



## Air Pollution Control District Governing Board

San Diego County Air Pollution Control District

### **AGENDA ITEM #D.3**

**DATE:** August 14, 2025

**TO:** SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

**SUBJECT:**

NOTICED PUBLIC HEARING: ADOPTION OF NEW RULE 67.26 - COMMERCIAL CHARBROILING OPERATIONS & CORRESPONDING AMENDMENTS TO RULES 11, 12, AND 40

**REQUESTED ACTION:**

1. Consider the Initial Study and Negative Declaration for proposed new Rule 67.26 – Commercial Charbroiling Operations, and corresponding proposed amendments to Rule 11 – Exemptions from Rule 10 Permit Requirements, Rule 12 – Registration of Specified Equipment, and Rule 40 – Permit and Other Fees, together with comments received during public review and find, on the basis of the whole record, that there is no substantial evidence that the proposed new rule and corresponding rule amendments will have a significant effect on the environment, pursuant to the California Environmental Quality Act.
2. Adopt the Resolution entitled: RESOLUTION ADOPTING PROPOSED NEW RULE 67.26 – COMMERCIAL CHARBROILING OPERATIONS, AND CORRESPONDING PROPOSED AMENDMENTS TO RULES 11, 12, AND 40 OF REGULATIONS II, III, AND IV OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT.
3. Direct the Air Pollution Control Officer to forward a copy of the Resolution, new Rule 67.26 and corresponding amendments to Rules 11, 12, and 40, to the California Air Resources Board (CARB) for approval, and for subsequent submittal of new Rule 67.26 and amended Rule 11, to the U.S. Environmental Protection Agency (EPA) for inclusion into the State Implementation Plan (SIP).

**OVERVIEW:**

The U.S. Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, including ozone and particulate matter (PM), which are known to be harmful to human health and welfare. San Diego County does not meet State and federal ozone standards and may soon be designated as a nonattainment area for the new (more stringent) federal PM<sub>2.5</sub> standard. Additionally, the 2021 Community Emissions Reduction Plan (CERP) for the Portside Environmental Justice Neighborhoods, adopted by the Governing Board in July 2021, included Action C3 for SDAPCD to evaluate and, if feasible, propose a new rule to control emissions from commercial cooking operations. Furthermore, the region's planning strategy to attain State ozone

standards (2022 Regional Air Quality Strategy or RAQS), which was adopted by the Governing Board in March 2023, included Control Measure S-6, to further evaluate and consider for adoption measures to control emissions from Restaurant Cooking Operations.

Consequently, to help the region attain compliance with State and federal standards and to satisfy commitments within the 2021 Portside CERP and the 2022 RAQS, the San Diego County Air Pollution Control District (District) is proposing new Rule 67.26, as well as corresponding proposed amendments to Rules 11, 12, and 40, to accommodate new Rule 67.26. Proposed new Rule 67.26 will reduce PM and ozone precursor Volatile Organic Compound (VOC) emissions from chain-driven charbroilers, operated at high-use commercial cooking facilities within San Diego County.

A chain-driven charbroiler (commonly used at fast-food restaurants) is a semi-enclosed cooking device that uses conveyor belts to carry food (typically, uncooked meat) through flames and a heated area to quickly cook the top and bottom of the food simultaneously. During the cooking process, emissions are generated which contain harmful pollutants such as PM and VOCs that can affect public health. PM contains small particulates that can easily bypass the natural filters in the nose and throat, reach deep into the lungs and cause respiratory problems. VOCs are organic compounds that chemically react with other existing compounds in the atmosphere and form ground-level ozone (commonly known as smog). It is estimated that facilities in San Diego County that operate a chain-driven charbroiler emit a total of 17 tons per year of PM and 5.3 tons per year of VOC. For PM<sub>2.5</sub>, this amount is equivalent to the annual PM<sub>2.5</sub> being emitted from approximately 88,000 passenger vehicles driving 15,000 miles each year.

If adopted by the Governing Board, proposed new Rule 67.26 would include emission control requirements for the first time for owners/operators that cook at least 415 pounds (lbs.) of meat per week on each chain-driven charbroiler at a commercial facility within San Diego County. If owners/operators have such equipment meeting the established threshold, proposed new Rule 67.26 would require installation of an emission control device on the chain-driven charbroiler. In most cases, this will involve the installation of a certified flameless catalytic oxidizer (FCO) that can control at least 83% of PM emissions and 86% of VOC emissions from each chain-driven charbroiler. FCO emission control technology is well-established and cost-effective, having been required in the South Coast Air Quality Management District (SCAQMD) since 1997. Other air districts in California, such as San Joaquin Valley Air Pollution Control District, Bay Area Air Quality Management District, and Ventura County Air Pollution Control District, have also since adopted similar rules in their respective regions.

If adopted, owners/operators of chain-driven charbroilers subject to proposed new Rule 67.26 would be required to obtain a Registration or Permit to Operate for each chain-driven charbroiler within 12 months of the rule date of adoption, install required emission controls within 18 months of the rule date of adoption, conduct proper maintenance of their equipment, and keep records of all charbroiling cooking operations. Owners/operators of low use or low-emitting chain-driven charbroilers would be exempt from installing emission controls, provided they meet specific conditions

contained within proposed new Rule 67.26.

Corresponding amendments to other District rules are necessary with the adoption of proposed new Rule 67.26. Rule 11 requires amendments to add applicable definitions and remove a historical exemption that currently exists for chain-driven charbroilers. Rule 12 requires amendments to allow units subject to new Rule 67.26 to apply for a Registration, which is a more streamlined and less costly pathway than procuring a Permit to Operate. Rule 40 also requires amendments to incorporate a new fee schedule applicable to chain-driven charbroilers ("Schedule 16") to recover District costs for equipment registration/permitting and annual compliance inspections. If adopted as proposed, owners/operators of subject chain-driven charbroilers will be required to pay initial application fees to obtain a Registration or Permit to Operate as well as an annual operating fee. If adopted, proposed new Rule 67.26 and corresponding amendments to Rules 11, 12, and 40, would be effective immediately (August 14, 2025).

Proposed new Rule 67.26 is estimated to reduce PM2.5 emissions in the County by approximately 14.0 tons per year and VOC emissions by approximately 4.5 tons per year upon full implementation, reductions of approximately 83% and 86%, respectively. Using the EPA's Co-Benefits Risk Assessment Health Impacts Screening and Mapping tool ("COBRA"), proposed new Rule 67.26 is estimated to avoid as many as 125 cases of negative health endpoints and 240 lost work or minor restricted activity days on an annual basis, which will contribute as much as \$6.3 million to the economy annually from avoided health care costs and lost productivity.

Today's requested actions also include consideration and approval of an environmental analysis (Initial Study and Negative Declaration) of the adoption of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, which was prepared pursuant to the California Environmental Quality Act (CEQA).

#### **FISCAL IMPACT:**

If approved, funds for this request are included in the Fiscal Year 2025-26 Adopted Budget. If approved, this request is expected to result in costs and revenue between \$81,000 and \$242,000 in Fiscal Year 2025-26. The expected costs and revenue will vary and depend on the number of applications submitted prior to the end of the fiscal year. In future years, expected costs and revenues are anticipated to be approximately \$242,000. The funding source will be ongoing, initial application fees necessary to obtain a Permit to Operate (or Registration), and annual operating fees. There will be no additional staff years.

#### **ENVIRONMENTAL STATEMENT:**

The District prepared an Initial Study pursuant to CEQA to determine whether there is any evidence that adopting proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, may have a significant environmental impact. The Initial Study revealed no substantial evidence that such actions may have a significant effect on the environment, and based on initial findings, a proposed Negative Declaration was prepared (Attachment H). The District published the

Notice of Intent to adopt the Negative Declaration on March 11, 2025, and solicited comments during a 30-day review period through April 10, 2025, along with the proposed new rule and corresponding proposed amendments. No public comments on the CEQA documents were received. No revisions to the environmental document or recirculation are warranted based upon the additional outreach conducted after the April 10, 2025, Governing Board's consideration of the proposed rule, as the impacts associated with the proposed rulemaking will be less because fewer facilities are now anticipated to be subject to the proposed rule.

#### **PREVIOUS RELEVANT BOARD ACTIONS:**

April 10, 2025 (Item #D.4), Noticed Public Hearing: Adoption of New Rule 67.26 – Commercial Charbroiling Operations & Corresponding Amendments to Rule 11, 12, 40; March 9, 2023 (Item #E.2), Adoption of the Proposed San Diego County Revised Plan for Attaining the State Ambient Air Quality Standards for Ozone – 2022 Regional Air Quality Strategy (RAQS); July 16, 2021 (Item #03), Portside Community Emissions Reduction Plan – Phase II.

#### **PUBLIC ENGAGEMENT AND OUTREACH:**

##### Public Workshop

A virtual public workshop was held on December 4, 2024, to discuss and receive input on draft proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, from members of the public and other stakeholders, including representatives from the restaurant industry. The District also prepared an informational video in English and Spanish, which provided background data to help the public understand proposed new Rule 67.26 requirements. The videos were posted on the District's website along with the workshop notice and corresponding documents; and were presented virtually and in-person to both the Portside Community Steering Committee (CSC) on November 19, 2024, and to the International Border CSC on November 20, 2024. No significant concerns were raised by the public, and all comments were addressed within the Response to Comments report (Attachment F) and Staff Report (Attachment G).

##### **April 10, 2025, Governing Board Meeting**

To ensure stakeholders were made aware of the April 10, 2025, public hearing, the District also mailed a public notice on March 11, 2025, to over 2,000 restaurants and affiliated associations countywide, announcing availability of the proposed rules, Public Hearing information, background about the proposed rule, and availability of additional informational documentation such as the Response to Comments report (Attachment F) and CEQA analysis (Attachment H). The same notice was also posted in a local newspaper, on the District's website, via social media, and sent to subscribers of the District's email notification service, local chambers of commerce, CARB, and EPA.

The District also collaborated with the Food, Water, and Housing Division (FHD) of the San Diego County Department of Environmental Health and Quality (DEHQ) as part of the rule development process. This included distribution of a voluntary survey to potential subject facilities via DEHQ FHD's electronic messaging system early in the rule development process, which included information about

the proposed new rule being considered. DEHQ FHD also distributed information, such as the Response to Comments report, for the proposed new rule in March 2025 via the same electronic messaging system.

#### Enhanced Outreach after the April 10, 2025, Governing Board Meeting

At the Governing Board meeting held on April 10, 2025, the Governing Board directed staff to (1) work with the Governing Board Chair and Vice Chair on public engagement and outreach to businesses affected, (2) consider a phased-in approach to the implementation of proposed new Rule 67.26, and (3) return to the Governing Board at a future meeting for consideration of Rule 67.26. To address this direction, the District reached out to the Chair, Vice-Chair, and other Board members, providing additional information on the level of public engagement with previous District outreach efforts that was summarized above, a list of the potentially affected facilities (see Attachment G2 within the Staff Report), and to provide a plan for more targeted outreach to potentially affected facilities.

District staff conducted enhanced outreach to refine the list of facilities potentially impacted by proposed new Rule 67.26 and ensure each of the facilities identified as potentially being subject to the proposed new rule was aware of the rule development activity. This included a simple, easy-to-understand personalized letter to each potentially affected restaurants, that explained what was (and was not) being affected, why it is important, how to provide the District with additional information about their facility, a timeline for Governing Board consideration, and information/QR codes about how to engage with District staff (see Attachment I). The letter was sent via email and certified mail to approximately 200 facilities, to ensure facilities received notice of the letter. In cases where certified mail was returned or undeliverable, District staff made in-person deliveries to locations throughout the County. District staff also followed up with phone calls to specific facilities for confirmation of equipment types used in their cooking operations. The additional outreach produced additional survey responses and calls from stakeholders to inform District staff about the charbroiling equipment (or lack thereof) in their restaurants. This information was also used to update rule applicability estimates, which is now estimated to be approximately 140 restaurants potentially subject to proposed new Rule 67.26, as well as corresponding emission reductions in the Staff Report.

Additional outreach is also planned upon adoption of the proposed rule, including possible distribution of a Compliance Advisory to potentially affected parties to further enhance awareness of the new requirements. Staff considered a phased-in approach to the rulemaking but determined such an approach was not warranted due to the limited number of small/independent facilities with chain-driven charbroiling equipment that could take advantage of such flexible timelines, the wide availability and limited cost of emission control technology, and the urgency needed to reduce PM2.5 emissions both regionwide and in under-resourced communities. Proposed new Rule 67.26 also already includes several exemptions that could allow potentially impacted facilities to minimize reporting and/or emission control device installation completely.

#### **EQUITY IMPACT STATEMENT**

Today's item supports the District's vision of 'Clean Air for All' by proposing a new rule to control air

pollution emissions to help attain federal and state ozone standards in communities across the region.

**RECOMMENDED BY:**

Michael Watt, Deputy Director

**CONTACT PERSON(S):**

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**ATTACHMENTS:**

[Item D3\\_AttA\\_Rules 67.26, 11, 12 Resolution.pdf](#)

[Item D3\\_AttB\\_Rule 67.26 Change Copy.pdf](#)

[Item D3\\_AttC\\_Rule 11 Change Copy.pdf](#)

[Item D3\\_AttD\\_Rule 12 Change Copy.pdf](#)

[Item D3\\_AttE\\_R40\\_BP\\_Change\\_Copy.pdf](#)

[Item D3\\_AttF\\_Reponse to Comments Report.pdf](#)

[Item D3\\_AttG\\_Staff Report.pdf](#)

[Item D3\\_AttH\\_Initial Study & Neg Dec.pdf](#)

[Item D3\\_AttI\\_Outreach Letter.pdf](#)

Resolution No: 25.005  
Meeting Date: 8/14/2025 (D.4)

**RESOLUTION ADOPTING PROPOSED NEW RULE 67.26 – COMMERCIAL  
CHARBROILING OPERATIONS, AND CORRESPONDING PROPOSED  
AMENDMENTS TO RULES 11, 12, AND 40 OF REGULATIONS II, III, AND IV  
OF THE RULES AND REGULATIONS OF THE  
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Birkbeck-Garcia, seconded by Member Campbell, the following resolution is adopted:

**WHEREAS**, the San Diego County Air Pollution Control District Governing Board (Governing Board), pursuant to Section 40702 of the California Health and Safety Code, adopted Rules and Regulations of the San Diego County Air Pollution Control District (District); and

**WHEREAS**, said Governing 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 amendments of said Rules and Regulations pursuant to Section 40725 and 42311 of the California Health and Safety Code and Section 51.102 of Title 40 of the Code of Federal Regulations; and

**WHEREAS**, pursuant to Section 40727 of the California Health and Safety Code, the Governing Board makes the following findings:

- (1) (Necessity) The adoption of proposed new Rule 67.26 is necessary in order to fulfill aspects of the District's 2022 Regional Air Quality Strategy (RAQS), reduce 14 tons per year of particulate matter 2.5 (PM<sub>2.5</sub>) and 4.5 tons per year of volatile organic compound (VOC) emissions in San Diego County, which will contribute to realizing and/or maintaining attainment with State and federal ambient ozone and PM standards. Moreover, proposed new Rule 67.26 fulfills commitments within the 2021 Community Emissions Reduction Plan (CERP) for the Portside Environmental Justice Neighborhoods to evaluate, and if feasible, propose a new rule to control emissions from cooking operations to help improve air quality and public health in the Portside community. The adoption of corresponding proposed amendments to Rules 11, 12 and 40 are necessary to facilitate the adoption of proposed new Rule 67.26;
- (2) (Authority) The adoption of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 is authorized by Sections 39002, 40000, 40001, 40702, and 42311 of the California Health and Safety Code;

- (3) (Clarity) Proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 can be easily understood by persons directly affected by them, uses standard and similar wording used in existing rules, were vetted by the District's Rules Committee and public workshop attendees, and the District considered and accounted for all relevant comments received in the final version of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40;
- (4) (Consistency) The adoption of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations;
- (5) (Non-duplication) The adoption of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 does not duplicate and does not impose the same requirements as an existing state or federal regulation;
- (6) (Reference) The adoption of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 is necessary to comply with California Health and Safety Code Section 40716(a) and 40920, which requires adoption of every feasible control measure to reduce ozone-precursor emissions;

**WHEREAS**, the Governing Board further finds pursuant to the California Health and Safety Code Section 40001 that adoption of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 will facilitate the attainment and maintenance of ambient air quality standards; and

**WHEREAS**, the Governing Board further finds that an analysis comparing proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 with applicable requirements of federal and local regulations is required pursuant to Section 40727.2 of the California Health and Safety Code and has been prepared; and

**WHEREAS**, the Governing Board further finds that an incremental cost-effectiveness analysis pursuant to Section 40920.6(a) of the California Health and Safety Code has been prepared for proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40, has been made available for public review and comment, and has been actively considered; and

**WHEREAS**, the Governing Board further finds pursuant to Section 40728.5(e) of the California Health and Safety Code that proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 only adopts requirements that are substantially similar to, or required by, State or federal statutes, regulations, or formal guidance documents, and as such, the socioeconomic analysis required to analyze either the impact of the adoption of proposed new Rule 67.26 on employment and the economy of the region, or the availability and cost-effectiveness of alternatives to proposed new Rule 67.26, and that as a result a socioeconomic impact analysis of the remaining factors specified in the California Health and Safety Code Section 40728.5(b) has been prepared and included within the Staff Report; and



**WHEREAS**, proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 will be submitted to the California Air Resources Board (CARB) for approval, and for subsequent submittal of proposed new Rule 67.26 and proposed amended Rule 11, to the United States (U.S.) Environmental Protection Agency (EPA) for inclusion into the State Implementation Plan (SIP).

**NOW THEREFORE IT IS RESOLVED AND ORDERED** by the San Diego County Air Pollution Control Governing Board that the Rules and Regulations of the San Diego County Air Pollution Control District be, and hereby are amended as follows:

1. Proposed new Rule 67.26 is to read as follows:

**RULE 67.26 COMMERCIAL CHARBROILING OPERATIONS**

(Adopted & Effective *(date of adoption)*)

**(a) APPLICABILITY**

Except as otherwise provided in Section (b), this rule shall apply to any person who installs, owns, or operates any charbroiler at a commercial cooking operations facility within San Diego County.

**(b) EXEMPTIONS**

(1) The provisions of this rule shall not apply to any person who installs, owns, or operates an under-fired charbroiler, or a flat-top grill with continuous cooking surfaces that prevent the flame from directly contacting the meat and is used for commercial cooking operations.

(2) The provisions of this rule shall not apply to any person who installs, owns, or operates a chain-driven charbroiler used in microenterprise home kitchens.

(3) The provisions of Sections (d), (e), (f), (g), (i), and (j) of this rule shall not apply to any person who installs, owns, or operates the following limited use chain-driven charbroilers:

(i) A chain-driven charbroiler cooking less than 415 pounds of meat every calendar week and does not exceed 21,580 pounds of meat during a calendar year.

(ii) A seasonal use only chain-driven charbroiler cooking 875 pounds or less of meat every calendar week during one consecutive 12-week period during the most recent calendar year.

(4) The provisions of Sections (d), (e), (f), and (g) of this rule shall not apply to any person who installs, owns, or operates a low-emitting chain-driven charbroiler that emits less than 0.50 pound per day (or 3.5 pounds per week) of particulate matter and 0.15 pound per day (1.1 pounds per week) of VOCs, if both of the following conditions are met:

(i) An owner or operator claiming this exemption submits test results specified in Subsection (i)(1) Test Methods of this rule approved in writing by the APCO and any related documentation that demonstrate low particulate matter and VOC emissions.

(ii) An owner or operator claiming this exemption shall not exceed maximum amount of meat which can be cooked during a calendar week and calendar year on each low-emitting chain-driven charbroiler. Maximum amount of meat (in pounds) is determined using test results.

(5) An owner or operator of a limited use chain-driven charbroiler or low-emitting chain-driven charbroiler claiming exemptions under Subsections (b)(3) or (b)(4) shall maintain documentation and records in accordance with Section (h) of this rule.

(c) **DEFINITIONS**

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

(1) **"Air Pollution Control Officer (APCO)"** means the same as defined in Rule 2 – Definitions.

(2) **"Calendar Week"** means a consecutive seven-day period beginning Sunday through Saturday.

(3) **"Calendar Year"** means the same as defined in Rule 2 – Definitions.

(4) **"Catalytic Oxidizer"** means an emission control device, which burns or oxidizes smoke and gases from the cooking process to carbon dioxide and water, using an infrastructure coated with a noble metal alloy at an elevated temperature.

(5) **"Chain-driven Charbroiler"** also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the heat sources positioned above and below the grated grill.

