metal.

(ii) Crucible furnaces, pot furnaces, or induction furnaces each with a maximum rated capacity of 2,500 cubic inches or less, or 950 pounds or less, and where

(A) no sweating or distilling is conducted, and

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

Records of the types of all metal poured from such furnaces shall be maintained on-site for 3 years and be made available to the District upon request. This exemption does not apply if alloying elements of arsenic, beryllium, cadmium, chromium, lead, and/or nickel are utilized in such furnaces.

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

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

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

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

(vii) Die casting machines.

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

**(9) ABRASIVE BLASTING EQUIPMENT**

The exemptions listed in this Subsection (d)(9) shall not apply to any combustion equipment associated with abrasive blasting equipment unless the associated combustion equipment is also exempt pursuant to Subsection (d)(2) of this rule. The exemptions listed in this Subsection (d)(9) shall not also apply to abrasive blasting operations where asbestos containing materials are being removed.

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

(ii) Abrasive blasting cabinets that are vented through a control device into the building where such cabinets are located.

(iii) Robotically-operated enclosed abrasive blasting equipment that emits less than 5 pounds of particulate matter per day, operates at a negative pressure, and is vented through a control device into the building where it is located.

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

**(10) MACHINING EQUIPMENT**

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

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

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

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

(v) Tub grinders and trommel screens used for processing wood waste. This exemption does not apply to any associated combustion equipment unless such equipment is also exempt pursuant to Subsection (d)(2) of this rule.

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

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

(viii) Drilling machines for fiberglass parts that are exclusively vented through an intact bag filter that exhausts inside the building where such equipment is located and provided that the amount of fiberglass collected in the bag filter is below 500 pounds per calendar year per facility. Monthly records of all fiberglass collected in the bag filter shall be maintained on-site for 2 years and made available to the District upon request.

**(11) PRINTING AND REPRODUCTION EQUIPMENT**

(i) Any graphic arts operation or group of graphic arts operations located at a stationary source, that 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 or mix ratios, VOC content of each material used, number of operating days per month, and daily or monthly records of material usage, shall be maintained on-site for 3 years and be made available to the District upon request.

(ii) Inkjet and laser printing equipment.

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

**(12) FOOD PROCESSING AND FOOD PREPARATION EQUIPMENT**

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

(ii) Equipment located at eating establishments that is used for preparing food for human consumption at the same establishment. This exemption does not apply to boilers or coffee roasting equipment.

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

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

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

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

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

(viii) Smokehouses used for preparing food.

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

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

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

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

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

(v) Foam manufacturing or foam application operations that emit less than an average of 5 pounds of VOCs per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for 2 years and be made available to the District upon request.

(vi) Plastics manufacturing or fabrication operations, including reinforced plastic fabrication operations using materials such as epoxy and/or polyester resins, that emit less than an average of 5 pounds of VOCs per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for 2 years and be made available to the District upon request.

(vii) Hot wire cutting of expanded polystyrene foam.

**(14) MIXING, BLENDING, AND PACKAGING EQUIPMENT**

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

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

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

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

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

(vi) Any coating and/or ink manufacturing operations located at a stationary source that 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 3 years and be made available to the District upon request.

**(15) COATING AND ADHESIVE APPLICATION EQUIPMENT AND OPERATIONS**

(i) Powder coating operations where less than 0.5 gallons per day of any surface preparation or cleaning material containing VOCs are used. Monthly purchase and daily or monthly usage records of surface preparation and cleaning materials shall be maintained on-site for 3 years and made available to the District upon request. This exemption does not apply to metallizing gun operations.

(ii) Application equipment and processes used exclusively to apply coatings and/or adhesive materials to stationary structures and/or their appurtenances at the site of installation, to portable buildings including mobile homes at the site of installation, to pavement, or to curbs. This exemption does not apply to application equipment and processes where coatings or adhesive materials are applied in off-site shops or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles.

(iii) Any coating or adhesive materials application operation (portable or stationary) where 20 gallons or less of liquid coatings or adhesive materials are applied per consecutive 12-month period. Monthly purchase records and daily or monthly usage records of all coatings or adhesive materials applied must be maintained on-site for 3 years to claim applicability of this exemption. The volume of materials applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption.

(iv) Any coating or adhesive materials application operation at a stationary source where the VOC emissions from such operations are 150 pounds or less per consecutive 12-month period, excluding surface preparation and cleanup solvents. All records necessary to calculate VOC emissions, such as VOC content of each coating or adhesive material applied and daily or monthly usage records of such materials must be maintained on-site for 3 years to claim applicability of this exemption.

The volume or VOC content of materials applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption.

(v) Chromate conversion coating processes where coatings are applied exclusively by brush or rollers.

(vi) Coating operations that exclusively use preservative oils and compounds as defined in Rule 67.9, lubricants, greases, or waxes containing no volatile organic solvents.

(vii) Coating operations that exclusively use non-refillable handheld aerosol spray containers.

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

- (ix) Coating application equipment located at primary or secondary schools and used exclusively for instruction.
- (x) Liquid surface coating operations that exclusively use hand-held brushes to apply wet fastener primer coatings from containers that are 8 ounces or less in size.
- (xi) Liquid surface coating operations that exclusively use air brushes with a coating capacity of 2 ounces or less.
- (xii) Hot melt adhesive application equipment.
- (xiii) The application of coatings outside of a designated workstation that is necessary for the maintenance of stationary equipment.

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

- (i) Equipment used exclusively for surface preparation and cleaning if the VOC content of the aqueous material does not exceed 50 grams per liter, as applied.
- (ii) Cold solvent cleaning dip tanks, vapor degreasers, and paint stripping tanks:
  - (A) with a liquid surface area of 1 square foot or less, or
  - (B) with a maximum capacity of one gallon or less.
- (iii) Cold solvent cleaning remote reservoirs with a sink cross-sectional area of 1 square foot (0.09 square meters) or less.
- (iv) Batch-type waste solvent recovery stills for on-site recovery of waste solvent with a maximum solvent usage of 350 gallons per day, provided the still is equipped with a device that shuts off the heating system if the solvent vapor condenser is not operating properly.
- (v) Metal inspection tanks that:
  - (A) have a liquid surface area of less than 5 square feet, or
  - (B) do not use volatile organic solvents, or
  - (C) are not equipped with spray type flow devices or a means of solvent agitation.
- (vi) Cold solvent degreasers used exclusively for educational purposes.
- (vii) Golf grip application stations that exclusively use liquid materials with an initial boiling point of 450°F (232°C), or greater.



(viii) Solvent wipe cleaning operations, not associated with any permitted operation, provided the solvent is applied from a container that minimizes emissions to the air, such as but not limited to, squeeze containers with narrow tips, spray bottles, or dispensers with press down caps; and the uncontrolled VOC emissions from all such operations located at the stationary source do not exceed 5 tons per calendar year, or the total purchase of solvents for such operations does not exceed 1,500 gallons per calendar year. All data and/or records necessary to demonstrate that this exemption is applicable, shall be maintained on-site for 2 years and made available to the District upon request.

**(17) STORAGE AND TRANSFER EQUIPMENT**

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

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

(iii) Equipment used exclusively to store and/or transfer organic solvents that are not used as fuels.

