

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

WORKSHOP REPORT

**RULE 11 – EXEMPTION FROM RULE 10 PERMIT REQUIREMENTS
AND 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) 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 one 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 technical 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

Only consumer products that are applied using non-refillable handheld aerosol spray containers are not included in determining VOC emissions for purposes of Subsection (d)(15)(iv). Consumer products, except for those used in repair and maintenance activities, are included in the determination unless they are specifically exempted from permitting requirements.

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, 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. The modification or replacement would have to be accomplished within one year after the date of adoption of the amended rule.

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 operating 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 as long as 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 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 are subject to existing Rule 67.6 - Solvent Cleaning Operations. 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. However, the District is proposing in Subsection (d)(4)(viii) an exemption for temporary operations lasting not more than 90 days at pilot plants in any consecutive 12-month period

provided that the total increase of VOC emissions from all such equipment does not exceed 10 pounds per day.

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 will be 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 of items for sale.

21. ARB AND EPA COMMENTS

Rule 11

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

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 by ARB. Therefore, a rule regulating such facilities as mandated by State law is not required.