(6) **"Charbroiler"** means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but are not limited to, grill charbroilers and flame broilers.

(7) **"Commercial Cooking Operations"** means any stationary facility that cooks food for human consumption and that engages in the retail sale, or offer for sale, of the cooked food. This includes, but is not limited to, restaurants, dinner houses, cafeterias, catering operations, mobile food facilities, commissary facilities, retail markets, satellite food service operations, and hotel or motel food service operations.

(8) **"District"** means the same as defined in Rule 2 – Definitions.

(9) **"Existing Charbroiler"** means any charbroiler which was installed before *(date of adoption)*. This includes relocated existing charbroilers that maintain the same ownership. Charbroilers used to temporarily replace any existing charbroiler do not qualify as existing charbroilers.

(10) **"Flat-top Grill"** means a cooking device with an exposed flat metal plate with a temperature on the hot surface that is typically lower than charbroilers. This includes, but is not limited to, plancha grills.

(11) **"Installed"** means located onsite at the final destination and capable of operation.

(12) **"Microenterprise Home Kitchen Operation"** means a type of food service, like a mini restaurant, that is operated by a resident in a private home where food is stored, handled, and prepared and then served to customers.

(13) **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

(14) **"New Charbroiler"** means a charbroiler installed, manufactured, or sold on or after *(date of adoption)*. Existing charbroilers that relocate and change ownership after this date will be considered as new charbroilers.

(15) **"Permit to Operate"** means the same as defined in Rule 2 – Definitions.

(16) **"Particulate Matter"** means the same as defined in Rule 2 – Definitions.

(17) **"Registration"** means the same as defined in Rule 2 – Definitions.

(18) **"Under-fired Charbroiler"** means a charbroiler, other than a chain-driven charbroiler, where the heat source and radiant surface, if any, are positioned at or below the level of the grated grill.

(19) **"VOC"** means the same as defined in Rule 2 – Definitions.

(20) **"Weekly"** means the same as "Calendar Week" as defined in this rule.

(d) **STANDARDS FOR CHAIN-DRIVEN CHARBROILERS**

Except as otherwise provided in Section (b), no person shall install or operate any chain-driven charbroiler unless it is equipped and operated with a control device which has a control efficiency of at least 83% for particulate matter emissions and at least 86% for VOC emissions.

(1) For the purposes of this subsection, chain-driven charbroiler and catalytic oxidizer combinations certified by South Coast Air Quality Management District (SCAQMD), in accordance with Rule 1138 – Control of Emissions from Restaurant Operations, shall be deemed compliant.

(2) Non-certified catalytic oxidizers and alternative emission control devices may be used if control efficiency is at least 83% for particulate matter emissions and at least 86% for VOC emissions and approved in writing by the APCO.

(i) New non-certified catalytic oxidizer(s) or alternative emission control device(s) shall meet minimum control efficiency required in this rule for particulate matter and VOC emissions.

(ii) Existing non-certified catalytic oxidizer(s) or alternative emission control device(s), not including grease filters, that do not meet the minimum control efficiency required for particulate matter and VOC emissions, may elect to maintain that emission control device for the duration of its functional life not to exceed seven (7) years from (*date of adoption*). At such time, owners and operators may elect to either replace the existing control device with a catalytic oxidizer or any alternative emission control device that meets minimum control efficiency.

**(e) EMISSION CONTROL DEVICE MAINTENANCE**

All emission control devices shall be installed, calibrated, operated, and maintained in good working order in accordance with the manufacturer's specifications in the maintenance manual and/or other written materials supplied by the manufacturer or distributors of the emission control device or combination of chain-driven charbroiler and emission control device.

**(f) REGISTRATION REQUIREMENTS FOR CHAIN-DRIVEN CHARBROILERS WITH A CERTIFIED CATALYTIC OXIDIZERS**

Except as provided in Section (b) of this rule, an owner or operator of any chain-driven charbroiler and catalytic oxidizer combination certified by SCAQMD, pursuant to Subsection (d)(1) of this rule, shall obtain and maintain a current Registration approved in writing by the District.

(1) Completed Registration applications shall be submitted to the District in accordance with Rule 12 – Registration of Specified Equipment for each chain-driven charbroiler and catalytic oxidizer combination certified by SCAQMD.

(2) All documentation demonstrating minimum particulate matter and VOC emission control efficiencies pursuant to Subsection (d) shall be submitted with Registration application and as requested by the District.

(3) A registration application shall be submitted and a registration shall be issued by the District prior to purchase and operation of any new chain-driven charbroiler.

(4) Registration applications for existing chain-driven charbroilers shall be submitted pursuant to Subsection (j)(2)(iii).

**(g) PERMIT TO OPERATE REQUIREMENTS FOR CHAIN-DRIVEN CHARBROILERS WITH NON-CERTIFIED CATALYTIC OXIDIZERS OR ALTERNATIVE EMISSION CONTROLS**

Except as otherwise provided in Section (b) of this rule, an owner or operator of any chain-driven charbroiler equipped with a non-certified catalytic oxidizer or an alternative emission control device pursuant to Subsection (d)(2) of this rule shall obtain and maintain a current Authority to Construct or Permit to Operate approved in writing by the District.

(1) Completed applications for an Authority to Construct or Permit to Operate shall be submitted in accordance with Rule 10 – Permits Required.

(2) All documentation verifying minimum emission control efficiency in Subsection (d) shall be submitted with the application and as requested by the District.

(3) Authority to Construct or Permit to Operate applications for new chain-driven charbroilers shall be submitted pursuant to Subsection (j)(1) as applicable.

(4) Authority to Construct or Permit to Operate applications for existing chain-driven charbroilers shall be submitted pursuant to Subsection (j)(2) as applicable.

**(h) RECORDKEEPING REQUIREMENTS**

(1) An owner or operator of any chain-driven charbroiler subject to recordkeeping requirements of this rule shall maintain records of the weekly and annual of the total quantity (in pounds) for each type of meat cooked on each unit.

(2) An owner or operator of any chain-driven charbroiler subject to emission control device requirements of this rule shall maintain documentation of the installation, cleaning, maintenance, and replacement of emission control device pursuant to Subsection (d).

(3) All documentation and records demonstrating compliance shall be maintained onsite for at least five calendar years in electronic and/or hardcopy format and shall be made readily available to the District upon request.

**(i) TEST METHODS**

(1) Test Method for Chain-driven Charbroilers Equipped with Certified and Non-certified Catalytic Oxidizers Emission Control Devices

To determine compliance with Subsection (d)(2), an owner or operator of any chain-driven charbroiler equipped with a non-certified catalytic oxidizer shall have the measurements of particulate matter and VOC concentrations conducted by an independent testing laboratory using SCAQMD Rule 1138, Section (g) “Protocol - Determination of Particulate and Volatile Organic Compound Emissions from Restaurant Operations” (Restaurant Testing Protocol). An owner or operator may obtain independent testing laboratory results from the manufacturer.

(2) Test Method for Chain-driven Charbroilers Equipped with Alternative Emission Control Devices

To determine compliance with Subsection (d)(2), an owner or operator of a chain-driven charbroiler equipped with an alternative emission control device shall use an alternative test method which is determined to be equivalent to the test method specified in this rule and approved in writing by the APCO, California Air Resources Board, and/or the

U.S. Environmental Protection Agency. An owner or operator may obtain independent testing laboratory results from the manufacturer.

(3) Test Method for Low-emitting Chain-driven Charbroilers

An owner or operator claiming exemption for a low-emitting chain-driven charbroiler pursuant to Subsection (b)(4) shall demonstrate particulate matter and VOC emissions using cooking pre-test and test procedures for chain-driven charbroilers without a control device presented in SCAQMD's Restaurant Testing Protocol or pursuant test method approved in writing by the APCO, California Air Resources Board, and/or the U.S. Environmental Protection Agency. Testing shall be conducted by an independent testing laboratory. An owner or operator may obtain independent testing laboratory results from the manufacturer.

(j) **COMPLIANCE SCHEDULE**

(1) New Chain-driven Charbroilers

An owner or operator of any new chain-driven charbroiler subject to emission control device requirements of this rule shall obtain and maintain a current registration, Authority to Construct, or Permit to Operate approved in writing by the District prior to purchase and operation.

(2) Existing Chain-driven Charbroilers

An owner or operator of any existing chain-driven charbroiler subject to emission control device requirements of this rule shall:

(i) Operate chain-driven charbroiler with emission control device and comply with all requirements pursuant to Section (d) of this rule by *(18 months after date of adoption)*.

(ii) Comply with recordkeeping requirements in Section (h) of this rule beginning on *(date of adoption)*.

(iii) By *(12 months after date of adoption)*, submit to the District an application for a Registration or Authority to Construct/Permit to Operate Application.

(3) Low-emitting Chain-driven Charbroilers Compliance Schedule

An owner or operator of a chain-driven charbroiler claiming exemption under Subsection (b)(4) of this rule for low emissions of particulate matter and VOCs shall:

(i) Submit test results pursuant to Subsection (i)(3) and related documentation by *(12 months after date of adoption)*.

(ii) Comply with recordkeeping requirements in Section (h) of this rule beginning on *(date of adoption)*.



2. Proposed amended Rule 11 is to read as follows:

**RULE 11. EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS**  
(Rev. Adopted & Effective *(date of adoption)*)

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

### **(a) APPLICABILITY**

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

(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, and State and federal regulations, including the National Emission Standards for Hazardous Air Pollutants (NESHAP) and the New Source Performance Standards (NSPS).

(3) This rule shall not apply to any equipment, operation, or process that violates Rule 50 – Visible Emissions or Rule 51 – Nuisance 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 – Permits Required for a specified time as determined by the Air Pollution Control Officer.

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

(i) emits or may emit toxic air contaminants, as defined in Rule 1200 – Toxic Air Contaminants – New Source Review, 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**

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

(1) **"Abrasive Blasting Cabinet"** means the same as defined in Rule 2 – Definitions.

(2) **"Abrasive Blasting Room or Booth"** means a structure that includes abrasive blasting equipment, a dust collector and/or recycling system for recovering spent abrasive. The operator blasts from within this structure and the emissions from abrasive blasting operations are vented through a control device. The abrasive blasting room or booth definition does not apply to temporary enclosures including, but not limited to, those at shipyards or inside ships.

(3) **"Additive Manufacturing (3-D Printing)"** means a process of joining materials to create objects from 3-D model data, usually layer upon layer, as opposed to subtractive manufacturing methodologies. Additive manufacturing processes include, but are not limited to, Direct Metal Laser Sintering, Selective Laser Melting, Selective Laser Sintering, and Direct Laser Melting.

(4) **"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, as it exists on May 11, 2016.

(5) **"Biotechnology"** means the use of living organisms and/or biological processes often combined with chemical processes to develop products used in a variety of fields such as medicine, agriculture, and food production. Biotechnology industry includes, but is not limited to, medicinal drug manufacturing, peptide synthesis and DNA synthesis.

(6) **"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 or in other documentation establishing the maximum continuous brake horsepower as approved by the Air Pollution Control Officer.

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

(8) **“Chain-driven Charbroiler”** also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the heat sources positioned above and below the grated grill.

(9) **“Charbroiler”** means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but are not limited to, grill charbroilers and flame broilers.

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

(11) **"Digital Printing Operation"** means an operation that uses a printing device guided by a computer-driven machine to transfer an electronic image to a substrate through the use of inks, toners, or other graphic arts materials. Digital printing operation also includes associated surface preparation, solvent cleaning, and the cleaning of application equipment.

(12) **"Exempt Compounds"** means the same as defined in Rule 2 – Definitions.

(13) **"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 unless necessary in order for the customer to obtain statistically significant data required to make a decision on the approval of a new product.

(14) **“Food Material”** means food scraps collected from the food processing industry, food service industry, grocery stores, or residential food scrap collection. Food material also includes food-soiled paper and food scraps that are chipped and ground.

(15) **“Green Material”** means waste material that includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.

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

(17) **"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.

(18) **"Industrial Wastewater Treatment"** means the treatment of spent process water prior to discharging into municipal wastewater system or disposal. Industrial wastewater treatment includes, but is not limited to, dewatering, pH adjustment, precipitation, sludge processing, and gravity separation and/or filtration of the wastewater.

(19) **"Large Commercial Digital Printing Operation"** means a commercial digital printing operation where the print capacity of any individual printer that uses solvent based inks is 1,000 ft<sup>2</sup>/hr or higher; or an operation where the print capacity of any individual printer that uses water-based or UV inks is 10,000 ft<sup>2</sup>/hr or higher.

(20) **"Major Stationary Source"** means the same as defined in Rule 20.1 – New Source Review – General Provisions.

(21) **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

(22) **"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.

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

(24) **"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. For the purpose of this definition, a reagent is not considered an organic solvent.

(25) **"Pharmaceutical Products"** means any substances resulting from preparing, preserving or compounding of medicinal drugs, vitamins or other materials used to enhance personal health. Cannabis products, including any cannabis products intended for external use, are not pharmaceutical products.

(26) **"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.

(27) **"Portable Emission Unit"** means the same as defined in Rule 20.1 – New Source Review – General Provisions.

(28) **"Preservative Oils and Compounds"** means materials which do not contain solids, and are applied to prevent corrosion and/or to provide lubrication.

(29) **"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.

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

(31) **"Reclaimed Water"** means wastewater that has been treated to remove solids and certain impurities to meet the standards specified in California Code of Regulations Title 22, Division 4, Chapter 3.

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

(33) **"Stationary Source"** means the same as defined in Rule 2 – Definitions.

(34) **"Thermal Spraying Operation"** means one or more of several processes in which metallic or nonmetallic surfacing materials are deposited in a molten or semi-molten condition on a substrate to form a coating. The surfacing material may originate in the form of powder, rod, or wire before it is heated, prior to spraying and deposition. Thermal spraying operations include: detonation gun spraying, flame spraying, high-velocity oxy-fuel spraying, plasma spraying, and twin-wire electric arc spraying.

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

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

(37) **"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.

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

(39) **"Wet Screening Operation"** means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

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

Except as otherwise specified in Subsections (a)(2) through (a)(5), 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 – Permits Required. 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) 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.

(iii) 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.

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

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

(B) 2 million BTU per hour or less fired exclusively with natural gas and/or liquefied petroleum gas.

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

(v) 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.

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

(vii) Back-pack power blowers.

(viii) Orchard or citrus grove heaters.

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

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

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

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

(xiii) 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.

(xiv) Internal combustion or gas turbine engines used exclusively for purposes of educating students in the operation, maintenance, repair, and rebuilding of such engines provided that each engine or turbine is operated less than 20 hours per calendar year.



(xv) Auxiliary internal combustion reciprocating engines mounted on any authorized emergency vehicle as specified in Section 27156.3 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, including associated wipe cleaning, used exclusively for chemical and physical analysis, or quality control.

(ii) Laboratory equipment and laboratory operations conducted at secondary schools, colleges, or universities and used exclusively for instruction or research purposes.

(iii) Vacuum-producing devices used in laboratory or R&D operations.

(iv) Hoods, stacks, or ventilators used in laboratory or R&D operations.

(v) Research and development equipment, including associated wipe cleaning.

(vi) Equipment used to manufacture the following products, provided that the total uncontrolled VOC emissions from all operations specified below do not exceed 5 tons per calendar year:

(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.

All data and/or records necessary to demonstrate the applicability of this exemption shall be maintained on-site for three years and made available to the District upon request.

(vii) 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(a). 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 – Receiving & Storing of Volatile Organic Compounds at Bulk Plants & Bulk Terminals.

(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 – Permit and Other Fees must be submitted to the District.

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

The exemptions listed in this 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, including reclaimed 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 emits less than an average of 5 pounds of 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 three years and be made available to the District upon request.

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

(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) Thermal spraying operations where materials sprayed contain no cadmium, chromium, copper, lead, manganese or nickel, and provided the maximum amount of material sprayed is less than 20 pounds per day at the stationary source.

(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 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 copper 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 three years and be made available to the District upon request. This exemption does not apply if alloying elements of arsenic, beryllium, cadmium, chromium, lead, and/or nickel are utilized in such furnaces.

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

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

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

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

(vii) Die casting machines.

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

**(9) ABRASIVE BLASTING EQUIPMENT**

The exemptions listed in 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.

- (i) Abrasive blasting 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 or pots with a manufacturer's sand capacity rating of less than 100 pounds (45.4 kg), or 1 cubic foot or less. This exemption does not apply to pots used in an abrasive blasting room or booth, or to abrasive blasting cabinets.

**(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, horizontal grinders, and trommel screens used for processing green material or a mixture of green material and food material. 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) Equipment used for buffing, polishing, carving, cutting, deburring, drilling, machining, routing, shearing, sanding, sawing, or surface grinding of fiberglass or calcium silicate parts that are exclusively vented through a control device that exhausts inside an enclosed building where such equipment is located.

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

(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 three years and be made available to the District upon request.

(ii) Inkjet and laser printing equipment.

(iii) Digital printing operations where the print capacity of any individual printer which uses solvent based inks is less than 1,000 ft<sup>2</sup>/hr, or an operation where the print capacity of any individual printer which uses water-based or UV inks is less than 10,000 ft<sup>2</sup>/hr.

(iv) Large commercial digital printing operations, provided that the records specified in Rule 67.16(f) for these operations are maintained.

(v) 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, chain-driven charbroilers, or coffee roasting equipment.

(iii) Coffee roasting equipment with a maximum capacity of 11 pounds (5 kg) or less.

(iv) Any bakery oven that is located at a stationary source where the combined rated heat input capacity of all bakery ovens, excluding ovens subject to Subsection (d)(12)(v) below, 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 100,000 barrels (3.1 million gallons) of beer per calendar year and associated equipment cleaning. 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 calenders 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 three years and be made available to the District upon request.
- (vi) Plastic manufacturing or fabrication operations, including reinforced plastic fabrication operations using epoxy 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 three years and be made available to the District upon request.
- (vii) Polyester resin operations using less than 20 gallons of polyester resin materials per month. Daily or monthly records of material usage shall be maintained on-site for three years and be made available to the District upon request.
- (viii) Any polyester resin operation (portable or stationary) where the VOC emissions from the application of polyester resin materials are 150 pounds or less per consecutive 12-month period. All records necessary to calculate VOC emissions, such as VOC content of each material applied, monomer content, and daily or monthly



usage records of such materials must be maintained on-site for three years to claim applicability of this exemption.

- (ix) 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 three 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 three years and made available to the District upon request. This exemption does not apply to metallizing gun operations.

- (ii) Application equipment and processes used exclusively to apply coatings 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 three years to claim applicability of this exemption. The volume of materials applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption.

(iv) Any coating or adhesive materials application operation (portable or stationary) where the VOC emissions from the application of liquid coatings or adhesive materials are 150 pounds or less per consecutive 12-month period. 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 three 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, roller, or marking pen.

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

(vii) 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.

(viii) Coating operations located at primary or secondary schools and used exclusively for instruction.

(ix) Coating operations located at schools (i.e., primary, secondary, or schools of higher education) and used exclusively for student theatrical productions or art 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) Cold solvent cleaning or stripping operations and/or vapor degreasing operations that exclusively utilize materials with a VOC content of 25 grams per liter (g/l) (0.21 lbs/gal) of material or less, as used.
- (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 1 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) Metal inspection spraying operations where no materials applied contain volatile organic compounds.
- (vii) Cold solvent degreasers used exclusively for educational purposes.
- (viii) Golf grip application stations that exclusively use liquid materials with an initial boiling point of 450°F (232°C), or greater.
- (ix) Surface preparation or solvent cleaning, including wipe cleaning:
  - (A) for quality control or quality assurance purposes, or
  - (B) using non-refillable handheld aerosol spray containers, or
  - (C) for routine janitorial maintenance, including graffiti removal or

(D) performed in conjunction with welding of 5XXX series aluminum structures for Navy ships and in accordance with quality assurance standards for such structures, or

(E) not associated with any permitted operation, provided:

(1) the cleaning materials have a VOC content of 25 grams per liter (0.21 lbs/gal), or less, as used, or

(2) the uncontrolled VOC emissions from all such cleaning operations located at the stationary source do not exceed 3,650 pounds per consecutive 12-months, or the total purchase or usage of solvents for such cleaning operations does not exceed 550 gallons per consecutive 12-months. The volume of materials applied from operations specified in Subsections (d)(16)(ix)(A) through (E)(1) above shall not be included when determining the applicability of this exemption. All data and/or records necessary to demonstrate that this exemption is applicable shall be maintained on-site for three years and made available to the District upon request.

Subsection (d)(16)(ix)(E) does not apply to cold solvent cleaning or stripping operations and/or vapor degreasing operations as defined in Rule 67.6.1 – Cold Solvent Cleaning and Stripping Operations and Rule 67.6.2 – Vapor Degreasing Operations.