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

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

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

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

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

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

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

(i) Non-immersion dry cleaning equipment.

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

(iii) Wastewater processing units associated with drycleaning operations using halogenated compounds, provided the concentration of halogenated compounds in the water being evaporated in the unit does not exceed 400 parts per million (by weight).

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

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

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

(vii) Any equipment listed above in Subsections (18)(iv), (18)(v), or (18)(vi) which does not emit more than an average of 5 pounds of VOCs per operating day for each calendar month. All records needed to calculate average daily VOC emissions, such as emission factors, VOC content of all materials used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for 2 years and be made available to the District upon request.

**(19) MISCELLANEOUS EQUIPMENT AND OPERATIONS**

(i) Air pollution control equipment used exclusively to reduce

(A) emissions from any article, machine, equipment, process, or contrivance not required to have a Permit to Operate; or

(B) emissions generated during the draining and degassing of stationary floating roof gasoline storage tanks provided that a written authorization from the Air Pollution Control Officer to conduct the draining and degassing is obtained pursuant to Rule 61.1.

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

(iii) Roofing kettles (used to heat asphalt), each with a capacity of 85 gallons or less.

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

(v) Alkaline chemical milling equipment:

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

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

- (vi) Portable conveyors (belt or screw type) where there is no screening.
- (vii) Fire extinguishing equipment using halons.
- (viii) Equipment used exclusively for the purposes of:
  - (A) flash-over fire fighting training, or
  - (B) hand-held fire extinguisher training operations.
- (ix) Equipment used exclusively for bonding lining to brake shoes, where no volatile organic solvents are used.
- (x) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the inert gases from air.
- (xi) Any operation producing or blending materials for use in cosmetic or pharmaceutical products and/or manufacturing cosmetic or pharmaceutical products by chemical processes, that 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. 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 3 years and be made available to the District upon request.
- (xii) Equipment used for hydraulic or hydrostatic testing.
- (xiii) Ethylene oxide sterilizing processes that use less than 5 pounds of ethylene oxide per calendar year. Purchase records and records of monthly ethylene oxide usage shall be maintained on-site for 2 years and be made available to the District upon request.
- (xiv) Sterilizers or autoclaves using only steam or hydrogen peroxide.
- (xv) Nail salon operations.
- (xvi) Equipment used exclusively for the melting or applying of wax where no volatile organic solvents are used.
- (xvii) Aerosol can puncturing or crushing operations that use:
  - (A) a closed loop recovery system that emits no air contaminants, or

(B) a recovery system that vents all emissions through a properly operated and maintained carbon canister, provided not more than 500 cans are processed through the equipment per day. Throughput records of the number of cans processed shall be maintained on-site for 2 years and be made available to the District upon request.

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

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

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

(xx) Equipment approved for use by the EPA for recovering and/or recycling chlorofluorocarbons (CFCs) or alternative fluorocarbons.

(xxi) Wastewater treatment facilities, water reclamation facilities, and wastewater pump stations each with a design throughput capacity of less than one million gallons of wastewater per day.

(xxii) Sludge processing operations at wastewater treatment facilities each with a design throughput capacity of less than one million gallons of wastewater per day.

(xxiii) Smoke generating equipment in training sessions conducted by government agencies for the purpose of certifying persons to evaluate visible emissions for compliance with State law or District Rules and Regulations.

(xxiv) Smoke generating equipment used for training military personnel and the testing of military equipment by the Department of Defense.

(xxv) Any agricultural source where the aggregate actual emissions from all stationary emission units do not exceed 25 tons per year of each criteria pollutant and do not exceed 5 tons per year of any single HAP or 12.5 tons per year of combined HAPs.

(xxvi) Fuel cells used in power and/or heat generating equipment that is certified under California Air Resources Board's Distributed Generation Program or meets the emission standards of that program.

**(20) REGISTERED EQUIPMENT**

(i) Any portable equipment that is registered in accordance with District Rule 12.1. This exemption does not apply to any equipment while in use for screening of soils in contaminated soil remediation projects.

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

(iii) Any portable equipment registered in accordance with the Statewide Portable Equipment Registration Program adopted pursuant to California Health and Safety Code Section 41750, et seq., except in circumstances specified in that program (California Code of Regulations, Title 13, §2451 and §2457).

**(e) RESERVED**

**(f) RESERVED**

**(g) TEST METHODS** (Revision Effective *(date of adoption)*)

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

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

(2) Measurement of VOC content of cleaning materials subject to the requirements of Subsection (d)(16)(i) shall be conducted in accordance with the South Coast Air Quality Management District Test Method 308 or 313.

(3) Measurement of the initial boiling point of all materials subject to this rule shall be conducted in accordance with ASTM Standard Test Method D1078-05, for distillation range of volatile organic liquids, or its most current version.

(4) Calculation of total VOC vapor pressure for all materials subject to this rule shall be conducted in accordance with the District's "Procedures for Estimating the Vapor Pressure of VOC Mixtures," as it exists on June 27, 1995. If the vapor pressure of the liquid mixture, as calculated by this procedure, exceeds the limits specified, the vapor pressure shall be determined in accordance with ASTM Standard Test Method D2879-97 (2002), or its most current version. The solvent composition shall be determined using one of the following ASTM standard recommended practices: E168-99 (2004), E169-04, or E260-96 (2001), or their most current versions. The fraction of water and exempt compounds in the liquid phase shall be determined by using ASTM Standard Test Methods D3792-05 and D4457-02, or their most current versions, and shall be used to calculate the partial pressure of water and exempt compounds. The results of vapor pressure

measurements obtained using ASTM Standard Test Method D2879-97 (2002), or its most current version, shall be corrected for partial pressure of water and exempt compounds.

(5) Reid Vapor Pressure pursuant to Subsections (c)(22) and (d)(17) of this rule shall be measured in accordance with ASTM Standard Test Method D323-99a, or its most current version.

(6) Concentration of halogenated compounds in water pursuant to Subsection (d)(18)(iii) shall be measured in accordance with EPA Test Method 8021B.

(h) **COMPLIANCE SCHEDULE** (Revision Effective *(date of adoption)*)

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

**IT IS FURTHER RESOLVED AND ORDERED** that the subject amendments to Rule 11 of Regulation II shall take effect upon adoption.

**PASSED AND ADOPTED** by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 25th day of April, 2007, by the following votes:

**AYES: Cox; Jacob; Slater-Price; Roberts; Horn**

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

BY

*Dutton*

SENIOR DEPUTY

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

THOMAS J. PASTUSZKA  
Clerk of the Air Pollution Control Board

By *Glyceria D. Magpayo*  
Glyceria D. Magpayo, Deputy



Resolution No. 07-083

04/25/07 (APCD 1)

## SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED AMENDMENTS TO  
RULE 11 OF REGULATION IV

## CHANGE COPY

Proposed amendment to Rule 11, Sections (a), (c), (d), (g), and (h), is to read as follows:

**RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS**

(Effective 1/1/69:      Rev. Adopted & Effective 10/17/95  
                                  Rev. Adopted & Effective 7/30/96  
                                  Rev. Adopted & Effective 5/21/97  
                                  Rev. Adopted & Effective 11/15/00  
                                  Rev. Adopted & Effective (date of adoption)

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## **RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS**

### **(a) APPLICABILITY** (Revision Effective (date of adoption))

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

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

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

(4) This rule shall not apply to any equipment, operation, or process described in ~~SSubsections (d)(2) through (d)(19)~~ ~~that~~which emits more than 100 lbs per day of any one of the following criteria air pollutants: ~~P~~particulate ~~M~~atter (PM<sub>10</sub>), ~~O~~xides of ~~N~~itrogen (NO<sub>x</sub>), ~~V~~olatile ~~O~~rganic ~~C~~ompounds (VOC), ~~O~~xides of ~~S~~ulfur (SO<sub>x</sub>), ~~C~~arbon ~~M~~onoxide (CO), or ~~L~~ead (Pb).