(x) Asbestos mastic removal operations using organic solvents provided the total VOC vapor pressure of the solvent is 0.2 mm Hg or less, at 20°C (68°F).

#### **(17) STORAGE AND TRANSFER EQUIPMENT**

(i) Stationary equipment used exclusively to store and/or transfer liquid 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. This exemption also does not apply to the transfer of volatile organic liquids into vehicle fuel tanks.

(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) DRY CLEANING, LAUNDRY EQUIPMENT, AND FABRIC RELATED OPERATIONS**

The exemptions listed in this Subsection (d)(18) shall not apply to any operation that uses perchloroethylene (perc) as a dry cleaning solvent.

(i) Non-immersion dry cleaning equipment that uses water or exempt compounds as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

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

(iii) Wastewater processing units associated with dry cleaning 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, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter. This exemption does not apply to equipment used for previously VOC-laden materials such as rags, cloths, etc.

(v) Industrial wet cleaning equipment that uses water or exempt compounds as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter. This exemption does not apply to equipment cleaning VOC-laden materials such as rags, cloths, etc.

(vi) Equipment, including dryers, used exclusively for printing, dyeing, stripping, or bleaching of textiles, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

(vii) Industrial laundering equipment that uses liquid carbon dioxide as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

**(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 – Receiving & Storing of Volatile Organic Compounds at Bulk Plants & Bulk Terminals.

(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 maximum throughput capacity not to exceed 600 pounds per hour, either as rated by the manufacturer or as stated in writing by the manufacturer for the current configuration, 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, pharmaceutical or biotechnology products and/or manufacturing cosmetic, pharmaceutical or biotechnology products by chemical processes, that emit less than an average of 15 pounds of uncontrolled VOC per operating day for each calendar month from all phases of all such operations located at a single stationary source. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(xii) Equipment used for hydraulic or hydrostatic testing.

(xiii) 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 three 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 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 three 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 not covered by other subsections that has an uncontrolled emission rate of each criteria pollutant of 2 pounds or less per day, or of 75 pounds or less per year. All data and/or records necessary to demonstrate that this exemption is applicable shall be maintained on-site for three years and made available to the District upon request.

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

(xxi) Municipal wastewater treatment facilities and municipal water reclamation facilities each with a design throughput capacity of less than one million gallons of wastewater per day. Municipal wastewater pump stations with an annual average actual throughput of less than one million gallons of wastewater per day. Records of daily throughput shall be maintained on-site for three years and be made available to the District upon request.

(xxii) Industrial wastewater treatment that:

(A) does not use processes designed to remove or destroy VOCs, or

(B) if such processes are used, the uncontrolled VOC emissions do not exceed an average of 5 pounds per day from all such treatment at the stationary source.

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

(xxiv) 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.

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

(xxvi) Agricultural sources at a stationary source that, in aggregate, produce actual emissions less than one-half of any applicable emission threshold for a major source in the District. For the purposes of determining permitting applicability, fugitive emissions, except fugitive dust emissions, are included in determining



aggregate emissions. This exemption shall not apply to an agricultural source required to obtain a Title V permit pursuant to Regulation XIV (Title V Operating Permits).

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

(xxviii) Operations that exclusively use preservative oils and compounds; lubricants, including solid film lubricants; greases or waxes.

(xxix) Ozone generators with a generation capacity of less than 1,000 grams of ozone per hour.

(xxx) Site assessment for soil and/or groundwater remediation projects, provided that all of the following conditions are met:

(A) the sole purpose of the site assessment is to determine the extent of the contamination and the VOC concentrations in the soil and/or groundwater in order to design the appropriate collection and control equipment for the remediation project; and

(B) the site assessment is conducted for no more than 30 cumulative days within a calendar year. A record of the number of operating days must be maintained with the equipment for the duration of the site assessment; and

(C) the collected soil, vapor or groundwater is routed through emission control equipment.

This exemption does not apply to any associated combustion equipment unless such equipment is also exempt pursuant to Subsection (d)(2) of this rule.

(xxxix) Soil, sediment, air or groundwater monitoring, and installation of associated wells, performed to meet the requirements of other regulatory agencies.

(xxxix) Any underground building ventilation system, sub-slab depressurization system, or soil/vapor intrusion mitigation associated with soil, vapor or groundwater that is not required to be remediated by any other regulatory agency.

(xxxix) Additive manufacturing (3-D printing) equipment.

(xxxix) Except as otherwise provided in Subsection (d)(16)(x), asbestos removal equipment and operations subject to 40 CFR Part 61, Subpart M – National Emission Standards for Asbestos.

(xxxix) Wet screening operations.

**(20) REGISTERED EQUIPMENT**

(i) Any portable equipment that is registered in accordance with District Rule 12.1 – Portable Equipment Registration. 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 – Registration of Specified Equipment.

(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**

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

(1) The VOC content of coating and adhesive materials containing more than 50 grams of VOC per liter shall be determined by the Environmental Protection Agency (EPA) Reference Method 24 (40 CFR Part 60, Appendix A, Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings), September 1995, or by the South Coast Air Quality Management District (SCAQMD) Method 304-91 (Determination of Volatile Organic Compounds in Various Materials), February 1996.

(2) The VOC content of surface preparation or cleaning materials containing 50 grams of VOC per liter or less, subject to the requirements of Subsection (d)(16)(i) and (ix), shall be determined by SCAQMD Method 313-91 (Determination of Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry), February 1997, or by SCAQMD Method 308-91 (Quantitation of Compounds by Gas Chromatography), February 1993.

(3) The initial boiling point of materials subject to this rule shall be determined in accordance with ASTM Standard Test Method D1078-11 (Standard Test Method for Distillation Range of Volatile Organic Liquids), or its most current version.

(4) Calculation of total VOC vapor pressure for materials subject to this rule shall be conducted in accordance with the District's "SD 1, Procedures for Estimating the Vapor Pressure of VOC Mixtures," June 2004. 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 D2879-10 (Standard Test

Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), or its most current version.

(5) Reid Vapor Pressure pursuant to Subsections (c)(37) and (d)(17) of this rule shall be measured in accordance with ASTM Standard Test Method D323-08(2014) (Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)), 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 Publication SW-846 Test Method 8021B (Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and Electrolytic Conductivity Detectors), July 2014.

3. Proposed amended Rule 12 is to read as follows:

**RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT**

(Rev. Adopted & Effective *(date of adoption)*)

**(a) APPLICABILITY**

(1) This rule applies to the following emission units:

(i) Existing internal combustion emergency standby engines that commenced operation in San Diego County on or before November 15, 2000. Such engines shall not be subject to Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

(ii) Existing stationary internal combustion engines rated at 200 brake horsepower or less which operate less than 200 hours per calendar year and commenced operation in San Diego County on or before November 15, 2000. Such engines shall not be subject to Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

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

(iv) Any boiler, process heater or steam generator with a heat input rating greater than 2 million Btu per hour to less than 5 million Btu per hour, and fired with natural gas, liquefied petroleum gas, or liquid fuel.

(v) Paper shredders with a maximum throughput capacity of greater than 600 pounds per hour, either as rated by the manufacturer or as stated in writing by the manufacturer for the current configuration. This does not include hammer mills or any associated power units.

(vi) Grain silos used to brew beer at breweries that produce less than 100,000 barrels (3.1 million gallons) of beer per calendar year.

(vii) Any chain-driven charbroiler equipped with a catalytic oxidizer certified by South Coast Air Quality Management District (SCAQMD), cooking 415 pounds or more of meat during any calendar week at a commercial cooking operations facility.

(2) This rule does not mandate the registration of any emission unit listed in Subsection (a)(1).

(3) Any emission unit registered under this rule shall be exempt from the requirements of Rule 10 – Permits Required and from the requirements of New Source Review Rules 20.1 through 20.8, inclusive.

(4) Registration under this rule or under District Rule 12.1 – Portable Equipment Registration, or by the California Air Resources Board pursuant to Health and Safety Code Section 41752, may be used in lieu of permitting. Any emission unit registered under this rule shall be precluded from simultaneously obtaining a Permit to Operate.

(5) Except as provided in Subsection (a)(3), compliance with this rule shall not exempt any emission unit specified in Subsection (a)(1) from meeting all other applicable requirements of these Rules and Regulations.

(b) **RESERVED**

(c) **DEFINITIONS**

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

(1) **"Approach Light System with Sequenced Flasher Lights in Category 1 and Category 2 Configurations (ALSF-1 and ALSF-2)"** means high intensity approach lighting systems with sequenced flashers used at airports to illuminate specified runways during Category II or III weather conditions, where Category II means a decision height of 100 feet and runway visual range of 1,200 feet, and Category III means no decision height or decision height below 100 feet and runway visual range of 700 feet.

(2) **"Boiler"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. This does not include waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines or internal combustion engines, or any waste heat recovery boiler that is used to recover sensible heat from the exhaust of any combustion equipment.

(3) **"Btu"** means British Thermal Unit.

(4) **"California Diesel Fuel"** means any fuel that is commonly or commercially known, sold or represented as diesel fuel No. 1-D or No. 2-D, and which meets the requirements specified in 13 CCR, Sections 2281 and 2282.

(5) **"CCR"** means California Code of Regulations.

(6) **"Certificate of Compliance"** means a statement in a specified format which is completed by an applicant, and which contains prohibitory rules and conditions of operation applicable to the operation of a registered emission unit.

(7) **"Certificate of Registration" or "Certificate"** means a written document issued by the Air Pollution Control Officer, granting authority to operate an emission unit in lieu of a Permit to Operate.

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

(9) **“Chain-driven Charbroiler”** also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the heat sources positioned above and below the grated grill.

(10) **"Charbroiler"** means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but are not limited to, grill charbroilers and flame broilers.

(11) **"Emergency Situation"** means providing electrical power or mechanical work during any of the following events and subject to the following conditions:

(i) The failure or loss of all or part of normal electrical power service or normal natural gas supply to the facility:

(A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and

(B) which is demonstrated by the owner or operator to the Air Pollution Control Officer's satisfaction to have been beyond the reasonable control of the owner or operator.

(ii) The failure of a facility's internal power distribution system:

(A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and

(B) which is demonstrated by the owner or operator to the Air Pollution Control Officer's satisfaction to have been beyond the reasonable control of the owner or operator.

(iii) The pumping of water or sewage to prevent or mitigate a flood or sewage overflow.

(iv) The pumping of water for fire suppression or protection.

(v) The powering of ALSF-1 and ALSF-2 airport runway lights under Category II or III weather conditions.

(vi) The pumping of water to maintain pressure in the water distribution system for the following reasons:

(A) a pipe break that substantially reduces water pressure; or

(B) high demand on the water supply system due to high use of water for fire suppression; or

(C) the breakdown of pumping equipment at sewage treatment facilities or water delivery facilities.

(12) **"Emergency Standby Engine"** means an engine used exclusively in emergency situations to drive an electrical generator, an air compressor or a water pump, except for operations up to 52 hours per calendar year for non-emergency purposes.

(13) **"Emission Unit"** means the same as defined in Rule 2 – Definitions.

(14) **"Existing Engine"** means an engine which commenced operation in San Diego County on or before November 15, 2000. Engines used to replace an existing engine pursuant to Rule 11 – Exemptions from Rule 10 Permit Requirements Subsection (d)(5) do not qualify as existing engines.

(15) **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

(16) **"Portable Emission Unit"** means an emission unit that is designed to be and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer or platform. For the purposes of this rule, dredge engines on a boat or barge are considered portable. An emission unit is not portable if any of the following apply:

(i) The unit, or its replacement, is attached to a foundation or, if not so attached, will reside at the same location for more than 12-consecutive months. Any portable emission unit such as a backup or standby unit that replaces a portable emission unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of all units, including the time between the removal of the original unit(s) and installation of the replacement unit(s), will be counted toward the consecutive time period; or

(ii) The emission unit remains or will reside at a location for less than 12-consecutive months if the unit is located at a seasonal source and operates during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and operates at that single location at least three months each year, or

(iii) The emission unit is moved from one location to another in an attempt to circumvent the portable emission unit residence time requirements.

Days when a portable emission unit is stored in a designated holding or storage area shall not be counted towards the above time limits, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding or storage area the entire calendar day.

(17) **"Process Heater"** means any combustion equipment fired with liquid and/or gaseous fuel and which 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 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.

(18) **"Registered Emission Unit"** means an emission unit that has a valid Certificate of Registration.

(19) **"Registration"** means the process of obtaining a Certificate of Registration for an emission unit. Registration is the same as "permit" as used in Division 26 of the California Health and Safety Code, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively entitled Hearing Boards, Variances, and Orders of Abatement. The Air Pollution Control Officer and the Hearing Board shall have the same authority concerning registration as with permits, and the owner or operator of registered equipment shall be entitled to the same privileges and rights granted to a permittee.

(20) **"Rental Emission Unit"** means an emission unit temporarily rented or leased to operators other than the owner(s) of the unit.

(21) **"School Grounds"** means any public or private school used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in a private home(s). "School Grounds" includes any building or structure, playground, athletic field, or other areas of school property but does not include unimproved school property.

(22) **"Stationary Source" or "Source"** means the same as defined in Rule 2 – Definitions.

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

(24) **"Steam Generator"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. This does not include waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines or internal combustion engines, or any waste heat recovery boiler that is used to recover sensible heat from the exhaust of any combustion equipment.

(25) **"Testing or Maintenance"** means operating an emergency standby engine to:



- (i) Evaluate the ability of the engine or its supported equipment to perform during an emergency. "Supported Equipment" includes, but is not limited to, generators, pumps, transformers, switchgear, uninterruptible power supply, and breakers; or
- (ii) Facilitate the training of personnel on emergency activities; or
- (iii) Provide electric power for the facility when the utility distribution company takes its power distribution equipment offline to service that equipment for any reason that does not qualify as an emergency situation; or
- (iv) Provide additional hours of operation to perform testing on an engine that has experienced a breakdown or failure during maintenance. Upon approval by the Air Pollution Control Officer, these additional hours of operation will not be counted in the maximum allowable annual hours of operation for the emergency standby engine that provided the electrical power. Operation for testing or maintenance purposes may be allowed for not more than 10 hours per year, with prior written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary; or
- (v) Provide electric power for the facility during an electrical upgrade, such as the replacement or addition of electrical equipment and systems resulting in increased generation, transmission and/or distribution capacity; or
- (vi) Provide electric power for the facility during the repair of supported equipment as defined in Subsection (c)(25)(i).

(d) **REQUIREMENTS**

Emission units registered under this rule shall comply with these rules and regulations and the following requirements, as applicable:

- (1) An internal combustion emergency standby engine shall be operated only during emergency situations and for not more than 52 hours per calendar year for non-emergency purposes. Operation for testing or maintenance purposes may be allowed for not more than 100 hours per calendar year with written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary.
- (2) An engine operating on diesel fuel shall use only California Diesel Fuel.
- (3) An engine shall have, and maintain in good working order, a non-resettable hour or fuel meter installed that measures elapsed operating time or fuel usage, respectively. If an engine hour meter is replaced, the owner or operator shall notify the Air Pollution Control Officer in accordance with Subsection (g)(2).

(4) An owner or operator of an engine shall conduct at a minimum, annual maintenance of the engine as recommended by the engine manufacturer or as specified by any other maintenance procedures approved in writing by the Air Pollution Control Officer. Notwithstanding the frequencies recommended by the engine manufacturers, the annual maintenance shall be conducted at least once each calendar year. Engine maintenance shall include, but is not limited to, the following:

- (i) Changing the oil and filter, or testing the oil in accordance with the requirements of 40 CFR Part 63, Sections 63.6625(i) or 63.6625(j);
- (ii) Inspecting and cleaning air filters, and replacing as necessary;
- (iii) Inspecting all hoses and belts, and replacing as necessary; and
- (iv) Inspecting spark plugs, if equipped, and replacing as necessary.

(5) An asphalt roofing kettle or asphalt day tanker shall have an identification tag or serial number stamped, welded or engraved in a visible, accessible location on the kettle or tanker; shall not be operated above 525°F (274°C) and shall be equipped with a functional temperature gauge, temperature control thermostat, and a lid which shall be closed at all times when the unit is operating except for loading asphalt.

(6) An owner or operator of a boiler, process heater or steam generator registered under this rule shall comply with all applicable requirements of Rule 69.2.2 – Medium Boilers, Process Heaters, and Steam Generators.

(7) Grain silos shall be equipped with a filter in good operating condition during pneumatic transferring and receiving of grain. Manufacturer's specifications or engineering data demonstrating a minimum particulate matter control efficiency of 90 percent by weight for PM<sub>10</sub> shall be retained on site and made readily available to the District upon request. There shall be no leakage from silos and ducting prior to treatment in the filter.

(8) Paper shredders and any associated air pollution control devices shall be operated in accordance with all manufacturer's instructions. Manufacturer's instructions shall be retained with the shredder and made readily available to the District upon request.

(9) Paper shredders shall not discharge into the atmosphere from any single source of emissions any air contaminant for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(10) Paper shredders shall not discharge such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health or safety of any such persons or the public; or which cause or have a natural tendency to cause injury or damage to business or property.

(11) An owner or operator of a chain-driven charbroiler equipped with a catalytic oxidizer certified by SCAQMD at a commercial cooking operations facility registered under this rule shall comply with all applicable requirements of Rule 67.26 – Commercial Charbroiling Operations.

**(e) REGISTRATION OF EMISSION UNITS**

**(1) Application for Certificate of Registration**

To apply for a Certificate of Registration, an owner or operator shall submit to the District, a completed Permit/Registration application form, a Certificate of Compliance, and any additional information determined by the Air Pollution Control Officer as necessary to demonstrate eligibility for registration. The applicable fees specified in Rule 40 – Permit and Other Fees shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. A separate application is required for each emission unit.

**(2) Action on Applications**

(i) The Air Pollution Control Officer shall inform the applicant in writing, within 30 days of receipt of an application for registration, if the application is complete or incomplete. If incomplete, the written notice shall specify the additional information necessary to complete the application. When the additional information is received and the application is determined complete, the applicant shall be so notified.

(ii) An application for registration shall be canceled if additional information necessary to complete the application is not furnished within 90 days of such request, or if the Air Pollution Control Officer determines that the emission unit is not eligible to be registered under this rule.

(iii) An application for registration shall be withdrawn if the applicant requests such action in writing to the Air Pollution Control Officer. An application that is withdrawn by the applicant shall subsequently be canceled.

(iv) An application for registration shall be denied if the Air Pollution Control Officer finds that the emission unit will not comply with the applicable requirements of Section (d) Requirements of this rule, or other applicable District Rules and Regulations.

(v) The Air Pollution Control Officer shall issue a Certificate of Registration within a maximum of 90 days after an application for registration is deemed complete if the emission unit meets all applicable requirements of Section (d) Requirements of this rule.

(vi) Notice of any action taken shall be deemed to have been given when written notification has been delivered to the applicant or the applicant's representative.

**(3) Conditions on Certificate of Registration**

The Air Pollution Control Officer may issue a Certificate subject to temporary or permanent conditions which ensure compliance with these Rules and Regulations and applicable state laws and regulations. Operating a registered emission unit constitutes acceptance of all conditions specified on the Certificate.

**(4) Maintenance of Certificate of Registration**

An owner or operator whose emission unit has been issued a Certificate shall:

- (i) Comply with all conditions listed on the Certificate;
- (ii) Renew the Certificate annually pursuant to Subsection (f)(1) of this rule;
- (iii) Maintain records, as applicable, in accordance with the requirements of Section (g) Record Keeping Requirements of this rule;
- (iv) Display the current Certificate or a copy of the current Certificate in a clearly visible and accessible place within 25 feet of the emission unit. If the unit is so constructed or operated that the Certificate cannot be so placed, it shall be kept on the premises and be made readily available to the District at all times; and
- (v) Not willfully deface, alter, forge, counterfeit or falsify any Certificate issued under this rule.

**(f) ADMINISTRATION OF CERTIFICATE OF REGISTRATION**

**(1) Renewal of Certificate of Registration**

**(i) Current Certificate of Registration**

Any person who holds a valid Certificate and who desires to maintain the Certificate after the expiration date shall, prior to the expiration date, pay the applicable renewal and processing fees specified in Rule 40 – Permit and Other Fees. Any Certificate not reinstated within six months of the expiration date will be retired.

**(ii) Expired Certificate of Registration**

An expired Certificate may be reinstated within the first six months following the expiration date by paying the applicable renewal and processing fees and the appropriate late fees specified in Rule 40 – Permit and Other Fees.

## **(2) Change of Status for Certificate of Registration**

### **(i) Conversion to Inactive Status**

Any person who holds a valid Certificate and chooses not to operate the emission unit, may apply to the Air Pollution Control Officer for a revised Certificate indicating the unit is to be registered in an inactive status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40 – Permit and Other Fees. Operation of an emission unit registered in an inactive status shall constitute a violation of Subsection (e)(4)(i) of this rule. Any portable emission unit registered in an inactive status shall be stored at a fixed address provided to the Air Pollution Control Officer. All Certificates for emission units in inactive status shall be renewed annually.

### **(ii) Removal of Inactive Status**

Any person who holds a valid Certificate for an emission unit in an inactive status and chooses to operate the unit shall first apply for and obtain a revised Certificate indicating the unit is now in an active status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40 – Permit and Other Fees.

## **(3) Change of Location**

Any person who holds a valid Certificate and who desires to change the location of the registered emission unit shall first apply for and obtain a revised Certificate from the Air Pollution Control Officer. The application shall be accompanied by the applicable application and processing fees specified in Rule 40 – Permit and Other Fees. This provision shall not apply to any change of location within a stationary source or any change of location for a portable emission unit.

## **(4) Transfer of Ownership**

The ownership of a valid Certificate may be transferred by applying for and obtaining a revised Certificate from the Air Pollution Control Officer. The application shall include a completed Permit/Registration application form and a Certificate of Compliance. Such application shall be deemed a temporary Certificate if accompanied by the applicable application fees specified in Rule 40 – Permit and Other Fees. The temporary Certificate shall be subject to all the terms and conditions of the current Certificate and shall expire upon receipt of a revised Certificate. An application for transfer of ownership shall not be deemed a temporary Certificate if the emission unit is in an inactive status. A new application shall be required if the emission unit has been modified.

**(g) RECORD KEEPING REQUIREMENTS**

The owner or operator of a registered emission unit shall maintain the applicable records listed below in electronic and/or hardcopy format. The records shall be retained on-site for at least three years and be made available to the District upon request.

(1) An owner or operator of an engine shall maintain, at a minimum, the following:

(i) An operating log containing dates and elapsed times of every instance of engine operation either based on actual readings of engine hour or fuel meter, or validated against such actual readings during owner or operator visits to unmanned sites only. In addition, an owner or operator of an emergency standby diesel engine located within 500 feet of school grounds shall also maintain the time of day of every instance of engine operation for testing or maintenance; except for an engine that emits no more than 0.01 g/bhp-hr of diesel particulate matter, or meets the requirements specified in 17 CCR, Section 93115.13(f). If applicable, indicate whether the operation was for testing or maintenance or during an emergency situation and the nature of the emergency, and maintain the following:

(A) for a total external power outage, documentation from the serving utility of an outage in the area where the engine is located;

(B) for an internal power outage, a description of what caused the failure, and receipts and/or work orders for the necessary repairs, as applicable; and

(C) for a partial external power outage, including a low-voltage or electric transient incident, in which the external power voltage is low enough to trigger the operation of an emergency standby engine, a description of the incident.

(ii) total cumulative hours of operation per calendar year;

(iii) records of annual engine maintenance, including dates maintenance was performed and the nature of the maintenance;

(iv) California Diesel Fuel certifications, if fueled with diesel fuel; and

(v) A manual of recommended maintenance procedures as provided by the engine manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

(2) An owner or operator of an engine shall provide written notification to the Air Pollution Control Officer within 10 calendar days of replacing the engine hour meter. The notification shall include the following:

- (i) Old meter's hour reading upon removal;
  - (ii) Replacement meter's manufacturer name, model, and serial number, if available;
  - (iii) Current hour reading of the replacement meter upon installation; and
  - (iv) Copy of receipt of new meter, or of installation work order.
- (3) An owner or operator of any emission unit specified in Subsection (a)(1) which is operated as a rental emission unit shall maintain the following records, as applicable:
- (i) The owner of a rental emission unit shall provide the operator with a copy of the Certificate and the recordkeeping requirements specified in Subsection (g)(1) as part of the emission unit rental agreement. The owner shall maintain written acknowledgment by the operator of receiving the above information.
  - (ii) During the duration of a rental agreement or contract, the operator of a rental emission unit shall be responsible for compliance with the recordkeeping requirements of this rule and the terms and conditions on the Certificate applicable to operation of the unit. The operator shall furnish the records specified in Subsection (g)(1), to the owner of the rental emission unit upon return of the unit.
- (4) An owner or operator of a boiler, process heater or steam generator registered under this rule shall comply with the record keeping requirements specified in Rule 69.2.2 – Medium Boilers, Process Heaters, and Steam Generators.
- (5) An owner or operator of a chain-driven charbroiler equipped with a catalytic oxidizer certified by SCAQMD at a commercial cooking operations facility registered under this rule shall comply with record keeping requirements specified in Rule 67.26 – Commercial Charbroiling Operations.

4. Proposed amended Rule 40 is to read as follows:

### **REGULATION III: FEES**

#### **RULE 40. PERMIT AND OTHER FEES** (Adopted & Effective *(date of adoption)*)

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## **RULE 40. PERMIT AND OTHER FEES**

### **(a) APPLICABILITY**

(1) Notwithstanding any other provision of these rules, this rule shall be used to determine all fees charged by the San Diego County Air Pollution Control District (District), as authorized by the Air Pollution Control District Governing Board, except for those specified in Rule 42 – Hearing Board Fees. These include, but are not limited to, fees for: applications, permits, portable equipment registrations, renewals, source testing, asbestos demolition or renovation notifications, emergency episode plans, grid searches, technical consultations, new or modified power plants, Toxic Hot Spots, Title V Operating Permits, and Synthetic Minor Source Permits, and reviews, analyses, documents and procedures required or requested pursuant to the California Environmental Quality Act (CEQA).

(2) This rule shall be used to determine refunds, forfeitures and insufficient payment of fees, if applicable.

### **(b) DEFINITIONS**

The following definitions shall apply for terms used in this rule:

(1) **“Annual Operating Fee”** means all fees related to a permit that are paid on an annual basis. These include, but are not limited to, the following: Site Identification (ID) Processing and Handling Fee, Permit Processing Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, District and State Air Toxic Hot Spots Fee, and Annual Source Test Fee.

(2) **“Applicant”** means the owner of the emission unit or operation, or an agent specified by the owner.

(3) **“Initial Application Fees”** means all fees related to an application. These include, but are not limited to, a Non-refundable Processing Fee, Initial Evaluation Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee and/or Source Test Fee.

(4) **“Location”** means the same as “Stationary Source” as defined in Rule 2 – Definitions.

(5) **“Permit to Operate”** or **“permit”** means any District authority to operate, such as a Permit to Operate, Certificate of Registration, Title V or Synthetic Minor Source permit, unless otherwise specified.

(6) **“T+M”** means time and material costs.

(7) **“Valid Permit or Valid Authority to Construct”** means a Permit or Authority to Construct for which all fees are current.

All other terms mean the same as defined in Rule 2 – Definitions unless otherwise defined by an applicable rule or regulation.

**(c) GENERAL PROVISIONS**

(1) No application shall be considered received unless accompanied by the completed application and associated supplemental forms (if applicable) and the appropriate Initial Evaluation Fees.

(2) All time and material (T+M) costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates.

(3) If the Air Pollution Control Officer determines that the activities of any one company would cause an increase of at least 10% in any one Emission Unit Fee Schedule, the Air Pollution Control Officer may delete the costs attributed to that company from the cost data used to determine that type of Emission Unit Fee Schedule. The costs from such a company shall be recovered by development of a source-specific Emission Unit Fee Schedule. The specific Initial Evaluation or Emission Unit Renewal Fee Schedules shall be submitted to the Air Pollution Control District Governing Board for consideration and adoption.

(4) If the Air Pollution Control Officer determines that a person has under-reported material usage, emissions or other information necessary for calculating an emissions inventory, and such under-reporting has led to an Air Contaminant Emissions Fee less than what would have been due if correct usage, emissions or other information had been reported, then the person shall pay the difference between the original and corrected Air Contaminant Emissions Fee plus a charge equal to 30% of the difference. Such charge shall not apply if the permittee demonstrates to the Air Pollution Control Officer's satisfaction that the under-reporting was the result of inadvertent error or omission which the permittee took all reasonable steps to avoid. Required fees not paid within 30 days of the due date shall be assessed a late fee in the amount prescribed in Section (g) – Late Fees.

(5) Credit card payments for fees will be assessed a processing fee of 2.19% of the amount paid by credit card. This processing fee covers only costs assessed to the District by credit card providers. Payments made using the online application submittal system will not be assessed a processing fee but will be subject to fees charged by the online submittal system vendor for the service. These convenience fees are not remitted to the District.

**(d) AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE FEES**

**(1) General Provisions**

(i) Every applicant for an Authority to Construct/Permit to Operate for any article, machine, equipment or other contrivance shall pay the applicable fees as specified in this Section (d) Authority to Construct and Permit to Operate Fees for each emission unit.

(ii) A \$150 Non-refundable Processing Fee shall be submitted with each application for an Authority to Construct/Permit to Operate, Change of Location, Change to an Existing Authority to Construct/Permit to Operate, Like-Kind Replacement or Banking Emission Reduction Credits. This fee does not apply to applications for a Change of Ownership, Identical Replacement, or Fee Schedules 49(a) or 49(b).

(iii) When additional evaluation fees are required, the applicant shall deposit the amount estimated to cover the evaluation costs upon receipt of such an invoice. The District may stop work on the application until the invoiced amount is fully paid.

(iv) Initial Evaluation Fees and Emission Unit Renewal Fees shall be determined using the amounts listed in Columns (1) and (2), respectively, of the Fee Schedules provided within this rule.

(2) Initial Application Fees for an Authority to Construct/Permit to Operate

The Initial Application Fees for an Authority to Construct/Permit to Operate application shall include a Non-refundable Processing Fee, Initial Evaluation Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee and/or Source Test Fee.

Calculation Worksheet for Initial Application Fees

Non-refundable Processing Fee	\$150
Initial Evaluation Fee <sup>1</sup>	
Emission Unit Renewal Fee <sup>1</sup>	
Air Contaminant Emissions Fee <sup>2</sup>	
Additional Engineering Evaluation Fees <sup>3</sup>	
Source Test Fee <sup>4</sup>	

Total: \$ \_\_\_\_\_

Notes:

1. See Fee Schedule. If T+M fee is indicated, visit [www.sdapcd.org](http://www.sdapcd.org) for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
2. See Subsection (d)(4) to determine applicable fee, based on total facility emissions.
3. See Subsection (d)(5) to determine if additional fees are required or visit [www.sdapcd.org](http://www.sdapcd.org) for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
4. Call the District for a Source Test Fee estimate.

(3) Initial Evaluation Fee

The Initial Evaluation Fee shall be determined based on the specific type of equipment, process or operation for which an application is submitted, as listed in Column (1) of the Fee Schedules provided within this rule.

(i) Where the fee specified in Column (1) is T+M, the fee shall be the actual evaluation cost incurred by the District. The applicant shall deposit the amount estimated to cover the actual evaluation cost at the time of application submittal.

(ii) If the equipment, process or operation for which an application is submitted is not listed in the Fee Schedules, the Initial Evaluation Fee shall be on a T+M basis, including the Emission Unit Renewal Fee, as specified in Fee Schedule 91 – Miscellaneous – Hourly Rates.

(iii) If the equipment, process, or operation for which an application is required solely due to a change in Rule 11 – Exemptions from Rule 10 Permit Requirements, the evaluation fee shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsection (d)(5).

#### (4) Air Contaminant Emissions Fees

The Air Contaminant Emissions Fee is an annual fee based on total air contaminant emissions from the stationary source. This fee shall also apply to portable equipment permitted or registered under these Rules and Regulations. For purposes of this subsection, the term “facility” means either the stationary source, or collection of portable equipment permitted or registered under a single site ID.

(i) For existing facilities, an Air Contaminant Emissions Fee shall not be collected as part of an Initial Application Fee, if the Air Contaminant Emissions Fee was paid as part of the most recent Annual Operating Fees.

(ii) For new facilities, the Air Contaminant Emissions Fee shall be paid with the first permit application filed for the new facility and based upon actual expected air contaminant emissions from the facility, as estimated by the District, for the calendar year in which the Permit to Operate is issued, as specified below. This fee shall remain unchanged until revised to reflect the most recent District approved emissions inventory report.

(A) If the actual expected annual emissions of carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), oxides of sulfur, particulate matter (PM<sub>10</sub>) or volatile organic compounds (VOC) equal or exceed five tons, then the Air Contaminant Emissions Fee shall be based on the total expected emissions of all these contaminants for that calendar year, multiplied by an air contaminant emissions fee rate of \$116 per ton.

(B) For all other new facilities, a single Air Contaminant Emissions Fee shall be paid based on the following table using the Fee Schedule that is most representative of the nature of the activities at the stationary source:

<u>Fee Schedule</u>	<u>Source Category Description</u>	<u>Annual Emissions Fee</u>
26(a)	VOC dispensing facility - Phase I and Phase II controls required	\$9 per nozzle
28(k and l)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$7 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$7 per cleaning unit

27(e)	Industrial surface coating applications	\$580
27(k)	Metal parts and aerospace coating applications	\$580
27(v)	Adhesive application operations	\$580
Various	All other stationary sources	\$116

If the most representative nature of the activities cannot be determined for facilities with more than one source category description or fee schedule, the highest applicable annual emissions fee shall apply.

#### (5) Additional Evaluation and Processing Fees for New or Revised Applications or Revised Permits to Operate

If an application requires the District to evaluate the emission unit for compliance with Rule 51 – Nuisance, Rule 1200 – Toxic Air Contaminants-New Source Review, Rules 20.1 through 20.8 (New Source Review), Rules 26.0 through 26.10 (Emission Reduction Credits), pre-backfill inspections for gasoline dispensing facilities, Regulation X – New Source Performance Standards, Regulation XI – National Emission Standards for Hazardous Air Pollutants, Regulation XII – Toxic Air Contaminants, federal Prevention of Significant Deterioration (PSD) requirements, a federal National Emission Standard for Hazardous Air Pollutants (NESHAP), State Airborne Toxic Control Measure (ATCM), CEQA, to conduct additional application or permit to operate processing procedures in accordance with California Health and Safety Code Section 42301 or 42301.6, or to witness testing or conduct inspections to verify compliance with any State Vapor Recovery Executive Order as part of a Like Kind Replacement application processed according to Rule 11 (d)(5)(ii), the applicant shall pay the actual cost incurred by the District for such evaluation and processing procedures, and any additional fees specified by this rule. The applicant shall deposit the amount estimated to cover the actual evaluation cost at the time of application submittal or upon request by the District.

#### (6) Fees for Revisions to Valid Permits

The owner of a valid permit, or their agent, may submit an application to propose the types of changes listed below. The evaluation fee for a revision shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsections (d)(5), (d)(6)(v), and (d)(6)(vi). The applicant shall deposit the amount estimated to cover the actual cost of evaluating the proposed change at the time of application submittal.

Calculation Worksheet for Modified Equipment Fees

Non-refundable Processing Fee	\$150
Initial Evaluation Fee <sup>1</sup>	
Additional Engineering Evaluation Fees <sup>2</sup>	

Total: \$ \_\_\_\_\_

#### Notes:

1. See Fee Schedules, use Column (1). If T+M fee is indicated, visit [www.sdapcd.org](http://www.sdapcd.org) for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.

2. See Subsection (d)(5) to determine if additional fees are required or visit [www.sdapcd.org](http://www.sdapcd.org) for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.

(i) Operational Change: An application which proposes an operational change of a valid permit.

(ii) Condition Change: An application which proposes a condition change of a valid permit.

(iii) Additions, Alterations and Replacement of Equipment: An application which proposes an addition, alteration or replacement of an emission unit described in a valid permit.

(iv) Review for a Change of Location: An application which proposes a change of location for an emission unit with a valid permit. An application is not required for any change of location within a stationary source or for a portable emission unit.

(v) Ownership Change: An application which proposes an ownership change for a valid permit shall pay an administrative fee of \$150. The applicant shall demonstrate to the District's satisfaction proof of entitlement to the Permit to Operate at the time of application submittal. Prior to an ownership change application being processed, payment of all outstanding charges that are normally due and associated with that permit must be paid.

(vi) Like-Kind Replacement Units per Rule 11 – Exemptions from Rule 10 Permit Requirements, Subsection (d)(5): An application for a permit change to reflect an eligible like-kind replacement emission unit pursuant to Rule 11 (d)(5)(ii), shall pay a fee of \$495, in addition to the Non-refundable Processing Fee and any additional fees provided under Subsection (d)(5) of this rule.

#### (7) Fees for Revisions to Valid Authorities to Construct

The owner of a valid Authority to Construct, or their agent, may submit an application to propose the types of changes listed in Subsections (d)(6)(i thru v). The evaluation fee for a revision shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsection (d)(5). The applicant shall deposit the amount estimated to cover the actual cost of evaluating the proposed change at the time of application submittal.

#### (8) Special Application Processing Provisions

##### (i) Reduced Fees for Similar Emission Units at a Single Stationary Source

If more than one application for an Authority to Construct/Permit to Operate is submitted at the same time for similar emission units at the same stationary source location, then the first emission unit shall be charged the Initial Application Fee as specified in Subsection (d)(2). Each additional emission unit shall be charged the

Emission Unit Renewal Fee and the actual T+M costs incurred by the District to evaluate the emission unit and act upon the applications. The total cost for each additional emission unit shall not exceed the Initial Evaluation Fee (Column (1)), except as provided under Subsection (d)(5).

This provision only applies to the extent that each emission unit will be operated independently, and the evaluation for an Authority to Construct for the first emission unit can be applied to the additional units because of similarity in design and operation, and each emission unit can be evaluated and inspected for a Permit to Operate at the same time. The provisions of this subsection shall not apply to Fee Schedules 3 and 26.

(ii) Reinspection Fees

If during an inspection for a Permit to Operate, an emission unit cannot be evaluated due to circumstances beyond the control of the District, the applicant shall pay the actual time and material costs of performing a reinspection. An estimated reinspection fee, as determined by the District, may be required to be deposited with the District prior to reinspection of the emission unit.

(iii) Split Fee Payments for Applications

An applicant may request, due to financial hardship, to split the payment of Initial Application Fees into two equal payments. This request must be made in writing. The first payment, equal to 50% of the Initial Application Fees, plus an administrative fee of \$75, must be deposited with the application. The second payment, equal to the remaining balance, is due no later than 60 days after filing the application. Failure to pay the Initial Application Fees in full within 60 days after filing the application, may result in cancellation of the application, as specified in Subsection (i)(7) – Insufficient Payment of Fees.

(iv) Fees for Expedited Application Processing

If an applicant requests expedited processing of an application and the District determines that such expedited processing is available through voluntary overtime work, the applicant shall pay fees equal to one and one-quarter times the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates for the overtime work. At the time of submittal of the application, the applicant shall deposit a fee equal to that otherwise specified by this rule. If the application receives expedited processing, no final action shall be taken on the application until the applicant has paid the remainder of the fees required by this paragraph.

(v) Requirement for Defense and Indemnification Agreement

On a case-by-case basis, where significant risk to the District is identified in connection with the processing of an application, the Air Pollution Control Officer may require a defense and indemnification agreement from the applicant. The agreement shall be in a form approved by the Air Pollution Control Officer.

On a case-by-case basis, the Air Pollution Control Officer may determine to require security from the applicant. A determination to require security shall only be made by the Air Pollution Control Officer, and shall not be delegable. The Air Pollution Control Officer shall establish the form and amount of the security, as well as the time the security is to be provided to the District.

(vi) Indemnification

Each applicant, to the extent the applicant is at fault in causing liability to the District, shall indemnify the District, its agents, officers and employees (collectively "District Parties") from any claim, action, liability, or proceeding against the District Parties to attack, set aside, void or annul the applicant's project or any of the proceedings, acts or determinations taken, done or made as a result of District's processing and/or approval of the project, as specified below. Each applicant's obligation to indemnify shall apply to any lawsuit or challenge against the District Parties alleging failure to comply with the requirements of any federal, state, or local laws, including, but not limited to, requirements of these Rules and Regulations. This indemnification requirement shall be included in the application form provided to all applicants.

Each applicant's obligation to indemnify the District Parties shall include, but not be limited to, payment of all court costs and attorneys' fees, costs of any judgments or awards against the District, damages, and/or settlement costs, which arise out of District's processing and/or approval of the applicant's project, except that an applicant shall only be responsible for indemnifying the District Parties in the amount of liability which is equal to the proportion of fault caused by the applicant, as determined by a court. Where any court action results in a ruling for the plaintiff/petitioner, the applicant and the District shall request a determination on the percentage contribution of fault from the court which adjudicated the underlying challenge to the applicant's project.