(5) This rule shall not apply to any ~~article, machine, equipment, operation, or process~~other contrivance ~~that~~which is subject to the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP), 40 CFR 63, the New Source Performance Standards (NSPS), 40 CFR 60, and the Air Pollution Control District (District) Regulation X - Standards of Performance for New Stationary Sources and/or Regulation XI - National Emission Standards for Hazardous Air Pollutants.

(6) Except for equipment specified in Subsection (d)(20)(iii), Section (d) of this rule shall not apply to any new or modified equipment, operation or process ~~that~~

(i) ~~which~~emits or may emit toxic air contaminants, as defined in Rule 1200, and

(ii) ~~which the Air Pollution Control Officer determines has emissions of toxic air contaminants that~~which, in the absence of any emission control device or limitation on material usage or production, may be expected to exceed any standard specified in Rule 1200 (d)(1)(i), (d)(2), or (d)(3) as determined by the Air Pollution Control Officer. This provision shall not apply to any equipment, operation, or process for which construction or modification, as applicable, commenced prior to November 15, 2000 ~~May 21, 1997~~, unless such equipment, operation, or process is subsequently modified in such a manner that increases emissions of one or more toxic air contaminants.

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

(b) **RESERVED**

(c) **DEFINITIONS** (Revision Effective (date of adoption))

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

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

(2) **"Agricultural Source"** means any equipment, operation, or process, or aggregation thereof, used in the production of crops, or raising of fowl or animals and located on contiguous property under common ownership or control that meets any of the criteria identified in Section 39011.5 of California Health and Safety Code.

(3) **"Brake Horsepower Rating"** means the maximum continuous brake horsepower output rating of the internal reciprocating combustion engine as specified by the engine manufacturer and listed on the engine nameplate, if available.

(4) **"CFR"** means Code of Federal Regulations.

(5) **"Designated Workstation"** means an assigned area within the stationary source where a specified operation is conducted.

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

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

(8) **"Hazardous Air Pollutant (HAP)"** means an air contaminant identified in the Federal Clean Air Act, Title 1, Section 112 (b).

(39) **"Hot Melt Adhesive"** means a thermoplastic adhesive ~~that~~which melts at temperatures above ~~180~~300°F (82°C), does not contain organic solvents, and sets rapidly~~instantly upon cooling and remains flexible.~~

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

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

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

(13) **"Organic Solvent"** means any substance that is liquid at standard conditions and contains an organic compound or combination of organic compounds, and that is used as a diluent, thinner, dissolver, viscosity reducer, or cleaning agent, or for other similar purposes.

(14) **"Pilot Plant Facility"** means a trial assembly of small-scale reaction and processing equipment that is the intermediate stage between laboratory experiment and full-scale operation in the development of a new product and/or process.

(615) **"Portable Emission Unit"** means the same as defined in Rule 20.1, an emission unit which is designed and equipped to be easily movable and, as installed, easily capable of being moved from one stationary source to another, as determined by the Air Pollution Control Officer. Portable emission units are periodically moved and may not be located more than 180 days at any one stationary source within any consecutive 12-month period. Days when portable emissions units are stored in a designated holding or storage area shall not be counted towards the 180-day limit, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding area the entire calendar day.

(16) **"Process Heater"** means any combustion equipment fired with liquid and/or gaseous fuel that transfers heat from the combustion gases to water or process streams. Heaters used for swimming pools, spas, and/or therapy pools shall be considered process heaters. This definition does not include any combustion equipment where the material being heated is in direct contact with the products of combustion, such as furnaces or kilns, or any unfired waste heat recovery heater that is used to recover sensible heat from the exhaust of any combustion equipment.

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

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

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

(20) **"Toxic Air Contaminant"** means the same as defined in Rule 2.

(1021) **"Volatile Organic Compound (VOC)"** means the same as defined in Rule 2.

(22) **"Volatile Organic Liquid"** means any organic liquid either having a Reid Vapor Pressure (RVP) greater than 3 pounds per square inch if the American Society for Testing Material International (ASTM) RVP test method is applicable, or having a true vapor pressure greater than 3 pounds per square inch absolute at 100°F if the ASTM RVP test is not applicable.

(1123) **"Volatile Organic Solvent"** means an organic solvent with an initial boiling point of less than 400°F (204°C).

**(d) EQUIPMENT, OPERATIONS, OR PROCESSES NOT REQUIRING A PERMIT TO OPERATE** (Revision Effective ~~11/15/00~~ *(date of adoption)*)

Any equipment, operation, or process that is listed below in Subsections (d)(1) through (d)(20), and that meets the stated exemption provision, parameter, requirement, or limitation, is exempt from the requirements of Rule 10. Such equipment, operation, or process shall not be exempt from any otherwise applicable standards in these Rules and Regulation, or applicable state or federal regulations unless specified by that rule or regulation.

Any person claiming such an exemption shall provide documentation sufficient to substantiate the applicability of the stated exemption provision, parameter, requirement, or limitation at the request of the Air Pollution Control Officer.

**(1) MOBILE SOURCES**

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

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

**(2) COMBUSTION AND HEAT TRANSFER EQUIPMENT** (~~Revision Effective 11/15/00~~)

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

(ii) RESERVED

(iii) Any engine mounted on, within, or incorporated into any motor vehicle, train, ship, boat, or barge, that is used exclusively to load or unload cargo. For the

purposes of this exemption, cargo shall not include the removal or relocation of sand, rock, silt, soil, or other materials from dredging operations.

(iv) Any gas turbine engine ~~that~~which has:

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

(B) a maximum gross heat input rating at International Standards Organization (ISO) Standard Day Conditions of less than 1 million British thermal units (BTU) per hour.

This exemption does not apply to any gas turbine operating on waste-derived gaseous fuel.

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

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

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

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

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

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

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

(ix) Back-pack power blowers.

(x) Orchard or citrus grove heaters.

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

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

- (xiii) Any oven used exclusively for the curing, softening or annealing of plastics.
- (xiv) Any oven ~~that which~~ is an integral part of a process for which a Permit to Operate is not required pursuant to this rule.

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

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

(xvii) Auxiliary internal combustion reciprocating engines mounted on any authorized emergency vehicle as defined in Section 165 of the California Vehicle Code.