Notwithstanding this subsection, when a defense and indemnification agreement is required for a project under Subsection (d)(8)(v) above, the provisions of the defense and indemnification agreement shall apply to the applicant and not the provisions of this subsection.

(vii) Fees for Previously Permitted Emission Units Operating Without Valid Permits

In addition to the fees otherwise specified by this Section (d) Authority to Construct and Permit to Operate Fees, a person who is applying for an Authority to Construct and/or Permit to Operate for a previously permitted emission unit that was operated after the applicable permit expired, and is no longer eligible for reinstatement, shall pay the annual operating and late fees specified in Sections (e) Annual Operating Fees, Section (f) Specific Program Fees, and Section (g) Late Fees, that would have otherwise been due. Such payment shall not negate any fines and penalties that may be assessed for violations of the requirement to operate with a valid permit.



**(e) ANNUAL OPERATING FEES**

**(1) General Provisions**

(i) Annual Operating Fees are due on an annual basis and shall be paid by any person who is required to maintain a Permit to Operate or Temporary Authorization pursuant to Rule 10 – Permits Required, Section (b) – Permit to Operate.

(ii) Annual Operating Fees are due by 5 PM Pacific Time on the date the permit expires. Permits expire on the last day of the renewal month. Payments received after the permit expiration date are subject to the late fee provisions of Section (g) – Late Fees.

**(2) Annual Operating Fees**

The following applicable fees shall be paid as part of the Annual Operating Fees: Site ID Processing and Handling Fee, Permit Processing Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, District and State Air Toxic Hot Spots Fee and Annual Source Test Fee.

**Calculation Worksheet for Annual Operating Fees**

Site ID Processing and Handling Fee	\$55
Permit Processing Fee (\$41 x number of permitted units)	
Emission Unit Renewal Fee (See (iii) below)	
Air Contaminant Emissions Fee (See (iv) below)	
District and State Air Toxic Hot Spots Fee (See (v) below)	
Annual Source Test Fee (See (vi) below)	

Total: \$ \_\_\_\_\_

(i) Site ID Processing and Handling Fee: A site ID processing and handling fee of \$55 per facility.

(ii) Permit Processing Fee: A permit processing fee of \$41 per Permit to Operate.

(iii) Emission Unit Renewal Fee: An annual renewal fee, for each specific type of emission unit, as specified in the Fee Schedules (Column (2)).

(iv) Air Contaminant Emissions Fee: An annual Air Contaminant Emissions Fee based on total emissions from the stationary source. This fee shall also apply to portable equipment permitted or registered under these Rules and Regulations. For purposes of this subsection, the term “facility” means either the stationary source, or collection of portable equipment permitted or registered under a single site ID.

(A) For facilities with annual emissions of either carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), oxides of sulfur, particulate matter (PM<sub>10</sub>) or volatile organic compounds (VOC) that equal or exceed five tons, as indicated by the

most recent District approved emission inventory report or an initial evaluation made pursuant to Subsection (d)(4)(ii), the Air Contaminant Emissions Fee shall be based on the total calendar year emissions of all these contaminants, multiplied by an air contaminant emissions fee rate of \$116 per ton.

(B) For all other facilities, a single Air Contaminant Emissions Fee shall be paid based on the following table using the Fee Schedule that is most representative of the nature of the activities at the stationary source:

<u>Fee Schedule</u>	<u>Source Category Description</u>	<u>Annual Emissions Fee</u>
26(a)	VOC dispensing facility - Phase I and Phase II controls required	\$9 per nozzle
28 (k and l)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$7 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$7 per cleaning unit
27(e)	Industrial surface coating applications	\$580
27(k)	Metal parts and aerospace coating applications	\$580
27(v)	Adhesive application operations	\$580
Various	All other stationary sources	\$116

If the most representative nature of the activities cannot be determined for facilities with more than one source category description or fee schedule, the highest applicable annual emissions fee shall apply.

(v) District and State Air Toxic Hot Spots Fee: If applicable, the stationary source-specific fee required under the Air Toxics “Hot Spots” Information and Assessment Act as specified in Subsection (f)(6).

(vi) Annual Source Test Fee: If a periodic source test is required, the applicable source test fee, as specified in Fee Schedules 92 and/or 93.

### (3) Staggered Renewal Dates

The District may initiate, or the owner of a Permit to Operate may request in writing, to change the renewal month of all permits located at a single facility. When the established renewal month for a facility is changed to a new renewal month, the amount due for each permit shall be prorated to reflect the new renewal month. Revised permits will be issued after the prorated amount has been paid.

### (4) Split Payment of Annual Operating Fees

Owners or operators may request, due to financial hardship, to split the payment of the Annual Operating Fees into four equal payments. This request must be made in writing at least seven days prior to the due date. The first payment, equal to 25% of the Annual Operating Fees, plus an administrative fee of \$75, must be deposited by 5 PM Pacific Time on the last day of the renewal month. The subsequent three payments, equal

to 25% each of the Annual Operating Fees, are due no later than 30, 60, and 90 days after the last day of the renewal month.

Permits with approved split payment requests will expire 120 days after the last day of the renewal month if the Annual Operating Fees are not paid in full or will be issued for the remainder of the annual period after full payment of the Annual Operating Fees is made. Failure to pay the Annual Operating Fees in full within 120 days after the last day of the renewal month, shall be assessed a late fee in the amount prescribed in Section (g) – Late Fees. Permits that have expired after the 120 days, pursuant to this subsection, will be renewed or reinstated if the requirements set out in Rule 10 – Permits Required Section (h) and this Rule 40 Section (h) are met.

#### (5) Inactive Status Permits

A person who holds a valid permit who desires to have that permit placed on inactive status pursuant to Rule 10 – Permits Required shall submit an application requesting such change and shall pay the Initial Evaluation Fee specified in Fee Schedule 49(a)(Column (1)). If such request is received at the time of annual renewal of the permit, the person shall also pay the annual Emission Unit Renewal Fee specified in Fee Schedule 49(a)(Column (2)). Thereafter, the annual Emission Unit Renewal Fee for the inactive status permit shall be as specified in Fee Schedule 49(a)(Column (2)). When a person who holds a valid inactive status permit applies, in accordance with Rule 10, for the condition prohibiting operation to be removed and the permit returned to active status, the owner or operator shall pay the Initial Evaluation Fee specified in Fee Schedule 49(b)(Column (1)), any Additional Engineering Evaluation Fees required pursuant to Subsection (d)(5), and the applicable Annual Operating Fee specified in this Section (e) Annual Operating Fees for that category of emission unit with an active status permit, prorated for the portion of the permit renewal year remaining.

#### (6) Expiration and Retirement of Permits

##### (i) Expiration of Permits due to Non-Payment of Annual Operating Fees

If Annual Operating Fees are not paid by the permit expiration date, the permit will expire on that date. An expired permit may be renewed within six months of the expiration date as provided in Subsection (h)(2).

##### (ii) Retirement of Permits due to Non-payment of Annual Operating Fees

If Annual Operating Fees are not paid within six months from the permit expiration date, the permit will be retired on the day following the last day of the six-month period from the permit expiration date. A retired permit may be reinstated within six months of the retirement date as provided in Subsection (h)(3). Emission units for which a permit was not reinstated within six months of the retirement date will require an application for a new Permit to Operate.

(iii) Retirement by Permittee Request

Owners or operators may, at any time, request retirement of a valid permit(s). This request must be made in writing. Retired permit(s) may be reinstated within six months of the date of retirement as provided in Subsection (h)(3).

**(f) SPECIFIC PROGRAM FEES**

(1) General Provisions

For all of the applicable programs listed below, a late fee as described in Section (g) – Late Fees shall be assessed if the required fees are not paid within 30 days after the due date.

(2) Asbestos Demolition or Renovation Notification

For each asbestos demolition or renovation notification subject to Rule 1206 – Asbestos Removal, Renovation, and Demolition, the owner or operator shall pay the applicable fees specified below. For projects where one notification is submitted for both renovation and demolition operations, the owner or operator shall pay both applicable renovation and demolition fees. Fees are due at the time a notification is submitted. Notifications or revisions thereof will not be considered received unless accompanied with the required fees. The terms used below are defined in Rule 1206.

<u>TYPE OF OPERATION</u>	<u>Notification Fee <sup>1</sup></u>
1. Renovation Operations (excluding residential buildings having four or fewer dwelling units) <sup>2</sup>	
<100 sq. ft.	\$764
100 sq. ft. to 500 sq. ft.	\$816
501 to 2,000 sq. ft.	\$828
2,001 to 5,000 sq. ft.	\$867
5,001 to 10,000 sq. ft.	\$998
>10,000 sq. ft.	\$1,080
2. Demolition Operations	
Regulated Asbestos Containing Material (RACM) sites or Non-RACM sites with no asbestos present	\$884

Notes:

1. Online notifications may be submitted to the District using the online Citizen Access Portal.
2. Additional fees may be required if the revised amount of asbestos to be removed increases to a higher category. The additional fee will be the difference between the fee paid and the fee required for the new category.

(3) Air Pollution Emergency Episode Plan Fee

The owner or operator of a facility for which a plan or a plan update is required by District Regulation VIII – San Diego Air Pollution Emergency Plan shall pay a \$147 evaluation fee for each plan or plan update, at the time the plan is submitted for review.

(4) Grid Search

Any school district, individual, business or agency that submits a request for the District to conduct a grid search to identify all facilities with the potential to emit hazardous air contaminants (pollutants) shall deposit an initial fee of \$362 at the time the grid search is requested. If the actual costs incurred are greater than the amount deposited, the school district, individual, business or agency that made the request shall submit an additional amount as specified by the District to recover the remaining actual costs of performing the grid search.

(5) New or Modified Power Plants

Any source subject to the requirements of Rule 20.5 – Power Plants, shall reimburse the District for the actual costs incurred in order to comply with the provisions of Rule 20.5. The applicant shall deposit the amount estimated to cover the actual cost at the time of application submittal.

(6) Toxic Hot Spots

The owner or operator of a facility who has been identified by the District as being subject to the requirements of California Health and Safety Code Section 44300 et seq. (the Air Toxics “Hot Spots” Information and Assessment Act), shall deposit or pay the applicable fees specified below to the District.

(i) Upon receipt of a fee estimate or invoice from the District, deposit or pay the amount estimated or invoiced to cover the actual costs associated with the following requirements.

(A) Toxic air contaminant emissions source testing when necessary to determine emissions for inclusion in a toxic air contaminant emissions inventory.

(B) Health risk assessment or updated health risk assessment review, revision, and approval pursuant to California Health and Safety Code Section 44360 et seq. or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

(C) Public notification of health risks pursuant to California Health and Safety Code Section 44362 or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

(D) Facility toxic air contaminant risk reduction audit and plan pursuant to California Health and Safety Code Section 44390 or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

No health risk assessment or risk reduction audit and plan required pursuant to this provision shall be considered received unless accompanied by the appropriate fees as specified in Subsection (f)(6)(i).

(ii) An annual fee, as specified in Subsection (e)(1), for the recovery of State program costs. The amount of the annual State program fee for each facility shall be that specified by the California Air Resources Board in accordance with the State Air Toxics “Hot Spots” Fee Regulation contained in Title 17, California Code of Regulations, Section 90700 et seq.

(7) California Clean Air Act

The owner or operator of a stationary source who is required by Title 17, California Code of Regulations, Section 90800, et seq., to pay a fee adopted by the California Air Resources Board shall pay the required fee to the District within 30 days of receipt of an invoice for the required fees.

(8) Title V Operating Permit

The owner or operator of a stationary source subject to the requirements of Regulation XIV – Title V Operating Permits, shall pay the actual time and materials costs incurred by the District to review and act upon an application for initial permit, permit modification, administrative permit amendment, Section 502(b)(10) change (42 U.S.C. §7661a), Trading Under an Emissions Cap Operational Flexibility change, enhanced Authority to Construct and/or Title V operating permit renewal; to evaluate such source for compliance with Regulation XIV and the terms and conditions of a Title V operating permit, including, but not limited to, the costs incurred to document such evaluation, to prepare reports, and to take any actions necessary in cases of noncompliance; to reopen an existing Title V operating permit; and to cancel a Title V operating permit. All such applications shall also pay the Non-refundable Processing Fee of \$150.

(9) Synthetic Minor Source Permit

The owner or operator of a stationary source that submits an application to obtain a Synthetic Minor Source (SMS) Permit pursuant to Rule 60.2 – Limiting Potential to Emit-Synthetic Minor Sources, shall pay the fees specified below to recover the actual costs incurred by the District to review and act upon an application for initial permit, permit modification and/or permit renewal.

Non-refundable Processing Fee	\$150
Application evaluation fee (new or modified permits)	T+M
SMS permit renewal fee	T+M

(10) Determination of Exemption

The owner or operator of any emission unit or process requesting a determination of exemption pursuant to Rule 11 – Exemptions from Rule 10 Permit Requirements, Subsection (d)(19), shall pay the Non-refundable Processing Fee of \$150, plus an evaluation fee based on T+M to recover the actual costs incurred by the District to evaluate the emission unit or process.

## (11) California Environmental Quality Act

Whenever the District is requested or required to conduct analyses, review or prepare documents, or conduct and/or participate in administrative procedures, meetings or hearings pursuant to CEQA, the District costs shall be paid by the persons requesting and/or receiving such services. District staff costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Costs to the District resulting from the activities of other agencies or consultants to the District necessary to provide such services shall be included in the total District costs. Persons requesting and/or receiving such services shall be charged the estimated cost of providing those services and shall deposit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the District. If the actual costs incurred are greater than the amounts deposited, the persons requesting and/or receiving the services shall deposit additional amounts as specified by the District to recover the remaining actual costs. Any funds deposited in excess of actual costs incurred shall be refunded.

## (12) Emissions Inventory

The owner or operator of any facility subject to Subsections (c)(1)(i), (c)(1)(ii), (c)(1)(iii), or (c)(1)(vi) of District Rule 19.3, or subject to Section 93401(a), General Applicability of Criteria Air Pollutants and Toxic Air Contaminants (CTR) (State 17 CCR, Section 93400 et seq.) shall pay the actual time and material costs incurred by the District to prepare or revise an Emissions Inventory Report in accordance with District Rule 19.3.

District staff costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Any funds deposited in excess of actual costs incurred shall be refunded.

## **(g) LATE FEES**

(1) Late fees for Annual Operating Fees due to the District shall apply as follows:

(i) A late fee of 30% of the Annual Operating Fees due or \$250, whichever is less, shall be added for fees paid later than the last day of the renewal month.

(ii) An additional late fee of 10% of the Annual Operating Fees due shall be added for each additional month or portion thereof that the fees remain unpaid.

(iii) In no case shall the late fees exceed 100% of the total Annual Operating Fees.

(2) Late fees for any payments due to the District, except Annual Operating Fees, shall apply as follows:

(i) A late fee of 30% of the amount due shall be added for payments made more than 30 days after the due date.

(ii) An additional late fee of 10% of the amount due shall be added for each additional month or portion thereof that the payment is not received.

(iii) In no case shall the late fees exceed 100% of the amount due.

(3) On a case-by-case basis, upon written request, the Air Pollution Control Officer may waive late fees due to financial hardship during declared federal, State, or local emergencies provided that the Annual Operating Fees, and any other payments due to the District, have been made in full.

**(h) RENEWAL OF EXPIRED PERMIT(S) & REINSTATEMENT OF RETIRED PERMIT(S)**

**(1) General Provisions**

In addition to the Annual Operating Fees due for renewing an expired permit or reinstating a retired permit, any applicable fees pursuant to Subsection (d)(6), such as an ownership change, change of location, or modification, shall be paid concurrently.

New owners seeking to renew or reinstate a retired permit are responsible for payment of all outstanding charges that are normally due and associated with that retired or expired permit.

**(2) Renewal of Expired Permit(s) to Operate**

An expired permit can be renewed within six months of the expiration date by paying the applicable Annual Operating Fees and the late fees as specified in Section (g) – Late Fees.

**(3) Reinstatement of Retired Permit(s) to Operate**

A retired permit can be reinstated within six months of the retirement date by submitting a written request, and paying the applicable Annual Operating Fees, a reinstatement fee of \$75 and the late fees as specified in Section (g) – Late Fees.

**(i) REFUNDS, INSUFFICIENT PAYMENT OF FEES AND CANCELLATIONS**

**(1) General Provisions**

(i) No refunds shall be issued for amounts of less than \$25.

(ii) If an applicant does not sign, date and return a refund claim form within six months after receipt of the form, all rights to a refund shall be forfeited.

**(2) Application Fee Refunds**

(i) If an application for an Authority to Construct/Permit to Operate is withdrawn by the applicant:



(A) before the engineering evaluation has begun, the District will refund the entire Initial Application Fee, less the \$150 Non-refundable Processing Fee.

(B) after the engineering evaluation has begun, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, and all costs incurred by the District to evaluate the application.

(ii) If an application for an Authority to Construct/Permit to Operate is denied or cancelled, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, the Initial Evaluation Fee (if a dollar amount is listed in Column (1), and not T+M), and all other costs incurred by the District to evaluate the application.

(iii) Certificate of Registration Refunds: If an application for a Certificate of Registration is withdrawn by the applicant after the engineering evaluation has begun, or withdrawn seven days after the date of receipt, or the application is denied or cancelled, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, the Initial Evaluation Fee, and all other costs incurred by the District to evaluate the application.

(iv) Refund Due to Overpayment of T+M, Initial Evaluation Fees, Toxic Hot Spots Fees, or Additional Engineering Evaluation Fees: If the total cost incurred by the District to evaluate any application, health risk assessment, or risk reduction audit and plan involving T+M fees is less than the amount deposited by the applicant, the District will refund any overage beyond its actual evaluation costs and less the \$150 Non-refundable Processing Fee. This provision does not apply to Initial Evaluation Fees for which a fixed amount is established in the Fee Schedules or to any annual fee for the recovery of State Air Toxic Hot Spot program costs.

(v) Exempt Equipment Refunds: Except for requests for exemption processed according to Rule 40(f)(10), if the District determines that the article, machine equipment or other contrivance for which the application was submitted is not within the purview of state law or these Rules and Regulations, a full refund of the fees paid will be issued to the applicant. If a request for a determination of exemption is withdrawn by the applicant before the engineering evaluation has begun, the District will refund the entire deposit and any other fees paid. If a request for a determination of exemption is withdrawn by the applicant after the engineering evaluation has begun, the District will refund the entire deposit and any other fees paid, less any costs incurred by the District to evaluate the request.

### (3) Annual Operating Fee Refunds

A refund of the Annual Operating Fees shall not be issued unless the fees for the upcoming year are paid prior to the Permit to Operate renewal date and the request for a refund of these fees is made prior to the Permit to Operate renewal date. No refunds will be made for fees or late payments made after the due date.

(4) Air Contaminant Emissions Fee Refunds

(i) New Facilities: The Air Contaminant Emissions Fee portion of the Initial Application Fee shall only be refunded if the application is withdrawn or cancelled prior to the issuance of a Startup Authorization or Permit to Operate.

(ii) Existing Facilities: Air Contaminant Emissions Fees paid by existing facilities as part of their Annual Operating Fee or an Initial Application Fee shall not be refundable, unless all Permit(s) to Operate at the facility are retired.

(5) Other Fees

Asbestos Notifications: Refunds of asbestos notification fees shall be issued only if a cancellation notice is received by the District prior to the notification start date. A refund will not be issued if the notice of cancellation is received by the District on or after the notification start date.

(6) Cancellation Fees – Source Testing and Test Witnessing

Substitution of another facility for a scheduled test shall be considered a cancellation subject to the provisions listed below.

(i) Fee Schedule 92(a): If a source test cancellation notice is not received at least two working days prior to a scheduled source test date a cancellation fee of \$500 shall be charged.

(ii) Fee Schedules 92(b-z) and 93: If a source test or test witnessing cancellation notice is not received at least two working days prior to a scheduled source test date a cancellation fee of \$250 shall be charged.

(iii) Vapor Recovery (Phase I, II): If a VOC vapor recovery system test witness cancellation notice is not received at least two working days prior to a scheduled test date a cancellation fee of \$250 shall be charged.

(7) Insufficient Payment of Fees

(i) If the fees deposited by an applicant to cover the cost of evaluating an application for an Authority to Construct/Permit to Operate or other District evaluation is insufficient to complete the work in progress, the applicant shall deposit an amount deemed sufficient by the District to complete the work, except if the amount is \$25 or less.

(ii) The Air Pollution Control Officer may cancel an application when an applicant fails or refuses to deposit such amount within 45 days of demand or fails or refuses to deposit such amount by the date required by Rule 18 – Action on Applications for action to be taken on the application, whichever date is sooner.

(iii) If the applicant fails or refuses to deposit such amount upon demand, the District may recover the same through a collection agency or by action in any court of competent jurisdiction, including small claims court. Until such amount is paid in full, the District shall not further process the application unless the Air Pollution Control Officer determines that it is in the best interest of all parties concerned to proceed.

(iv) Returned Checks: Any person who issues a check to the District, which is returned by the bank upon which it is drawn without payment, shall pay a returned check fee of \$25.

(v) The Air Pollution Control Officer may refuse to process an application and/or refuse to renew a Permit to Operate if the applicant has any unpaid invoices more than 60 days overdue or has any late fees or outstanding court judgments which are owed to the District. The Air Pollution Control Officer may refuse to process an application if a prior applicant for the equipment or project which is the subject of the application has unpaid invoices or late fees related to that equipment or project.

In the event that processing of an application is stopped pursuant to this provision, the timelines for taking action on an application specified in Rule 18 – Action on Applications shall no longer apply to that application.

## ALPHABETICAL LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

Abrasive Blasting Cabinets, Rooms and Booths .....	Schedule 2
Abrasive Blasting Equipment - Excluding Rooms and Booths .....	Schedule 1
Acid Chemical Milling .....	Schedule 32
Adhesive Manufacturing.....	Schedule 38
Adhesive Materials Application Operations.....	Schedule 27
Air Stripping Equipment.....	Schedule 52
Anodizing Tanks .....	Schedule 55
Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC)).....	Schedule 27
Asbestos Control Equipment.....	Schedule 59
Asphalt Pavement Heaters/Recyclers .....	Schedule 40
Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt.....	Schedule 3
Automotive Refinishing Operations.....	Schedule 27
Bakeries.....	Schedule 58
Boilers and Heaters.....	Schedule 13
Bulk Flour, Powdered Sugar Storage System.....	Schedule 35
Bulk Plants and Terminals (Volatile Organic Compounds).....	Schedule 25
Bulk Terminal Grain Transfer and Storage Facility Equipment.....	Schedule 23
Burn Out Ovens .....	Schedule 15
Cement Silo System (Separate from Plants).....	Schedule 8
Ceramic Deposition Spray Booths .....	Schedule 37
Ceramic Slip Casting.....	Schedule 43
Chain-driven Charbroilers.....	Schedule 16
Coffee Roasters.....	Schedule 50
Cold Solvent Cleaning Operations.....	Schedule 28
Concrete Batch Plants.....	Schedule 8
Concrete Mixers Over One Cubic Yard Capacity.....	Schedule 8
Concrete Product Manufacturing Plants .....	Schedule 9
Copper Etching .....	Schedule 32
Dielectric Paste Manufacturing.....	Schedule 38
Dry Chemical Mixing.....	Schedule 24
Dry Chemical Storage System.....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23
Dry Cleaning Facilities .....	Schedule 31
Electronic Component Manufacturing.....	Schedule 42
Electric Deposition Spray Booths .....	Schedule 37
Engines - Internal Combustion .....	Schedule 34
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Feed and Grain Mills and Kelp Processing Plants .....	Schedule 22
Filtration Membrane Manufacturing .....	Schedule 46
Gas Turbine Engines, Test Cells and Test Stands.....	Schedule 20
Gasoline Stations.....	Schedule 26
Grinding Booths and Rooms .....	Schedule 36
Hexavalent Chromium Plating .....	Schedule 55
Hot Dip Galvanizing.....	Schedule 32
Hot-Mix Asphalt Paving Batch Plants.....	Schedule 4
Industrial Coating Applications .....	Schedule 27
Industrial Waste Water Treatment .....	Schedule 51
Ink Manufacturing.....	Schedule 38

### Alphabetical List of Fee Schedules by Emission Unit Type – continued

Intermediate Refueler Facilities (Volatile Organic Compounds) .....	Schedule 25
Internal Combustion Engines (Piston Type) .....	Schedule 34
Internal Combustion Engines, Test Cells and Test Stands.....	Schedule 34
Kelp and Biogum Products Solvent Dryer.....	Schedule 30
Marine Coatings.....	Schedule 27
Metal Inspection Tanks.....	Schedule 28
Metal Melting Devices.....	Schedule 18
Municipal Waste Storage and Processing.....	Schedule 48
Non-Bulk Volatile Organic Compound Dispensing Facilities .....	Schedule 26
Non-Municipal Incinerators .....	Schedule 14
Non-Operational Status Equipment.....	Schedule 49
Oil Quenching .....	Schedule 19
Organic Gas Sterilizers .....	Schedule 47
Paint and Stain Manufacturing.....	Schedule 38
Paper Shredders or Grinders.....	Schedule 21
Perlite Processing.....	Schedule 41
Pharmaceutical Manufacturing .....	Schedule 54
Plasma Deposition Spray Booths.....	Schedule 37
Precious Metals Refining .....	Schedule 39
Rock Drills .....	Schedule 5
Salt Baths .....	Schedule 19
Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules.....	Schedule 6
Sand, Rock, and Aggregate Plants .....	Schedule 7
Sewage Treatment Facilities.....	Schedule 56
Soil Remediation Equipment.....	Schedule 52
Solder Paste Manufacturing .....	Schedule 38
Solvent Cleaning Operations.....	Schedule 28
Still Processing Organic Materials.....	Schedule 44
Turbine Engines, Test Cells and Test Stands .....	Schedule 20
Vapor Solvent Cleaning Operations.....	Schedule 28
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## CATEGORIZED LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

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## FEE SCHEDULES

The Fee Schedules shall be used in determining the Initial Evaluation Fees and Emission Unit Renewal Fees using the amounts listed in Columns (1) and (2), respectively for each emission unit. The fees specified below do not include all applicable fees. See Sections (c), (d), (e), (f), (g), (h), and (i) for other required fees.

### SCHEDULE 1: Abrasive Blasting Equipment Excluding Rooms and Booths

Any permit unit consisting of air hoses, with or without water lines, with a single pot rated at 100 pounds capacity or more of sand regardless of abrasive used, and a nozzle or nozzles. (Equipment not operated solely in Schedule 2 facilities).

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pot 100 pounds capacity or larger with no Peripheral Equipment	T+M	\$353
(b) Each Pot 100 pounds capacity or larger loaded Pneumatically or from Storage Hoppers	T+M	\$300
(c) Each Bulk Abrasive Blasting Material Storage System	T+M	\$282
(d) Each Spent Abrasive Handling System	T+M	\$282
(x) Each Portable Abrasive Blasting Unit, Registered Under Rule 12.1	\$841	\$415

### SCHEDULE 2: Abrasive Blasting Cabinets, Rooms and Booths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Abrasive Blasting Cabinet, Room or Booth	T+M	\$628
(b) Each Cabinet, Room, or Booth with an Abrasive Transfer or Recycle System	T+M	\$537

### SCHEDULE 3: Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Kettle or Tanker with capacity greater than 85 gallons	T+M	\$367
(w) Each Kettle or Tanker, Registered Under Rule 12	\$565	\$333

### SCHEDULE 4: Hot-Mix Asphalt Paving Batch Plant

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Hot-Mix Asphalt Paving Batch Plant	T+M	\$2,292

**SCHEDULE 5: Rock Drills**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(w) Each Drill, Registered Under Rule 12.1	\$854	\$436

**SCHEDULE 6: Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Screen Set	T+M	\$506
(x) Each Portable Sand and Gravel Screen Set, Registered Under Rule 12.1	\$883	\$463

**SCHEDULE 7: Sand, Rock, and Aggregate Plants**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Crusher System (involves one or more primary crushers forming a primary crushing system or, one or more secondary crushers forming a secondary crusher system and each serving a single process line)	T+M	\$961
(b) Each Screening System (involves all screens serving a given primary or secondary crusher system)	T+M	\$582
(c) Each Loadout System (a loadout system is a set of conveyors chutes and hoppers used to load any single rail or road delivery container at any one time)	T+M	\$573
(x) Each Portable Rock Crushing System, Registered Under Rule 12.1	\$978	\$427

**SCHEDULE 8: Concrete Batch Plants, Concrete Mixers over One Cubic Yard Capacity and Separate Cement Silo Systems**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Concrete Batch Plant (including Cement-Treated Base Plants)	T+M	\$1,022
(b) Each Mixer over one cubic yard capacity	T+M	\$415
(c) Each Cement or Fly Ash Silo System not part of another system requiring a Permit	T+M	\$655
(x) Each Portable Concrete Batch Plant or stand-alone Cementitious Material Storage Silo, Registered Under Rule 12.1	\$1,081	\$505

**SCHEDULE 9: Concrete Product Manufacturing Plants**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Plant	T+M	\$688

**SCHEDULE 10: RESERVED****SCHEDULE 11: RESERVED****SCHEDULE 12: RESERVED****SCHEDULE 13: Boilers and Heaters**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input	\$3,722	\$588
(b) Each 50 MM BTU/HR up to but not including 250 MM BTU/HR	T+M	\$794
(f) Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input at a single site where more than 5 such units are located	T+M	\$482
(w) Each unit greater than 2 MM BTU/HR to less than 5 MM BTU/HR, Registered Under Rule 12	\$919	\$282

**SCHEDULE 14: Non-Municipal Incinerators**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Crematory or waste incinerator burning*	T+M	\$1,259
(c) Burning capacity up to and including 50 lbs/hr used exclusively for the incineration or cremation of animals	T+M	\$583

\*Excluding units of 50 lbs/hr capacity or less used exclusively for incineration or cremation of animals.

**SCHEDULE 15: Burn-Out Ovens**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Electric Motor/Armature Refurbishing Oven	T+M	\$581
(d) USN SIMA (ID #APCD1981-SITE-02798)*	T+M	\$270

\*Pursuant to Subsection (c)(3)

**SCHEDULE 16: Chain-driven Charbroilers**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each chain-driven charbroiler with a non-certified emission control device	T+M	\$537
(w) Each chain-driven charbroiler with certified catalytic oxidizer, Registered Under Rule 12	\$945	\$537

**SCHEDULE 17: RESERVED****SCHEDULE 18: Metal Melting Devices**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Each Pit or Stationary Crucible/Pot Furnace	T+M	\$597

**SCHEDULE 19: Oil Quenching and Salt Baths**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Tank	T+M	\$340

**SCHEDULE 20: Gas Turbine Engines, Test Cells and Test Stands**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
<b>GAS TURBINE, TURBOSHAFT, TURBOJET AND TURBOFAN ENGINE TEST CELLS AND STANDS</b>		
(a) Each Aircraft Propulsion Turbine, Turboshift, Turbojet or Turbofan Engine Test Cell or Stand	T+M	\$573
(b) Each Aircraft Propulsion Test Cell or Stand at a facility where more than one such unit is located	T+M	\$309
(c) Each Non-Aircraft Turbine Test Cell or Stand	T+M	\$231
<b>GAS TURBINE ENGINES</b>		
(d) Each Non-Aircraft Turbine Engine 1 MM BTU/HR up to but not including 50 MM BTU/HR input	T+M	\$1,156
(e) Each Non-Aircraft Turbine Engine 50 MM BTU/HR up to but not including 250 MM BTU/HR input	T+M	\$1,872
(f) Each Non-Aircraft Turbine Engine 250 MM BTU/HR or greater input	T+M	\$4,815
(h) Each Standby Gas Turbine used for Emergency Power Generation	T+M	\$378

**SCHEDULE 21: Waste Disposal and Reclamation Units**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Paper or Wood Shredder or Hammermill Grinder	T+M	\$385
(w) Each Paper Shredder with a maximum throughput capacity of greater than 600 pounds per hour, Registered Under Rule 12	\$885	\$418

**SCHEDULE 22: Feed and Grain Mills and Kelp Processing Plants**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Receiving System (includes Silos)	T+M	\$703
(b) Each Grinder, Cracker, or Roll Mill	T+M	\$628
(c) Each Shaker Stack, Screen Set, Pelletizer System, Grain Cleaner, or Hammermill	T+M	\$679
(d) Each Mixer System	T+M	\$867
(e) Each Truck or Rail Loading System	T+M	\$582

**SCHEDULE 23: Bulk Terminal Grain and Dry Chemical Transfer and Storage Facility Equipment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Receiving System (Railroad, Ship and Truck Unloading)	T+M	\$782
(b) Each Storage Silo System	T+M	\$385
(c) Each Loadout Station System	T+M	\$508
(d) Each Belt Transfer Station	T+M	\$508
(w) Each Grain Silo at beer breweries producing less than 100,000 barrels (3.1 million gallons) per year, Registered Under Rule 12	\$885	\$406

**SCHEDULE 24: Dry Chemical Mixing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Each Dry Chemical Mixer with capacity over one-half cubic yard	T+M	\$368

**SCHEDULE 25: Volatile Organic Compound Terminals, Bulk Plants and Intermediate Refueler Facilities**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
1. Bulk Plants and Bulk Terminals equipped with or proposed to be equipped with a vapor processor:		
(a) Per Tank	T+M	\$400
(b) Tank Rim Seal Replacement	T+M	N/A
(c) Per Truck Loading Head Permit	T+M	\$1,966
(d) Per Vapor Processor	T+M	\$540
2. Bulk Plants not equipped with or not proposed to be equipped with a vapor processor:		
(e) Per Bulk Tank Permit	T+M	\$656
(f) Per Truck Loading Head Permit	T+M	\$591
“Vapor Processor” means a device which recovers or transforms volatile organic compounds by condensation, refrigeration, adsorption, absorption, incineration, or any combination thereof.		

**SCHEDULE 25: Volatile Organic Compound Terminals, Bulk Plants and Intermediate Refueler Facilities – continued**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
3. Facilities fueling intermediate refuelers (IR's) for subsequent fueling of motor vehicles, boats, or aircraft:		
(h) Per IR Loading Connector	T+M	\$667

If a facility falls into Parts 1, 2, or 3 above and is equipped with dispensing nozzles for which Phase II vapor controls are required, additional fees equivalent to the “per nozzle” fees for Schedule 26(a) shall be assessed for each dispensing nozzle.

**SCHEDULE 26: Non-Bulk Volatile Organic Compound Dispensing Facilities  
Subject to District Rules 61.0 through 61.6**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Facilities where Phase I and Phase II controls are required (includes Phase I fee)	\$4,762	
Renewal Fee: Fee x number of nozzles		\$258
(c) Facilities where only Phase I controls are required (includes tank replacement)		
Fee Per Facility	\$4,338	\$863
(e) Non-retail facilities with 250-550 gallon tanks and no other non-bulk gasoline dispensing permits		
Fee Per Facility	\$1,378	\$713

**SCHEDULE 27: Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))**

**PART 1 – MARINE COATINGS**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Marine Coating application operation, except where Fee Schedule 27(t) applies	T+M	\$1,049
(t) Each Marine Coating application operation at facilities where combined coating and cleaning solvent usage is < 3 gallons/day and < 100 gallons/year	T+M	\$799

**SCHEDULE 27:** Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))  
– continued

**PART 2 – INDUSTRIAL MATERIAL APPLICATIONS AND MANUFACTURING**

(Includes application stations for coatings such as paint spraying and dip tanks, printing, and manufacturing products with materials which contain VOCs, etc.)

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(d) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities using > 1 gallon/day of surface coatings and emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,259
(e) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,593
(f) Each Fiberglass, Plastic or Foam Product Process Line Except If Using Only Polyester Resin	T+M	\$1,259
(i) Each Surface Coating Application Station requiring Control Equipment	T+M	\$1,092
(j) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,322
(k) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,119
(l) Each Wood Products Coating Application Station w/o Control Equipment at facilities using > 500 gallons/year of wood products coatings	T+M	\$1,177
(n) Each Press or Operation at a Printing or Graphic Arts facility subject to Rule 67.16	T+M	\$652
(o) Each Fiberglass, Plastic or Foam Product Process Line Using Only Polyester Resin	T+M	\$1,003
(p) Each Surface Coating Application Station w/o control equipment (except automotive painting) where combined coating, and cleaning solvent usage is < 1 gallon/day or < 50 gallons/year	T+M	\$876
(q) Each Wood Products Coating Application Station of coatings and stripper w/o control equipment at a facility using < 500 gallons/year for Wood Products Coating Operations	T+M	\$1,112

**PART 3 – MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING OPERATIONS**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(r) Each facility applying Coating Materials subject to Rule 67.20 (as applied or sprayed)	\$5,087	\$1,602

**SCHEDULE 27:** Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))  
– continued

**PART 4 – ADHESIVE MATERIALS APPLICATION OPERATIONS**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(u) Each Adhesive Materials Application Station w/o control equipment at facilities emitting $\leq 5$ tons/year of VOC from equipment in this fee schedule	T+M	\$949
(v) Each Adhesive Materials Application Station w/o control equipment at facilities emitting $> 5$ tons/year of VOC from equipment in this fee schedule	T+M	\$1,280
(w) Each Adhesive Materials Application Station w/o control equipment at facilities where adhesive materials usage is $< 55$ gallons/year	T+M	\$1,043

**SCHEDULE 28:** Vapor and Cold Solvent Cleaning Operations and Metal Inspection Tanks

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Vapor Degreaser with an Air Vapor Interfacial area $> 5$ square feet	T+M	\$653
(b) Each Cold Solvent Degreaser with liquid surface area $> 5$ square feet	T+M	\$436
(d) Each Paint Stripping Tank	T+M	\$361
(f) Remote Reservoir Cleaners	T+M	\$385
(h) Vapor Degreaser with an Air-Vapor Interfacial area $\leq 5$ square feet	T+M	\$583
(i) Cold Solvent Degreaser with a liquid surface area $\leq 5$ square feet	T+M	\$385
(j) Metal Inspection Tanks	T+M	\$400
(k) Contract Service Remote Reservoir Cleaners with $> 100$ units	T+M	\$46
(l) Contract Service Cold Degreasers with a liquid surface area of $\leq 5$ square feet	T+M	\$24
(m) Each facility-wide Solvent Application Operation	T+M	\$755

**SCHEDULE 29: RESERVED**

**SCHEDULE 30:** Solvent and Extract Dryers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Kelp and Biogum Products Solvent Dryer	T+M	\$2,264

**SCHEDULE 31:** Dry Cleaning Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(b) Each Facility using Petroleum Based Solvents	T+M	\$576
Regulations II, III, and IV	A-81	Rules 67.26, 11, 12, and 40



**SCHEDULE 32: Acid Chemical Milling, Copper Etching and Hot Dip Galvanizing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Copper Etching Tank	T+M	\$889
(b) Each Acid Chemical Milling Tank	T+M	\$810
(c) Each Hot Dip Galvanizing Tank	T+M	\$361

**SCHEDULE 33: RESERVED****SCHEDULE 34: Piston Type Internal Combustion Engines and Diesel Particulate Filter Cleaning Processes**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Cogeneration Engine or Waste Derived Fuel-Fired Engine with Add-on Control Equipment	T+M	\$1,180
(b) Each Cogeneration Engine or Waste Derived Fuel-Fired Engine without Add-on Control Equipment	T+M	\$902
(d) Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation $\geq$ 200 horsepower	T+M	\$870
(e) Each Grouping of Engines for Dredging or Crane Operation with total engine horsepower > 200 HP	T+M	\$840
(f) Each Diesel Pile-Driving Hammer	T+M	\$282
(g) Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation < 200 horsepower	T+M	\$593
(h) Each Emergency Standby Engine (for electrical or fuel interruptions beyond control of Permittee)	\$3,852	\$506
(i) Each Internal Combustion Engine Test Cell and Test Stand	T+M	\$552
(l) Each Diesel Particulate Filter Cleaning Process	T+M	\$655
(w) Each Specified Eligible Engine, Registered Under Rule 12	\$642	\$476
(x) Each Specified Eligible Portable Engine, Registered Under Rule 12.1	\$1,055	\$446

**SCHEDULE 35: Bulk Flour, Powdered Sugar and Dry Chemical Storage Systems**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each System	T+M	\$473

**SCHEDULE 36: Grinding Booths and Rooms**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Booth or Room	T+M	\$616

**SCHEDULE 37: Plasma Electric and Ceramic Deposition Spray Booths**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Application Station	T+M	\$785
(c) Flame Spray (ID #APCD1976-SITE-00274)*	T+M	\$321

\*Pursuant to Subsection (c)(3)

**SCHEDULE 38: Paint, Adhesive, Stain, Ink, Solder Paste, and Dielectric Paste Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line for Paint, Adhesive, Stain, or Ink Manufacturing at facilities producing > 10,000 gallons per year	T+M	\$460
(b) Each Can Filling Line	T+M	\$435
(c) Each Process Line for Solder Paste or Dielectric Paste Manufacturing	T+M	\$476