### **(3) STRUCTURES AND STRUCTURAL MODIFICATIONS**

- (i) Equipment used exclusively in support of any structure designed for and used exclusively as a dwelling for not more than four families.
- (ii) Structural modifications ~~that which~~ cannot change the quality, nature, or quantity of air contaminant emissions.

### **(4) LABORATORY EQUIPMENT AND RELATED OPERATIONS**

- (i) Laboratory testing equipment and quality control testing equipment, used exclusively for chemical and physical analysis.
- (ii) Vacuum-producing devices used in laboratory operations.
- (iii) Hoods, stacks, or ventilators.
- (iv) Research and development equipment.
- (v) Peptide and DNA synthesis operations.
- (vi) Equipment used to manufacture:
  - (A) biotechnology pharmaceutical products for exclusive use in federal Food and Drug Administration (FDA) approved clinical trials, or

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

(C) bioagricultural products for exclusive use in field testing required to obtain FDA, Environmental Protection Agency (EPA), United States Department of Agriculture (USDA) and/or California Environmental Protection Agency (Cal-EPA) approval, and provided the uncontrolled emissions of VOC's from all such operations located at the stationary source do not exceed five tons per calendar year. All data and/or records necessary to demonstrate that this exemption is applicable, shall be maintained on-site for two years and made available to the District upon request.

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

(viii) Any temporary equipment installed in a pilot plant facility, provided that the total emissions increase from all such temporary equipment does not exceed 10 pounds per day of VOCs. For the purposes of this exemption, temporary equipment means equipment located at a pilot plant facility for a period not exceeding 90 days in any consecutive 12-month period excluding construction and installation periods. It shall be the responsibility of a person claiming this exemption to maintain daily records necessary for the District to determine its applicability.

**(5) REPLACEMENT OF EQUIPMENT** ~~(Revision Effective 11/15/00)~~

Subject to the limitations and requirements stated in this Subsection (d)(5), identical replacement equipment and like-kind replacement equipment as listed below are exempt from the requirements of Rule 10. The provisions of this Subsection (d)(5) shall not apply to replacement of equipment pursuant to other requirements of these Rules and Regulations; or replacement of equipment subject to air contaminant control standards specified for replacement equipment; or replacement of equipment in whole or part, that in sum would constitute reconstruction or modification under NSPS or District Regulation X - Standards of Performance for New Stationary Sources, or would constitute a major stationary source, ~~as defined in District Rule 2;~~ or replacement of any stationary or portable compression ignition reciprocating internal combustion emergency standby, low-use, or cycle engine, as defined in Rule 69.4.1; or rim seal replacements for bulk gasoline floating roof tanks subject to the Best Available Control Technology (BACT) requirements of Rule 61.1.

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

In order to claim the applicability of Subsection (d)(5)(i) for portable equipment (other than a diesel-fueled portable engine), written notification of the proposed equipment replacement and information identifying the manufacturer, model number, serial number, and type of the item used as a replacement, and

information detailing the expected use of the equipment being replaced, must be submitted to the District prior to such replacement.

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

- (A) is identical in function, and
- (B) is similar in design, and
- (C) the actual air contaminant emissions are the same in nature, and
- (D) has a capacity, production rate, and actual air contaminant emissions ~~that which~~ are equal to or less than those of the currently permitted equipment.

In order to claim the applicability of Subsection (d)(5)(ii) and prior to replacing any equipment, written notification in the form of an application for permit revision of the proposed equipment replacement, the information required to make the determinations listed above, and the fees specified in Rule 40-(a)(6) must be submitted to the District. ~~Written authorization must be granted by the District for each piece of replacement equipment prior to replacing any equipment under Subsection (5)(ii).~~

#### **(6) PLANT SUPPORT EQUIPMENT**

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

- (i) Vacuum cleaning devices used exclusively for housekeeping purposes.
- (ii) Equipment used exclusively for comfort air conditioning or comfort ventilation systems, and ~~which is not~~ designed or used to remove air contaminants generated by or released from; specific equipment.
- (iii) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
- (iv) Equipment used exclusively to compress or hold dry natural gas.
- (v) Vacuum-producing devices used in connection with other equipment not requiring a Permit to Operate pursuant to this rule.
- (vi) Equipment used exclusively for space heating, other than boilers.



(vii) Water cooling towers and water cooling ponds used for evaporative cooling of water utilized solely in heat transfer processes but not used for evaporative cooling of:

- (A) process water (e.g., contaminated water or industrial wastewater), or
- (B) water from barometric jets or barometric condensers.

**(7) METALLURGICAL PROCESSING EQUIPMENT - GENERAL**

(i) Non-automated soldering equipment, such as handheld soldering irons and guns.

(ii) Solder-screen processes and associated ~~infrared~~ soldering ovens, ~~that which~~ use a process similar to silk-screening in order to apply the solder paste.

(iii) ~~Each solder~~ Solder levelers, hydrosqueegees, wave solder machines, ~~and~~ ~~or~~ drag solder machines ~~that which each~~ uses less than an average of 10 pounds of any material containing VOC's per operating day for each calendar month. The number of operating days per calendar month, monthly purchase records, and daily or monthly records of material usage, shall be maintained on-site for ~~two~~ 2 years and be made available to the District upon request.

(iv) Brazing, and welding equipment, including arc welding equipment.

(v) Molds used for the casting of metals.

(vi) Foundry sand mold forming equipment. This exemption does not apply if heat, sulfur dioxide, or ~~volatile organic compounds~~ VOCs are ~~used~~ applied.

(vii) Forming equipment used exclusively for forging, rolling, or drawing of metals.

(viii) Metal and ceramic deposition spray ~~operations~~ guns where all the materials ~~being-sprayed~~ contains no chromium, lead, or nickel. This exemption does not apply ~~when~~ the electric arc or flame spray guns are used in these operations.

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

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

(xi) Extrusion equipment used exclusively for extruding metals, or minerals. This exemption does not apply to coking extrusion equipment or processes ~~that which~~ manufacture products containing greater than ~~one percent~~ 1% asbestos fiber by weight.

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

(xiii) Chemical milling of titanium or niobium (columbium) and/or their alloys using nitric and/or hydrofluoric acid at milling bath temperatures below 110°F (43°C). ~~Chemical milling of titanium, and titanium alloys which do not contain any hazardous air pollutants, at temperatures below 110°F (43°C).~~

(xiv) Equipment used for anodizing, plating, polishing, stripping, or etching, if the VOC content of the aqueous material does not exceed 10% by weight. This exemption does not apply to acid chemical milling, chrome plating, chromic acid anodizing, chromate conversion coating processes, or the stripping of chromium. This exemption also does not apply to copper etching or plating operations which use formaldehyde, ammonium hydroxide, ammonium chloride, or solutions of nitric, hydrofluoric, and/or hydrochloric acids which contain more than 17% acid concentration by weight. Chemical milling of niobium (columbium), and niobium alloys which do not contain any hazardous air pollutants, using nitric or hydrofluoric acids at temperatures below 110°F (43°C).

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

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

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

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

(ii) Crucible furnaces, pot furnaces, or induction furnaces: ~~(A)~~ each with a maximum rated ~~brimful~~ capacity of 2,500 cubic inches or less, or 950 pounds or less, and ~~(B)~~ where

(A) no sweating or distilling is conducted, and

(B) ~~where no sweating or distilling is conducted, and (C)~~ where only non-ferrous metals, except lead and yellow brass, are poured or held in a molten state.