**SCHEDULE 39: Precious Metals Refining**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$734

**SCHEDULE 40: Asphalt Pavement Heaters/Recyclers**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(x) Each Portable Unheated Pavement Crushing and Recycling System, Registration Under Rule 12.1	\$1,073	\$373

**SCHEDULE 41: Perlite Processing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$669
(b) Aztec Perlite (ID #APCD1978-SITE-01598)*	T+M	\$1,335

\*Pursuant to Subsection (c)(3)

**SCHEDULE 42: Electronic Component Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$688
(b) Each Screen Printing Operation	T+M	\$764
(c) Each Coating/Maskant Application Operation, excluding Conformal Operation	T+M	\$840
(d) Each Conformal Coating Operation	T+M	\$1,306

**SCHEDULE 43: Ceramic Slip Casting**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$415

**SCHEDULE 44: Evaporators, Dryers, & Stills Processing Organic Materials**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Evaporators and Dryers [other than those referenced in Fee Schedule 30 (a)] processing materials containing volatile organic compounds	T+M	\$597
(b) Solvent Recovery Stills, on-site, batch-type, solvent usage > 350 gallons per day	T+M	\$608

**SCHEDULE 45: RESERVED****SCHEDULE 46: Filtration Membrane Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$779

**SCHEDULE 47: Organic Gas Sterilizers**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Organic Gas Sterilizer/Aerator requiring control	T+M	\$370

**SCHEDULE 48: Municipal Waste Storage and Processing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Municipal Waste Storage and Processing - not subject to the ARB Methane Emissions Regulation	T+M	\$2,027
(c) Municipal Waste Storage and Processing - subject to the ARB Methane Emissions Regulation	T+M	\$7,169

**SCHEDULE 49: Non-Operational Status Equipment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Non-Operational Status Equipment	\$373	\$476
(b) Activating Non-Operational Status Equipment	\$345	N/A

**SCHEDULE 50: Coffee Roasters**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Coffee Roaster	T+M	\$415
Regulations II, III, and IV	A-84	Rules 67.26, 11, 12, and 40

**SCHEDULE 51: Industrial Waste Water Treatment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each On-site Processing Line	T+M	\$573
(c) USN Air Station NORIS Public Works (ID #APCD1986-SITE-02755)*	T+M	\$516

\*Pursuant to Subsection (c)(3)

**SCHEDULE 52: Air Stripping and Soil Remediation Equipment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Air Stripping Equipment	T+M	\$1,009
(b) Soil Remediation Equipment - On-site (In situ Only)	T+M	\$1,046

**SCHEDULE 53: RESERVED****SCHEDULE 54: Pharmaceutical Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pharmaceutical Manufacturing Process Line	T+M	\$1,280

**SCHEDULE 55: Hexavalent Chromium Plating and Anodizing Tanks, and Chromate Conversion Coating Tanks**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Hard or Decorative Chrome Plating and/or Anodizing Tank or Group of Tanks Served by an Emission Control System	T+M	\$1,244
(b) Each Decorative Plating Tank without Add-on Emission Controls	T+M	\$767
(d) Each Chromate Conversion Coating Tank	T+M	\$589

**SCHEDULE 56: Sewage Treatment Facilities**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Wastewater Treatment Facility, or Each Water Reclamation Facility	T+M	\$1,492
(b) Each Wastewater Pump Station	T+M	\$722

**SCHEDULE 57: RESERVED**

**SCHEDULE 58: Bakeries**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Bakery Ovens at Facilities with Emission Controls Pursuant to Rule 67.24	T+M	\$1,052

**SCHEDULE 59: Asbestos Control Equipment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Portable Asbestos Mastic Removal Application Station	T+M	\$476

**SCHEDULES 60 THROUGH 90 RESERVED****SCHEDULE 91: Miscellaneous**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Miscellaneous Operations	T+M	\$814

**SCHEDULE 92: Source Testing Performed by the District**

The owner or operator of an emission unit which requires source testing to determine compliance shall pay the applicable source test fee(s) listed below if the source testing is performed by the District or a District contractor. If the source test requires significantly more on-site time than is provided by the fixed fees specified below (e.g., tall stacks), the additional costs incurred by the District shall be determined using the labor rates specified in Schedule 94 – Time and Material (T+M) Labor Rates and related material and other costs. The owner or operator shall pay such fees upon notification from the District that such fees are required.

<u>Fee Unit</u>	<u>Fee</u>
(c) Each Sulfur Oxides Source Test	T+M
(d) Annual Fee for each Biennial Cycle Test for NOx and CO (1/2 the cost of one test)	\$2,346
(e) Each Ethylene Oxide Source Test	T+M
(f) Each Carbon Monoxide and Nitrogen Oxides Source Test	\$4,691
(g) Each Nitrogen Oxides Source Test	\$5,410
(h) Each Incinerator Particulate Matter Source Test with Waste Burning Capacity of > 100 lbs Per Hour	T+M
(i) Each Ammonia Source Test	\$2,240
(j) Continuous Emission Monitor System Evaluation	T+M
(k) Incinerator Particulate Matter Source Test with Waste Burning Capacity of < 100 lbs Per Hour	T+M
(m) Each Mass Emissions Source Test	\$2,211
(o) Each Multiple Metals Source Test	T+M

**SCHEDULE 92: Source Testing Performed by the District – continued**

<u>Fee Unit</u>	<u>Fee</u>
(p) Each Chromium Source Test	T+M
(q) Each VOC Onsite Analysis	\$10,317
(r) Each VOC Offsite Analysis	\$2,417
(s) Each Hydrogen Sulfide Source Test	T+M
(t) Each Acid Gas Source Test	T+M
(v) Annual Fee for Optional Source Test Pilot Study	T+M
(w) Each Particulate Matter Source Test	\$6,631
(x) Each Particulate Matter and Nitrogen Oxides and Carbon Monoxide Source Test	\$14,792
(y) Each Particulate Matter and Carbon Dioxide and Oxygen Source Test	\$10,580
(z) Miscellaneous Source Test (Special Tests not Listed)	T+M

**SCHEDULE 93: Witness of Source Tests Performed by Independent Contractors**

The owner or operator of an emission unit which requires source testing to determine compliance for the purpose of quantifying emissions to determine whether a Permit to Operate shall be issued or if the emission unit is in compliance, and chooses to have the testing performed by an independent contractor, shall pay the actual T+M costs incurred by the District to observe such testing and review the resulting source test report.

Any person, company, agency that requests review of a test procedure shall pay the actual T+M costs incurred by the District to review such test procedures. Such requests shall be accompanied by an amount estimated to cover actual District costs.

<u>Fee Unit</u>	<u>Fee</u>
(a) Test Witness and Report Review	T+M
(c) Test Procedure Review	T+M
(d) Each VOC Bulk Terminal Test Witness	\$3,995
(e) Each Ethylene Oxide Test Witness Day	\$3,973

**SCHEDULE 94: Time and Material (T+M) Labor Rates**

<u>Service Category</u>	<u>Hourly Rate</u>
Compliance Services	\$308
Engineering Services	\$318
Monitoring Services	\$161
Planning and Mobile Incentives Services	\$225
Source Testing Services	\$250

## **SCHEDULE 95: Sampling and Analysis**

When the District determines a sample and/or analysis is needed for the purpose of determining potential emissions and/or determining compliance with District Rules and Regulations, the actual T+M costs incurred by the District for collection and analysis of samples, including preparing the reports, shall be paid by the permittee, applicant or other persons for activities for which a Permit is not required.

## **SCHEDULE 96: Additional Costs Incurred by the District for Sources Not in Compliance**

Whenever the District is requested or required to provide consultation, testing or inspection to any person or facility, beyond the consultation testing and inspection covered by the permit fees, or related to a Notice of Violation and/or Notice to Comply, the person or facility shall pay the actual T+M costs incurred by the District for the cost of such services.

## **SCHEDULE 97: Other Charges**

Whenever the District is requested or required to provide consultation, legally required testimony, testing, inspection, engineering or services, the cost of such services shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Persons requesting and/or receiving such services shall be charged the estimated cost of providing such services and shall deposit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the District. In the case of consultations requested prior to filing an application, any funds deposited in excess of actual costs incurred for such consultations shall be refunded or applied as a credit against required application fees.

**FURTHER RESOLVED AND ORDERED** that proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12 and 40 of Regulations, II, III, and IV shall take effect (*date of adoption*).

**FURTHER RESOLVED AND ORDERED** that proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40 be submitted to CARB for approval, and for subsequent submittal of proposed new Rule 67.26 and proposed amended Rule 11 to the U.S. EPA for inclusion in the San Diego County portion of the California SIP.

**PASSED AND ADOPTED** by the Air Pollution Control District Governing Board of the San Diego County Air Pollution Control District, this 14 day of August 2025, by the following votes:

**AYES:** Aguirre, Birkbeck-Garcia, Bush, Campbell, Gloria, Koval, Stigler Granados

**ABSENT:** Duncan, Fitzgerald, Gomez, Lawson-Remer

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

BY: HEIDI GABRIEL-PACK, SENIOR DEPUTY

-- --

STATE OF CALIFORNIA)

County of San Diego)<sup>SS</sup>

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control District Governing Board.



MARVICE MAZYCK

Clerk of the San Diego County Air Pollution Control District Governing Board



**RULE 67.26 COMMERCIAL CHARBROILING OPERATIONS**

(Adopted ~~(date of adoption)~~ & Effective ~~July 1, 2025~~ (date of adoption))

**(a) APPLICABILITY**

Except as otherwise provided in Section (b), this rule shall apply to any person who installs, owns, or operates any charbroiler at a commercial cooking operations facility within San Diego County.

**(b) EXEMPTIONS**

(1) The provisions of this rule shall not apply to any person who installs, owns, or operates an under-fired charbroiler, or a flat-top grill with continuous cooking surfaces that prevent the flame from directly contacting the meat and is used for commercial cooking operations.

(2) The provisions of this rule shall not apply to any person who installs, owns, or operates a chain-driven charbroiler used in microenterprise home kitchens.

(3) The provisions of Sections (d), (e), (f), (g), (i), and (j) of this rule shall not apply to any person who installs, owns, or operates the following limited use chain-driven charbroilers:

(i) A chain-driven charbroiler cooking less than 415 pounds of meat every calendar week and does not exceed 21,580 pounds of meat during a calendar year.

(ii) A seasonal use only chain-driven charbroiler cooking 875 pounds or less of meat every calendar week during one consecutive 12-week period during the most recent calendar year.

(4) The provisions of Sections (d), (e), (f), and (g) of this rule shall not apply to any person who installs, owns, or operates a low-emitting chain-driven charbroiler that emits less than 0.50 pound per day (or 3.5 pounds per week) of particulate matter and 0.15 pound per day (1.1 pounds per week) of VOCs, if both of the following conditions are met:

(i) An owner or operator claiming this exemption submits test results specified in Subsection (i)(1) Test Methods of this rule approved in writing by the APCO and any related documentation that demonstrate low particulate matter and VOC emissions.

(ii) An owner or operator claiming this exemption shall not exceed maximum amount of meat which can be cooked during a calendar week and calendar year on each low-emitting chain-driven charbroiler. Maximum amount of meat (in pounds) is determined using test results.

(5) An owner or operator of a limited use chain-driven charbroiler or low-emitting chain-driven charbroiler claiming exemptions under Subsections (b)(3) or (b)(4) shall maintain documentation and records in accordance with Section (h) of this rule.

(c) **DEFINITIONS**

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

(1) **"Air Pollution Control Officer (APCO)"** means the same as defined in Rule 2 – Definitions.

(2) **"Calendar Week"** means a consecutive seven-day period beginning Sunday through Saturday.

(3) **"Calendar Year"** means the same as defined in Rule 2 – Definitions.

(4) **"Catalytic Oxidizer"** means an emission control device, which burns or oxidizes smoke and gases from the cooking process to carbon dioxide and water, using an infrastructure coated with a noble metal alloy at an elevated temperature.

(5) **"Chain-driven Charbroiler"** also known as a conveyorized charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the -heat sources positioned above and below the grated grill.

(6) **"Charbroiler"** means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but ~~is~~are not limited to, grill charbroilers and flame broilers.

(7) **"Commercial Cooking Operations"** means any stationary facility that cooks food for human consumption and that engages in the retail sale, or offer for sale, of the cooked food. This includes, but is not limited to, restaurants, dinner houses, cafeterias, catering operations, mobile food facilities, commissary facilities, retail markets, satellite food service operations, and hotel or motel food service operations.

(8) **"District"** means the same as defined in Rule 2 – Definitions.

(9) **"Existing Charbroiler"** means any charbroiler which was installed before *(date of adoption)*. This includes relocated existing charbroilers that maintain the same ownership. Charbroilers used to temporarily replace any existing charbroiler do not qualify as existing charbroilers.

(10) **"Flat-top Grill"** means a cooking device with an exposed flat metal plate with a temperature on the hot surface that is typically lower than charbroilers. This includes, but is not limited to, plancha grills.

(11) **"Installed"** means located onsite at the final destination and capable of operation.

(12) **"Microenterprise Home Kitchen Operation"** means a type of food service, like a mini restaurant, that is operated by a resident in a private home where food is stored, handled, and prepared and then served to customers.

(13) **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

(14) **"New Charbroiler"** means a charbroiler installed, manufactured, or sold on or after *(date of adoption)*. Existing charbroilers that relocate and change ownership after ~~the date of adoption of this rule~~ this date will be considered as new charbroilers.

(15) **"Permit to Operate"** means the same as defined in Rule 2 – Definitions.

(16) **"Particulate Matter"** means the same as defined in Rule 2 – Definitions.

(17) **"Registration"** means the same as defined in Rule 2 – Definitions.

(18) **"Under-fired Charbroiler"** means a charbroiler, other than a chain-driven charbroiler, where the heat source and radiant surface, if any, are positioned at or below the level of the grated grill.

(19) **"VOC"** means the same as defined in Rule 2 – Definitions.

(20) **"Weekly"** means the same as "Calendar Week" as defined in this rule.

(d) **STANDARDS FOR CHAIN-DRIVEN CHARBROILERS**

Except as otherwise provided in Section (b), no person shall install or operate any chain-driven charbroiler unless it is equipped and operated with a control device which has a control efficiency of at least 83% for particulate matter emissions and at least 86% for VOC emissions.

(1) For the purposes of this subsection, chain-driven charbroiler and catalytic oxidizer combinations certified by South Coast Air Quality Management District (SCAQMD), in accordance with Rule 1138 – Control of Emissions from Restaurant Operations, shall be deemed compliant.

(2) Non-certified catalytic oxidizers and alternative emission control devices may be used if control efficiency is at least 83% for particulate matter emissions and at least 86% for VOC emissions and approved in writing by the APCO.

(i) New non-certified catalytic oxidizer(s) or alternative emission control device(s) shall meet minimum control efficiency required in this rule for particulate matter and VOC emissions.

(ii) Existing non-certified catalytic oxidizer(s) or alternative emission control device(s), not including grease filters, that do not meet the minimum control efficiency required for particulate matter and VOC emissions, may elect to maintain that emission control device for the duration of its functional life not to exceed seven (7) years from (date of adoption). At such time, owners and operators may elect to either replace the existing control device with a catalytic oxidizer or any alternative emission control device that meets minimum control efficiency.

**(e) EMISSION CONTROL DEVICE MAINTENANCE**

All emission control devices shall be installed, calibrated, operated, and maintained in good working order in accordance with the manufacturer's specifications in the maintenance manual and/or other written materials supplied by the manufacturer or distributors of the emission control device or combination of chain-driven charbroiler and emission control device.

**(f) REGISTRATION REQUIREMENTS FOR CHAIN-DRIVEN CHARBROILERS WITH A CERTIFIED CATALYTIC OXIDIZERS**

Except as provided in Section (b) of this rule, an owner or operator of any chain-driven charbroiler and catalytic oxidizer combination certified by SCAQMD, pursuant to Subsection (d)(1) of this rule, shall obtain and maintain a current Registration approved in writing by the District.

(1) Completed Registration applications shall be submitted to the District in accordance with Rule 12 – Registration of Specified Equipment for each chain-driven charbroiler and catalytic oxidizer combination certified by SCAQMD.

(2) All documentation demonstrating minimum particulate matter and VOC emission control efficiencies pursuant to Subsection (d) shall be submitted with Registration application and as requested by the District.

(3) ~~A~~Registration applications shall be submitted and a registration shall be issued by the District prior to purchase and operation of any new chain-driven charbroiler.

(4) Registration applications for existing chain-driven charbroilers shall be submitted pursuant to Subsection (j)(2)(iii).

**(g) PERMIT TO OPERATE REQUIREMENTS FOR CHAIN-DRIVEN CHARBROILERS WITH NON-CERTIFIED CATALYTIC OXIDIZERS OR ALTERNATIVE EMISSION CONTROLS**

Except as otherwise provided in Section (b) of this rule, an owner or operator of any chain-driven charbroiler equipped with a non-certified catalytic oxidizer or an alternative emission control device pursuant to Subsection (d)(2) of this rule shall obtain and maintain a current Authority to Construct or Permit to Operate approved in writing by the District.

(1) Completed applications for an Authority to Construct or Permit to Operate shall be submitted in accordance with Rule 10 – Permits Required.

(2) All documentation verifying minimum emission control efficiency in Subsection (d) shall be submitted with the application and as requested by the District.

(3) Authority to Construct or Permit to Operate applications for new chain-driven charbroilers shall be submitted pursuant to Subsection (j)(1) as applicable.

(4) Authority to Construct or Permit to Operate applications for existing chain-driven charbroilers shall be submitted pursuant to Subsection (j)(2) as applicable.

**(h) RECORDKEEPING REQUIREMENTS**

(1) An owner or operator of any chain-driven charbroiler subject to recordkeeping requirements of this rule shall maintain records of the weekly and annual of the total quantity (in pounds) for each type of meat cooked on each unit.

(2) An owner or operator of any chain-driven charbroiler subject to emission control device requirements of this rule shall maintain documentation of the installation, cleaning, and maintenance, and replacement of emission control device pursuant to Subsection (d).

(3) All documentation and records demonstrating compliance shall be maintained onsite for at least five calendar years in electronic and/or hardcopy format and shall be made readily available to the District upon request.

**(i) TEST METHODS**

(1) Test Method for Chain-driven Charbroilers Equipped with Certified and Non-certified Catalytic Oxidizers Emission Control Devices

To determine compliance with Subsection (d)(2), an owner or operator of any chain-driven charbroiler equipped with a non-certified catalytic oxidizer shall have the measurements of particulate matter and VOC concentrations conducted by an independent testing laboratory using SCAQMD Rule 1138, Section (g) “Protocol - Determination of Particulate and Volatile Organic Compound Emissions from Restaurant Operations” (Restaurant Testing Protocol). An owner or operator may obtain independent testing laboratory results from the manufacturer.

(2) Test Method for Chain-driven Charbroilers Equipped with Alternative Emission Control Devices

To determine compliance with Subsection (d)(2), an owner or operator of a chain-driven charbroiler equipped with an alternative emission control device shall use an alternative test method which is determined to be equivalent to the test method specified in this rule and approved in writing by the APCO, California Air Resources Board, and/or the

U.S. Environmental Protection Agency. An owner or operator may obtain independent testing laboratory results from the manufacturer.

(3) Test Method for Low-emitting Chain-driven Charbroilers

An owner or operator claiming exemption for a low-emitting chain-driven charbroiler pursuant to Subsection (b)(4) shall demonstrate particulate matter and VOC emissions using cooking pre-test and test procedures for chain-driven charbroilers without a control device presented in SCAQMD's Restaurant Testing Protocol or pursuant test method approved in writing by the APCO, California Air Resources Board, and/or the U.S. Environmental Protection Agency. Testing shall be conducted by an independent testing laboratory. An owner or operator may obtain independent testing laboratory results from the manufacturer.

(j) **COMPLIANCE SCHEDULE**

(1) New Chain-driven Charbroilers

An owner or operator of any new chain-driven charbroiler subject to emission control device requirements of this rule shall ~~submit to the District an Authority to Construct/Permit to Operate Application~~ obtain and maintain a current registration, Authority to Construct, or Permit to Operate approved in writing by the District prior to purchase and operation.

(2) Existing Chain-driven Charbroilers

An owner or operator of any existing chain-driven charbroiler subject to emission control device requirements of this rule shall:

(i) Operate chain-driven charbroiler with emission control device and comply with all requirements pursuant to Section (d) of this rule by ~~(18 months after effective date of adoption of adoption)~~.

(ii) Comply with recordkeeping requirements in Section (h) of this rule beginning on ~~(date of adoption)~~.