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

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

**(9) ABRASIVE BLASTING EQUIPMENT**

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

- (i) Blast cleaning equipment using a suspension of abrasive in water.
- (ii) Abrasive blasting cabinets ~~that which~~ are vented through a control device ~~and~~ into the building where such cabinets are located.
- (iii) Robotically-operated enclosed abrasive blasting equipment that emits less than 5 pounds of particulate matter per day, operates at a negative pressure, and is vented through a control device into the building where it is located.
- ~~(iii)~~(iv) Abrasive blasting equipment with a manufacturer's sand capacity rating of 100 pounds or less (45.4 kg), or 1 cubic foot or less.

**(10) MACHINING EQUIPMENT**

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

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

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

(v) Tub grinders and trommel screens used for processing wood waste. This exemption does not apply to any associated combustion equipment unless such equipment is also exempt pursuant to Subsection (d)(2) of this rule.

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

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

(viii) Drilling machines for fiberglass parts that are exclusively vented through an intact bag filter that exhausts inside the building where such equipment is located and provided that the amount of fiberglass collected in the bag filter is below 500 pounds per calendar year per facility. Monthly records of all fiberglass collected in the bag filter shall be maintained on-site for 2 years and made available to the District upon request.

#### (11) **PRINTING AND REPRODUCTION EQUIPMENT**

(i) Any graphic arts operation or group of graphic arts operations located at a stationary source, ~~that which~~ emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors or mix ratios, VOC content of each material used, number of operating days per month, and daily or monthly records of material usage, shall be maintained on-site for ~~three~~3 years and be made available to the District upon request.

(ii) Inkjet and laser printing equipment.

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

#### (12) **FOOD PROCESSING AND FOOD PREPARATION EQUIPMENT**

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

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

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

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

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

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

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

(viii) Smokehouses used for preparing food.

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

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

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

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

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

(v) Foam manufacturing or foam application operations ~~that which~~ emit less than an average of ~~five~~5 pounds of VOC's per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for ~~two~~2 years and be made available to the District upon request.

(vi) Plastics manufacturing or fabrication operations, including reinforced plastic fabrication operations using materials such as epoxy and/or polyester resins, ~~that which~~ emit less than an average of ~~five~~5 pounds of VOC's per operating day for each calendar month. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for ~~two~~2 years and be made available to the District upon request.

(vii) Hot wire cutting of expanded polystyrene foam.

**(14) MIXING, BLENDING, AND PACKAGING EQUIPMENT**

- (i) Dry batch mixers with a rated working capacity of 0.5 cubic yards or less, where material is added in a dry form prior to the introduction of a subsequent liquid fraction or where no liquid fraction is added.
- (ii) Wet batch mixers with a rated working capacity of 1 cubic yard or less, where no volatile organic solvents are used.
- (iii) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils, or waxes.
- (iv) Equipment used exclusively for the packaging of lubricants or greases.
- (v) Equipment used at ambient temperatures exclusively for mixing and blending materials ~~which are used~~ to make water-based adhesives.
- (vi) Any coating and/or ink manufacturing operations located at a stationary source, ~~which~~ that emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for ~~two~~ 3 years and be made available to the District upon request.

**(15) COATING AND ADHESIVE APPLICATION EQUIPMENT AND OPERATIONS**

- (i) Powder coating operations where less than 0.5 gallons per day of any surface preparation or cleaning material containing ~~VOCs~~ volatile organic compounds are used. Monthly purchase and daily or monthly usage records of surface preparation and cleaning materials shall be maintained on-site for ~~three~~ 3 years and made available to the District upon request. This exemption does not apply to metallizing gun operations.
- (ii) Application equipment and processes used exclusively to apply coatings ~~subject to Rule 67.0 Architectural Coatings and/or adhesive materials to stationary structures and/or their appurtenances at the site of installation, to portable buildings including mobile homes at the site of installation, to pavement, or to curbs. This exemption does not apply to application equipment and processes where coatings or adhesive materials are applied in off-site shops or to non-stationary structures such as airplanes, ships, boats, railcars, and automobiles.~~
- (iii) Any coating or adhesive materials application operation (portable or stationary) where 20 gallons or less of liquid coatings or adhesives materials are applied per consecutive 12-month period. Monthly purchase records and daily or monthly usage records of all coatings or adhesives materials applied must be maintained on-site for ~~three~~ 3 years to claim applicability of this exemption. The volume of materials applied using non-refillable handheld aerosol spray containers

shall not be included when determining the applicability of this exemption. This exemption does not apply to chromate conversion coating processes, unless such coatings are applied by brush or roller.

(NOTE: As with all other provisions listed, this provision only provides an exemption from permit requirements and not from any other standards, such as the VOC limits in Rules 67.18 and 67.20.)

(iv) Any coating or adhesive materials application operation at a stationary source where the aggregate VOC emissions from all such operations are 150 pounds or less per consecutive 12-month period, excluding surface preparation and cleanup solvents. All records necessary to calculate aggregate VOC emissions, such as VOC content of each coating or adhesive material applied and daily or monthly usage records of such materials must be maintained on-site for 3 years to claim applicability of this exemption.

The volume or VOC content of materials applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption.

(v) Chromate conversion coating processes where coatings are applied exclusively by brush or rollers.

(vi) Coating operations that exclusively use preservative oils and compounds as defined in Rule 67.9, lubricants, greases, or waxes containing no volatile organic solvents.

(ivvii) Coating operations ~~that~~which exclusively use non-refillable handheld aerosol spray containers.

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

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

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

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

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

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

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

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

~~(xii)~~ Hot melt adhesive application equipment.

~~(xiii)~~ The application of coatings outside of a designated workstation that is defined application station which are necessary for the maintenance of stationary equipment.

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

(i) Equipment used exclusively for surface preparation and cleaning if the VOC volatile organic compound content of the aqueous material does not exceed 50 grams per liter, as applied, 10% by weight. This exemption does not apply to chromate conversion coating processes.

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

(A) with a liquid surface area of 1 square foot or less, or

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

(iii) Cold solvent cleaning remote reservoirs with a sink cross-sectional area of 1 square foot (0.09 square meters) or less.

~~(iiiiv)~~ Batch-type waste solvent recovery stills ~~with a batch capacity of 7.5 gallons or less~~, for on-site recovery of waste solvent with a maximum solvent usage of 350 gallons per day, provided the still is equipped with a device that ~~which~~ shuts off the heating system if the solvent vapor condenser is not operating properly.

~~(ivv)~~ Metal inspection tanks that ~~which~~:

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

(B) do not use volatile organic solvents, or

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

~~(vvi)~~ Cold solvent degreasers used exclusively for educational purposes.



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

(viii) Solvent wipe cleaning operations, not associated with any permitted operation, provided the solvent is applied from a container that minimizes emissions to the air, such as, but not limited to, squeeze containers with narrow tips, spray bottles, or dispensers with press down caps; and the uncontrolled VOC emissions of VOC's from all such operations located at the stationary source do not exceed ~~five~~ 5 tons per calendar year, or the total purchase of solvents for such operations does not exceed 1,500 gallons per calendar year. All data and/or records necessary to demonstrate that this exemption is applicable, shall be maintained on-site for ~~two~~ 2 years and made available to the District upon request.

#### (17) STORAGE AND TRANSFER EQUIPMENT

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

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

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

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

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

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

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

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

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

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

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

(i) Non-immersion dry cleaning equipment.

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

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

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

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

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

(vii) Any equipment listed above in Subsections (18)(iv), (18)(v) or (18)(vi) which does not emit more than an average of five pounds of VOC's per operating day for each calendar month. All records needed to calculate average daily VOC emissions, such as emission factors, VOC content of all materials used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for ~~two~~ 2 years and be made available to the District upon request.

**(19) MISCELLANEOUS EQUIPMENT AND OPERATIONS**

(i) Air pollution control equipment used exclusively to reduce ~~associated with~~

(A) emissions from any article, machine, equipment, process, or contrivance not required to have a Permit to Operate; or

(B) emissions generated during the draining and degassing of stationary floating roof gasoline storage tanks provided that a written authorization from the Air Pollution Control Officer to conduct the draining and degassing is obtained pursuant to Rule 61.1.

- (ii) Repairs or maintenance not involving structural changes to any equipment for which a Permit to Operate has been granted.
- (iii) Roofing kettles (used to heat asphalt), ~~each with which have~~ a capacity of 85 gallons or less.
- (iv) Paper shredders and disintegrators, ~~each with which have~~ a capacity of 600 pounds per hour or less, and the associated conveying systems and baling equipment.
- (v) Alkaline chemical milling equipment:
  - (A) used exclusively for the cleaning of internal combustion engine parts, or
  - (B) for which construction or installation commenced prior to March 27, 1990.
- (vi) Portable conveyors (belt or screw type) where there is no screening.
- (vii) Fire extinguishing equipment using halons.
- (viii) Equipment used exclusively for the purposes of:
  - (A) flash-over fire fighting training, or
  - (B) hand-held fire extinguisher training operations.
- (ix) Equipment used exclusively for bonding lining to brake shoes, where no volatile organic solvents are used.
- (x) Equipment used exclusively to liquefy or separate oxygen, nitrogen, or the inert gases from air.
- (xi) Any operation producing or blending materials for use in cosmetic or pharmaceutical products and/or manufacturing cosmetic or pharmaceutical products by chemical processes, ~~that which~~ emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all phases of all such operations located at a single stationary source. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for ~~three~~3 years and be made available to the District upon request.
- (xii) Equipment used for hydraulic or hydrostatic testing.
- (xiii) Ethylene oxide sterilizing processes that use less than 5 pounds of ethylene oxide per calendar year. ~~Atmospheric organic gas sterilizer cabinets where~~

~~ampoules are utilized exclusively to dispense ethylene oxide gas into a liner bag and where total ethylene oxide emissions are less than five pounds per year. All records needed to substantiate the annual ethylene oxide emissions, such as emission factors~~ Purchase records and records of material monthly ethylene oxide usage, shall be maintained on-site for ~~two~~ 2 years and be made available to the District upon request.

(xiv) Sterilizers or autoclaves using only steam or hydrogen peroxide.

(~~xiv~~xv) Nail salon operations.

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

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

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

(B) a recovery system that vents all emissions through a properly operated and maintained carbon canister, provided not more than 500 cans are processed through the equipment per day. Throughput records of the number of cans processed shall be maintained on-site for ~~two~~ 2 years and be made available to the District upon request.

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

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

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

(~~xix~~) Equipment used for anodizing, plating, polishing, stripping or etching, if the volatile organic compound content of the aqueous material does not exceed 10% by weight. This exemption does not apply to acid chemical milling, chrome plating, chromic acid anodizing, chromate conversion coating processes, or the stripping of

~~chromium. This exemption also does not apply to copper etching or plating operations which use formaldehyde, ammonium hydroxide, ammonium chloride, or solutions of nitric, hydrofluoric and/or hydrochloric acids which contain more than 17 percent acid concentration by weight.~~

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

(xxi) Wastewater treatment facilities, water reclamation facilities, and wastewater pump stations each with a design throughput capacity of less than one million gallons of wastewater per day.

(xxii) Sludge processing operations at wastewater treatment facilities each with a design throughput capacity of less than one million gallons of wastewater per day.

(xxiii) Smoke generating equipment in training sessions conducted by government agencies for the purpose of certifying persons to evaluate visible emissions for compliance with State law or District Rules and Regulations.

(xxiv) Smoke generating equipment used for training military personnel and the testing of military equipment by the Department of Defense.

(xxv) Any agricultural source where the aggregate actual emissions from all stationary emission units do not exceed 25 tons per year of each criteria pollutant and do not exceed 5 tons per year of any single HAP or 12.5 tons per year of combined HAPs.

(xxvi) Fuel cells used in power and/or heat generating equipment that is certified under California Air Resources Board's Distributed Generation Program or meets the emission standards of this program.

**(20) REGISTERED EQUIPMENT**

(i) Any portable equipment ~~that~~which is registered in accordance with District Rule 12.1. This exemption does not apply to any equipment while in use for screening of soils in contaminated soil remediation projects.

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

(iii) Any portable ~~equipment~~engine registered in accordance with the Statewide Portable ~~Equipment~~Engine Registration Program adopted pursuant to California Health and Safety Code Section 41750, et seq., ~~except in circumstances specified in that program~~ (California Code of Regulations, Title 13, §2451 and §2457).

(e) **RESERVED**

(f) **RESERVED**

(g) **TEST METHODS** (Revision Effective (date of adoption))

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

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

(2) Measurement of VOC content of cleaning materials subject to the requirements of Subsection (d)(16)(i) shall be conducted in accordance with the South Coast Air Quality Management District Test Method 308 or 313.

(23) Measurement of the initial boiling point of all materials subject to this rule shall be conducted in accordance with ASTM Standard Test Method D1078-05, 1078-86 for distillation range of volatile organic liquids, or its most current version.

(34) Calculation of total VOC vapor pressure for all materials subject to this rule shall be conducted in accordance with the District's "Procedures for Estimating the Vapor Pressure of VOC Mixtures," as it exists on June 27, 1995. If the vapor pressure of the liquid mixture, as calculated by this procedure, exceeds the limits specified, the vapor pressure shall be determined in accordance with ASTM Standard Test Method D2879-97 (2002), 2879-86 or its most current version. The solvent composition shall be determined using one of the following ASTM standard recommended practices: E168-99 (2004), E169-04, or E260-96 (2001), E168-92, E169-93 or E260-94 or their most current versions. The fraction of water and exempt compounds in the liquid phase shall be determined by using ASTM Standard Test Methods D3792-05 and D4457-02, D3792-91 and D4457-85 or their most current versions, and shall be used to calculate the partial pressure of water and exempt compounds. The results of vapor pressure measurements obtained using ASTM Standard Test Method D2879-97 (2002), 2879-86 or its most current version, shall be corrected for partial pressure of water and exempt compounds.

(5) Reid Vapor Pressure pursuant to Subsections (c)(22) and (d)(17) of this rule shall be measured in accordance with ASTM Standard Test Method D323-99a, or its most current version.

(6) Concentration of halogenated compounds in water pursuant to Subsection (d)(18)(iii) shall be measured in accordance with EPA Test Method 8021B.

(h) **COMPLIANCE SCHEDULE** (Revision Effective 11/15/00 (date of adoption))

Any person operating ~~an existing equipment~~ engine previously exempt from Rule 10 permit requirements pursuant to ~~Subsection (d)(2)(ii) of the version of Rule 11 existing prior to (date of adoption) November 15, 2000, and that which~~ is no longer exempt from Rule 10 permit requirements pursuant to this rule, shall submit an application for a permit to operate such equipment by (one year from the date of adoption) May 15, 2001.

**AIR POLLUTION CONTROL DISTRICT  
SAN DIEGO COUNTY**

**WORKSHOP REPORT**

**RULE 11 – EXEMPTION FROM RULE 10 PERMIT REQUIREMENTS  
AND  
FINDINGS CONCERNING AGRICULTURAL SOURCES –  
DISTRICT DETERMINATION REGARDING  
LARGE CONFINED ANIMAL FACILITIES**

A workshop notice on the proposed amendments to Rule 11 - Exemption from Rule 10 Permit Requirements and the Air Pollution Control District (District) Findings Concerning Agricultural Sources - Determination Regarding Large Confined Animal Facilities was mailed to all Permit and Registration Certificate holders in San Diego County. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on August 28, 2006, and was attended by 16 people. Oral and written comments were received before, during, and after the workshop. The comments and District responses are as follows:

**1. WORKSHOP COMMENT**

The proposed definition (c)(1) for abrasive blasting cabinets specifies that they can only be entered through ports for gloved arms and hands when abrasive blasting is being conducted. There are however abrasive blasting cabinets that have been customized for the blasting of golf shafts by providing a small orifice on the side of the cabinet to allow the end of the shaft to be inserted into the cabinet. The cabinet operates at negative pressure and pulls outside air through the opening. The proposed definition should be revised to reflect this mode of operation.

**DISTRICT RESPONSE**

The District disagrees. This definition is consistent with the “abrasive blasting cabinet” definition in Rule 2. The operation described above may qualify for a Certificate of Exemption as provided in Rule 11 Subsection (d)(19)(xix) and provided that the emissions from the abrasive blasting operation described above are negligible, i.e., less than 5 pounds per day.

**2. WORKSHOP COMMENT**

Subsection (11)(d)(2)(xv) has been revised to remove the exclusion of engines propelling non-road equipment or vehicles of any kind. Is this a substantive change?

**DISTRICT RESPONSE**

No, engines propelling vehicles are generally exempted by Subsection (d)(1)(i). This definition has been revised to make it consistent with the language concerning military tactical support equipment in the Health and Safety Code.

**3. WORKSHOP COMMENT**

Does the 90-day limit for an exemption of temporary equipment at a pilot plant facility in Subsection (d)(4)(viii) include the construction period?

**DISTRICT RESPONSE**

No, the allowed 90-day period in this exemption does not include the time required for construction or installation of the equipment. The rule has been clarified to reflect this.

**4. WORKSHOP COMMENT**

Does Subsection (d)(5) address identical or like-kind replacement of portable equipment registered with the State?

**DISTRICT RESPONSE**

No, Subsection (d)(5) is not applicable to portable equipment registered with the State. Such equipment is registered in accordance with the statewide Portable Equipment Registration Program (PERP) and is exempt from District permit requirements as stated in Subsection (d)(20)(iii). In fact, equipment registered with the State under the PERP is not allowed to have a District permit or registration concurrently with the State registration. Any replacement of such equipment would be subject to applicable requirements in the PERP.

However, in certain circumstances, State registered equipment may become ineligible for registration under the PERP and an owner or operator of such equipment must apply for a District permit.

**5. WORKSHOP COMMENT**

The exemption in Subsection (d)(15)(iv) is applicable to coating or adhesive application operations that emit less than 150 pounds of volatile organic compounds (VOC) per consecutive 12 months. Are consumer products containing VOC included in determining the VOC emissions?



**DISTRICT RESPONSE**

No, consumer products that are applied using non-refillable handheld aerosol spray containers, and those used in repair and maintenance activities, are not included in determining VOC emissions for purposes of Subsection (d)(15)(iv).

**6. WORKSHOP COMMENT**

Are the emissions from already permitted equipment excluded when determining applicability of Subsection (d)(15)(iv)?

**DISTRICT RESPONSE**

Yes, emissions from permitted equipment would be excluded when calculating emissions for an operation to determine the applicability of Subsection (d)(15)(iv).

**7. WORKSHOP COMMENT**

Can more than one operation at a facility be allowed this exemption?

**DISTRICT RESPONSE**

The intent of Subsection (d)(15)(iv) is that each separate emission unit that emits less than 150 pounds of VOC per year could qualify for exemption from District permitting. This is consistent with a plain reading of this exemption and the District interpretation of the equivalent exemption in Subsection (d)(15)(iii). According to the definition in Rule 2, an emission unit is any article, machine, equipment, contrivance, process, or process line that emits any air contaminant. Therefore, several emission units at a facility can claim an exemption from permit requirements under Subsection (d)(15)(iv) provided that each operation emits less than 150 pounds of VOC per year.

**8. WORKSHOP COMMENT**

How does the District define an aerosol coating or adhesive for purposes of Subsections (d)(15)(iii) and (iv)?

**DISTRICT RESPONSE**

An aerosol coating or adhesive means a coating or adhesive that is delivered by a pressurized spray system that dispenses material by means of a propellant contained in the material's container, or by means of a mechanically induced force. This definition does not include a pump spray. Pump sprays are packaging systems in which the materials within the container are not

under pressure and in which the material is expelled only while a pumping action is applied to a button, trigger, or other actuator. This definition is consistent with the one in the State Consumer Product Regulation.

**9. WORKSHOP COMMENT**

Are the emissions from aerosols regulated by the State excluded when determining applicability of Subsection (d)(15)(iv)?

**DISTRICT RESPONSE**

Aerosol products regulated by the State that are applied using non-refillable handheld aerosol spray containers are not included when determining applicability of this exemption. Aerosols using refillable containers or aerosols that are not applied with handheld containers would be counted towards the VOC limit. See also the response to Comment Nos. 5, 6, and 7.

**10. WORKSHOP COMMENT**

Do volatile organic liquids specified in Subsection (d)(17) include diesel fuels?

**DISTRICT RESPONSE**

No, the definition of volatile organic liquids in Subsection (c)(22) excludes diesel fuel since it has a Reid vapor pressure less than three pounds per square inch.

**11. WORKSHOP COMMENT**

Subsection (d)(20)(iii) exempts portable equipment registered with the State PERP Program - except in certain circumstances specified in the PERP. What are those circumstances and could they be made explicit in the rule?

**DISTRICT RESPONSE**

The State PERP (Article 5, §2450 - §2465, of Title 13 of the California Code of Regulations) specifies several cases where portable equipment are not eligible for registration under the PERP. The most likely such cases for portable equipment used in San Diego County are: (1) generators used to provide primary or supplemental power to a building, facility, stationary source, or stationary equipment except during unforeseen interruptions of electrical power from the serving utility; maintenance and repair operations; electrical upgrade operations that do not exceed 60 calendar days; operations where the voltage, frequency, or electrical current requirements can only be supplied by a portable generator; or remote operations where grid power is unavailable; (2) generators used for power production into the grid, except to maintain grid stability during an emergency event or other unforeseen event that affects grid stability; (3) any dredging unit

owned by a single port authority, harbor district, or similar agency in control of a harbor, and operated only within the same harbor; (4) an equipment unit operating at a location if by virtue of the activity to be performed hazardous air pollutants will be emitted (e.g., rock crushing plant operating in a serpentine asbestos quarry); and (5) any portable engine or equipment unit subject to a federal Maximum Achievable Control Technology standard, National Emissions Standard for Hazardous Air Pollutants, or New Source Performance Standard, except for equipment units subject to 40 CFR Part 60 Subpart OOO (Standards of Performance for Nonmetallic Mineral Processing Plants).

Any engine or equipment unit that loses eligibility for registration under the PERP must apply for a permit or registration with the District within 90 days of being notified of loss of eligibility. However, the PERP registration remains valid and operation may continue under the PERP until the District grants a permit or denies a permit or a registration for the engine or equipment unit.

Subsection (d)(20)(iii) has been revised to include a reference to the California Code of Regulations describing the circumstances specified above.

## **12. WORKSHOP COMMENT**

If a facility rented a portable engine registered under the State PERP to provide power during a construction project, would that engine require a permit?

### **DISTRICT RESPONSE**

If the engine will only be used to provide power to other portable equipment during the construction project and does not operate at the facility for more than 12 months, then this engine would not require a permit. Otherwise, unless a facility is in a remote location where regular grid power is unavailable, a portable engine registered under the State PERP (either owned or rented) can only be used to provide power to a facility for a period of 60 days during an electrical upgrade project. A permit or District registration would be required if power was supplied for more than 60 days or the project did not involve an electrical upgrade at the facility.

## **13. WORKSHOP COMMENT**

Subsection (h) provides for one year after the date of adoption to obtain a permit for equipment that has lost its exemption from permit requirements. Instead of obtaining a permit could a facility elect to modify the process or equipment so that it remained exempt?

### **DISTRICT RESPONSE**

Yes, in general, a facility could elect to modify or replace the equipment in a manner such that the new or modified operation or equipment will continue to be exempt. Only when exemption is lost due to a change in Rule 11 would the operator have one year to accomplish the modification or replacement. If an exemption is lost because an emission unit is operated outside its allowable

parameters for exemption (e.g., an annual usage limit), the operator is out of compliance and must take corrective actions.

**14. WORKSHOP COMMENT**

The definition of hot melt adhesive in existing Rule 11 has been based on its melting temperature. Can it be defined based on a VOC limit instead?

**DISTRICT RESPONSE**

The defining characteristic of hot melt adhesives is not the VOC content, which is expected to be very low for these materials, but the requirement that it be heated to be applied. Therefore, the proposed definition will continue to be based on the adhesive's melting point. However, the definition of hot melt adhesive has been revised based on the latest technical information. The definition now specifies that hot melt adhesives do not contain organic solvents and have a melting temperature above 180°F.

**15. WRITTEN COMMENT**

The exemption for robotically operated abrasive blasting equipment has a volume restriction of 100 cubic feet. Can the rule be revised to exempt a cabinet with a volume of 120 cubic feet?

**DISTRICT RESPONSE**

Yes, Subsection (d)(9) has been revised to accommodate all abrasive blasting cabinets provided they operate under negative pressure, are vented through a control device into the building in which they are located, and emit less than 5 pounds per day of particulate matter. See also District Response to Comment No. 1.

**16. WRITTEN COMMENT**

For clarity, the statement related to an exclusion of the volume or the VOC content of materials sold in non-refillable, hand-held aerosol spray containers should not be deleted from Subsection (d)(15)(iii).

**DISTRICT RESPONSE**

The District agrees. The original language in Subsection (d)(15)(iii) has been restored. The same language has been added to Subsection (d)(15)(iv).

**17. WRITTEN COMMENT**

Currently, batch-type waste solvent recovery stills with a batch capacity of 7.5 gallons or less are exempt from permit requirements (Subsection (d)(16)(iii)). This exemption should be expressed in terms of solvent throughput using an appropriate emission factor and a VOC emission limit of 5 pounds per day. According to some historical documentation related to this rule, this limit was based on an assumption that VOC emissions from such equipment do not exceed 5 pounds per day.

**DISTRICT RESPONSE**

The District agrees. Subsection (d)(16)(iii) has been revised to exempt batch-type solvent stills with a maximum solvent throughput per day of 350 gallons or less. This exemption limits emissions from such operations to less than 5 pounds per day.

**18. WRITTEN COMMENT**

Subsection (d)(16)(ii)(A) should be revised to exempt cold solvent degreasers with a liquid surface area of 5 square feet or less. The San Diego air district is the only California air district that attains a federal air quality standard for ozone to require permits for cold solvent cleaning tanks with a surface area between 1 and 5 square feet.

**DISTRICT RESPONSE**

The District disagrees. The District is not currently in attainment of the federal 8-hour ozone air quality standard or the State one-hour standard for ozone. In addition, cold solvent cleaning tanks with liquid surface areas greater than 1.0 square foot have been subject to existing Rule 67.6 - Solvent Cleaning Operations and permit requirements for many years. Because of the large potential VOC emissions from this equipment as a group, the District has concluded that permits are necessary to ensure compliance with Rule 67.6.

**19. WRITTEN COMMENT**

The District should provide an exemption from permit requirements for sources operating less than 45 days at a stationary source provided they do not displace an existing specific activity at that source and emit less than two tons of pollutants per year.

**DISTRICT RESPONSE**

The District disagrees. Such sources have the potential to emit almost 90 pounds per day, hence, are subject to New Source Review and require a permit under District rules and regulations.

**20. WRITTEN COMMENT**

Subsection (d)(4) - Laboratory Equipment and Related Operations, should include an exemption for glove boxes or glove bags.

**DISTRICT RESPONSE**

The District disagrees. Glove boxes or glove bags used in research and development operations are already included under the definition (c)(17) - Research and Development Equipment. Glove boxes and glove bags are exempt from Rule 10 permit requirements as long as this equipment is operated under the supervision of a research director and not used for manufacturing items for sale.

**21. ARB AND EPA COMMENTS**

**Rule 11**

There were no comments from ARB or EPA on Rule 11.

**Findings Concerning Agricultural Sources –  
District Determination Regarding Large Confined Animal Facilities**

In particular, there were no comments on the proposed exemption of all agricultural sources for which aggregate actual emissions from all stationary emission units do not exceed 25 tons per year of each criteria pollutant and do not exceed 5 tons per year of any single Hazardous Air Pollutant or 12.5 tons per year of combined Hazardous Air Pollutants. Furthermore, the District has determined that San Diego County does not have large confined animal facilities, as defined in regulations adopted by ARB. Therefore, a rule regulating such facilities is not required.