(iii) ~~Within~~ By ~~(12 months after effective date of adoption of adoption)~~, submit to the District an application for a Registration or Authority to Construct/Permit to Operate Application.

(3) Low-Emitting Chain-driven Charbroilers Compliance Schedule

An owner or operator of a chain-driven charbroiler claiming exemption under Subsection (b)(4) of this rule for low emissions of particulate matter and VOCs shall:

- (i) Submit test results pursuant to Subsection (i)(3) and related documentation by *(12 months after ~~effective date of adoption~~ of adoption)*.
- (ii) Comply with recordkeeping requirements in Section (h) of this rule beginning on *(date of adoption)*.

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

(Rev. Adopted ~~(date of adoption)~~ & Effective ~~October 13, 2022 (date of adoption)~~ July 1, 2025 (date of adoption))

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

### **(a) APPLICABILITY**

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

(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, and State and federal regulations, including the National Emission Standards for Hazardous Air Pollutants (NESHAP) and the New Source Performance Standards (NSPS).

(3) This rule shall not apply to any equipment, operation, or process that violates Rule 50 – Visible Emissions or Rule 51 – Nuisance 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 – Permits Required for a specified time as determined by the Air Pollution Control Officer.

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

(i) emits or may emit toxic air contaminants, as defined in Rule 1200 – Toxic Air Contaminants – New Source Review, 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**

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

(1) **"Abrasive Blasting Cabinet"** means the same as defined in Rule 2 – Definitions.

(2) **"Abrasive Blasting Room or Booth"** means a structure that includes abrasive blasting equipment, a dust collector and/or recycling system for recovering spent abrasive. The operator blasts from within this structure and the emissions from abrasive blasting operations are vented through a control device. The abrasive blasting room or booth definition does not apply to temporary enclosures including, but not limited to, those at shipyards or inside ships.

(3) **"Additive Manufacturing (3-D Printing)"** means a process of joining materials to create objects from 3-D model data, usually layer upon layer, as opposed to subtractive manufacturing methodologies. Additive manufacturing processes include, but are not limited to, Direct Metal Laser Sintering, Selective Laser Melting, Selective Laser Sintering, and Direct Laser Melting.

(4) **"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, as it exists on May 11, 2016.

(5) **"Biotechnology"** means the use of living organisms and/or biological processes often combined with chemical processes to develop products used in a variety of fields such as medicine, agriculture, and food production. Biotechnology industry includes, but is not limited to, medicinal drug manufacturing, peptide synthesis and DNA synthesis.

(6) **"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 or in other documentation establishing the maximum continuous brake horsepower as approved by the Air Pollution Control Officer.

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

(8) **“Chain-driven Charbroiler”** also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the ~~device~~ heat sources positioned above and below the grated grill.

(9) **“Charbroiler”** means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but ~~is-are~~ not limited to, grill charbroilers and flame broilers.

(8-10) **“Designated Workstation”** means an assigned area within the stationary source where a specified operation is conducted.

(9-11) **“Digital Printing Operation”** means an operation that uses a printing device guided by a computer-driven machine to transfer an electronic image to a substrate through the use of inks, toners, or other graphic arts materials. Digital printing operation also includes associated surface preparation, solvent cleaning, and the cleaning of application equipment.

(40-12) **“Exempt Compounds”** means the same as defined in Rule 2 – Definitions.

(41-13) **“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 unless necessary in order for the customer to obtain statistically significant data required to make a decision on the approval of a new product.

(42-14) **“Food Material”** means food scraps collected from the food processing industry, food service industry, grocery stores, or residential food scrap collection. Food material also includes food-soiled paper and food scraps that are chipped and ground.

(43-15) **“Green Material”** means waste material that includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products, and construction and demolition wood waste. Green material does not include food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.

(44-16) **“Hazardous Air Pollutant (HAP)”** means an air contaminant identified in the Federal Clean Air Act, Title 1, Section 112 (b).

(45-17) **“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.

~~(16-18)~~ **"Industrial Wastewater Treatment"** means the treatment of spent process water prior to discharging into municipal wastewater system or disposal. Industrial wastewater treatment includes, but is not limited to, dewatering, pH adjustment, precipitation, sludge processing, and gravity separation and/or filtration of the wastewater.

~~(17-19)~~ **"Large Commercial Digital Printing Operation"** means a commercial digital printing operation where the print capacity of any individual printer that uses solvent based inks is 1,000 ft<sup>2</sup>/hr or higher; or an operation where the print capacity of any individual printer that uses water-based or UV inks is 10,000 ft<sup>2</sup>/hr or higher.

~~(18-20)~~ **"Major Stationary Source"** means the same as defined in Rule 20.1 – New Source Review – General Provisions.

~~(21)~~ **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

~~(19-22)~~ **"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.

~~(20-23)~~ **"Operating Day"** means any calendar day during which the specified equipment is operated, or specified operations occur.

~~(21-24)~~ **"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. For the purpose of this definition, a reagent is not considered an organic solvent.

~~(22-25)~~ **"Pharmaceutical Products"** means any substances resulting from preparing, preserving or compounding of medicinal drugs, vitamins or other materials used to enhance personal health. Cannabis products, including any cannabis products intended for external use, are not pharmaceutical products.

~~(23-26)~~ **"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.

~~(24-27)~~ **"Portable Emission Unit"** means the same as defined in Rule 20.1 – New Source Review – General Provisions.

~~(25-28)~~ **"Preservative Oils and Compounds"** means materials which do not contain solids, and are applied to prevent corrosion and/or to provide lubrication.

~~(26-29)~~ **"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.

~~(27-30)~~ **"Research and Development (R&D) Equipment"** means equipment that is used to conduct research and develop new or improved processes and/or products, where such equipment is operated by technically trained personnel under the supervision of a research director, and may not be used to manufacture products or byproducts for sale or exchange for commercial profit, other than the first-article deliverable product.

~~(28-31)~~ **"Reclaimed Water"** means wastewater that has been treated to remove solids and certain impurities to meet the standards specified in California Code of Regulations Title 22, Division 4, Chapter 3.

~~(29-32)~~ **"Stationary Internal Combustion Engine"** means a spark or compression ignited, reciprocating internal combustion engine that is not a portable emission unit.

~~(30-33)~~ **"Stationary Source"** means the same as defined in Rule 2 – Definitions.

~~(31-34)~~ **"Thermal Spraying Operation"** means one or more of several processes in which metallic or nonmetallic surfacing materials are deposited in a molten or semi-molten condition on a substrate to form a coating. The surfacing material may originate in the form of powder, rod, or wire before it is heated, prior to spraying and deposition. Thermal spraying operations include: detonation gun spraying, flame spraying, high-velocity oxy-fuel spraying, plasma spraying, and twin-wire electric arc spraying.

~~(32-35)~~ **"Toxic Air Contaminant"** means the same as defined in Rule 2 – Definitions.

~~(33-36)~~ **"Volatile Organic Compound (VOC)"** means the same as defined in Rule 2 – Definitions.

~~(34-37)~~ **"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.

~~(35-38)~~ **"Volatile Organic Solvent"** means an organic solvent with an initial boiling point of less than 400°F (204°C).

~~(36-39)~~ **"Wet Screening Operation"** means a screening operation at a nonmetallic mineral processing plant which removes unwanted material or which separates marketable fines from the product by a washing process which is designed and operated at all times such that the product is saturated with water.

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

Except as otherwise specified in Subsections (a)(2) through (a)(5), 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 – Permits Required. 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) 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.

(iii) 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.

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

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

(B) 2 million BTU per hour or less fired exclusively with natural gas and/or liquefied petroleum gas.

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

(v) 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.

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

(vii) Back-pack power blowers.

(viii) Orchard or citrus grove heaters.

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

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

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

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

(xiii) 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.

(xiv) Internal combustion or gas turbine engines used exclusively for purposes of educating students in the operation, maintenance, repair, and rebuilding of such engines provided that each engine or turbine is operated less than 20 hours per calendar year.

(xv) Auxiliary internal combustion reciprocating engines mounted on any authorized emergency vehicle as specified in Section 27156.3 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, including associated wipe cleaning, used exclusively for chemical and physical analysis, or quality control.

(ii) Laboratory equipment and laboratory operations conducted at secondary schools, colleges, or universities and used exclusively for instruction or research purposes.

(iii) Vacuum-producing devices used in laboratory or R&D operations.

(iv) Hoods, stacks, or ventilators used in laboratory or R&D operations.

(v) Research and development equipment, including associated wipe cleaning.

(vi) Equipment used to manufacture the following products, provided that the total uncontrolled VOC emissions from all operations specified below do not exceed 5 tons per calendar year:

(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.

All data and/or records necessary to demonstrate the applicability of this exemption shall be maintained on-site for three years and made available to the District upon request.



(vii) 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(a). 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 – Receiving & Storing of Volatile Organic Compounds at Bulk Plants & Bulk Terminals.

(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 – Permit and Other Fees must be submitted to the District.

**(6) PLANT SUPPORT EQUIPMENT**

The exemptions listed in this 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, including reclaimed 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 emits less than an average of 5 pounds of 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 three years and be made available to the District upon request.

- (iv) Brazing and welding equipment, including arc welding equipment and laser welding.
- (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) Thermal spraying operations where materials sprayed contain no cadmium, chromium, copper, lead, manganese or nickel, and provided the maximum amount of material sprayed is less than 20 pounds per day at the stationary source.
- (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 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 copper 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 three years and be made available to the District upon request. This exemption does not apply if alloying elements of arsenic, beryllium, cadmium, chromium, lead, and/or nickel are utilized in such furnaces.

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

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

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

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

(vii) Die casting machines.

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

**(9) ABRASIVE BLASTING EQUIPMENT**

The exemptions listed in 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.

(i) Abrasive blasting 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 or pots with a manufacturer's sand capacity rating of less than 100 pounds (45.4 kg), or 1 cubic foot or less. This exemption does not apply to pots used in an abrasive blasting room or booth, or to abrasive blasting cabinets.

**(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, horizontal grinders, and trommel screens used for processing green material or a mixture of green material and food material. 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) Equipment used for buffing, polishing, carving, cutting, deburring, drilling, machining, routing, shearing, sanding, sawing, or surface grinding of fiberglass or calcium silicate parts that are exclusively vented through a control device that exhausts inside an enclosed building where such equipment is located.

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

(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 three years and be made available to the District upon request.

(ii) Inkjet and laser printing equipment.

(iii) Digital printing operations where the print capacity of any individual printer which uses solvent based inks is less than 1,000 ft<sup>2</sup>/hr, or an operation where the print capacity of any individual printer which uses water-based or UV inks is less than 10,000 ft<sup>2</sup>/hr.

(iv) Large commercial digital printing operations, provided that the records specified in Rule 67.16(f) for these operations are maintained.

(v) 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, chain-driven charbroilers, or coffee roasting equipment.

(iii) Coffee roasting equipment with a maximum capacity of 11 pounds (5 kg) or less.

(iv) Any bakery oven that is located at a stationary source where the combined rated heat input capacity of all bakery ovens, excluding ovens subject to Subsection (d)(12)(v) below, 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 100,000 barrels (3.1 million gallons) of beer per calendar year and associated equipment cleaning. 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 calenders 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 three years and be made available to the District upon request.
- (vi) Plastic manufacturing or fabrication operations, including reinforced plastic fabrication operations using epoxy 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 three years and be made available to the District upon request.
- (vii) Polyester resin operations using less than 20 gallons of polyester resin materials per month. Daily or monthly records of material usage shall be maintained on-site for three years and be made available to the District upon request.
- (viii) Any polyester resin operation (portable or stationary) where the VOC emissions from the application of polyester resin materials are 150 pounds or less per consecutive 12-month period. All records necessary to calculate VOC emissions, such as VOC content of each material applied, monomer content, and daily or monthly usage records of such materials must be maintained on-site for three years to claim applicability of this exemption.
- (ix) 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 three 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 three years and made available to the District upon request. This exemption does not apply to metallizing gun operations.

(ii) Application equipment and processes used exclusively to apply coatings 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 three years to claim applicability of this exemption. The volume of materials applied using non-refillable handheld aerosol spray containers shall not be included when determining the applicability of this exemption.

(iv) Any coating or adhesive materials application operation (portable or stationary) where the VOC emissions from the application of liquid coatings or adhesive materials are 150 pounds or less per consecutive 12-month period. 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 three 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, roller, or marking pen.

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

(vii) 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.

(viii) Coating operations located at primary or secondary schools and used exclusively for instruction.

(ix) Coating operations located at schools (i.e., primary, secondary, or schools of higher education) and used exclusively for student theatrical productions or art 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) Cold solvent cleaning or stripping operations and/or vapor degreasing operations that exclusively utilize materials with a VOC content of 25 grams per liter (g/l) (0.21 lbs/gal) of material or less, as used.

(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 1 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) Metal inspection spraying operations where no materials applied contain volatile organic compounds.
- (vii) Cold solvent degreasers used exclusively for educational purposes.
- (viii) Golf grip application stations that exclusively use liquid materials with an initial boiling point of 450°F (232°C), or greater.
- (ix) Surface preparation or solvent cleaning, including wipe cleaning:
  - (A) for quality control or quality assurance purposes, or
  - (B) using non-refillable handheld aerosol spray containers, or
  - (C) for routine janitorial maintenance, including graffiti removal or
  - (D) performed in conjunction with welding of 5XXX series aluminum structures for Navy ships and in accordance with quality assurance standards for such structures, or
  - (E) not associated with any permitted operation, provided:
    - (1) the cleaning materials have a VOC content of 25 grams per liter (0.21 lbs/gal), or less, as used, or
    - (2) the uncontrolled VOC emissions from all such cleaning operations located at the stationary source do not exceed 3,650 pounds per consecutive 12-months, or the total purchase or usage of solvents for such cleaning operations does not exceed 550 gallons per consecutive 12-months. The volume of materials applied from operations specified in Subsections (d)(16)(ix)(A) through (E)(1) above shall not be included when determining the applicability of this exemption. All data and/or records necessary to demonstrate that this exemption is applicable shall

be maintained on-site for three years and made available to the District upon request.

Subsection (d)(16)(ix)(E) does not apply to cold solvent cleaning or stripping operations and/or vapor degreasing operations as defined in Rule 67.6.1 – Cold Solvent Cleaning and Stripping Operations and Rule 67.6.2 – Vapor Degreasing Operations.

(x) Asbestos mastic removal operations using organic solvents provided the total VOC vapor pressure of the solvent is 0.2 mm Hg or less, at 20°C (68°F).

**(17) STORAGE AND TRANSFER EQUIPMENT**

(i) Stationary equipment used exclusively to store and/or transfer liquid 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. This exemption also does not apply to the transfer of volatile organic liquids into vehicle fuel tanks.

(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) DRY CLEANING, LAUNDRY EQUIPMENT, AND FABRIC RELATED OPERATIONS**

The exemptions listed in this Subsection (d)(18) shall not apply to any operation that uses perchloroethylene (perc) as a dry cleaning solvent.

(i) Non-immersion dry cleaning equipment that uses water or exempt compounds as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

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

(iii) Wastewater processing units associated with dry cleaning 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, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter. This exemption does not apply to equipment used for previously VOC-laden materials such as rags, cloths, etc.

(v) Industrial wet cleaning equipment that uses water or exempt compounds as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter. This exemption does not apply to equipment cleaning VOC-laden materials such as rags, cloths, etc.

(vi) Equipment, including dryers, used exclusively for printing, dyeing, stripping, or bleaching of textiles, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

(vii) Industrial laundering equipment that uses liquid carbon dioxide as the cleaning solvent, provided that the VOC content of detergents and additives used does not exceed 50 grams per liter.

**(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 – Receiving & Storing of Volatile Organic Compounds at Bulk Plants & Bulk Terminals.

(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 maximum throughput capacity not to exceed 600 pounds per hour, either as rated by the manufacturer or as stated in writing by the manufacturer for the current configuration, 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, pharmaceutical or biotechnology products and/or manufacturing cosmetic, pharmaceutical or biotechnology products by chemical processes, that emit less than an average of 15 pounds of uncontrolled VOC per operating day for each calendar month from all phases of all such operations located at a single stationary source. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for three years and be made available to the District upon request.

(xii) Equipment used for hydraulic or hydrostatic testing.

(xiii) 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 three 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 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 three 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 not covered by other subsections that has an uncontrolled emission rate of each criteria pollutant of 2 pounds or less per day, or of 75 pounds or less per year. All data and/or records necessary to demonstrate that this exemption is applicable shall be maintained on-site for three years and made available to the District upon request.

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

(xxi) Municipal wastewater treatment facilities and municipal water reclamation facilities each with a design throughput capacity of less than one million gallons of wastewater per day. Municipal wastewater pump stations with an annual average actual throughput of less than one million gallons of wastewater per day. Records of daily throughput shall be maintained on-site for three years and be made available to the District upon request.

(xxii) Industrial wastewater treatment that:

- (A) does not use processes designed to remove or destroy VOCs, or

(B) if such processes are used, the uncontrolled VOC emissions do not exceed an average of 5 pounds per day from all such treatment at the stationary source.

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

(xxiv) 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.

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

(xxvi) Agricultural sources at a stationary source that, in aggregate, produce actual emissions less than one-half of any applicable emission threshold for a major source in the District. For the purposes of determining permitting applicability, fugitive emissions, except fugitive dust emissions, are included in determining aggregate emissions. This exemption shall not apply to an agricultural source required to obtain a Title V permit pursuant to Regulation XIV (Title V Operating Permits).

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

(xxviii) Operations that exclusively use preservative oils and compounds; lubricants, including solid film lubricants; greases or waxes.

(xxix) Ozone generators with a generation capacity of less than 1,000 grams of ozone per hour.

(xxx) Site assessment for soil and/or groundwater remediation projects, provided that all of the following conditions are met:

(A) the sole purpose of the site assessment is to determine the extent of the contamination and the VOC concentrations in the soil and/or groundwater in order to design the appropriate collection and control equipment for the remediation project; and

(B) the site assessment is conducted for no more than 30 cumulative days within a calendar year. A record of the number of operating days must be maintained with the equipment for the duration of the site assessment; and

(C) the collected soil, vapor or groundwater is routed through emission control equipment.

This exemption does not apply to any associated combustion equipment unless such equipment is also exempt pursuant to Subsection (d)(2) of this rule.

(xxxi) Soil, sediment, air or groundwater monitoring, and installation of associated wells, performed to meet the requirements of other regulatory agencies.

(xxxii) Any underground building ventilation system, sub-slab depressurization system, or soil/vapor intrusion mitigation associated with soil, vapor or groundwater that is not required to be remediated by any other regulatory agency.

(xxxiii) Additive manufacturing (3-D printing) equipment.

(xxxiv) Except as otherwise provided in Subsection (d)(16)(x), asbestos removal equipment and operations subject to 40 CFR Part 61, Subpart M – National Emission Standards for Asbestos.

(xxxv) Wet screening operations.

**(20) REGISTERED EQUIPMENT**

(i) Any portable equipment that is registered in accordance with District Rule 12.1 – Portable Equipment Registration. 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 – Registration of Specified Equipment.

(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**

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

(1) The VOC content of coating and adhesive materials containing more than 50 grams of VOC per liter shall be determined by the Environmental Protection Agency (EPA) Reference Method 24 (40 CFR Part 60, Appendix A, Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings), September 1995, or by the South Coast Air Quality Management District (SCAQMD) Method 304-91 (Determination of Volatile Organic Compounds in Various Materials), February 1996.



(2) The VOC content of surface preparation or cleaning materials containing 50 grams of VOC per liter or less, subject to the requirements of Subsection (d)(16)(i) and (ix), shall be determined by SCAQMD Method 313-91 (Determination of Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry), February 1997, or by SCAQMD Method 308-91 (Quantitation of Compounds by Gas Chromatography), February 1993.

(3) The initial boiling point of materials subject to this rule shall be determined in accordance with ASTM Standard Test Method D1078-11 (Standard Test Method for Distillation Range of Volatile Organic Liquids), or its most current version.

(4) Calculation of total VOC vapor pressure for materials subject to this rule shall be conducted in accordance with the District's "SD 1, Procedures for Estimating the Vapor Pressure of VOC Mixtures," June 2004. 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 D2879-10 (Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope), or its most current version.

(5) Reid Vapor Pressure pursuant to Subsections (c)(~~33-37~~) and (d)(17) of this rule shall be measured in accordance with ASTM Standard Test Method D323-08(2014) (Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)), 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 Publication SW-846 Test Method 8021B (Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and Electrolytic Conductivity Detectors), July 2014.

**RULE 12. REGISTRATION OF SPECIFIED EQUIPMENT**

(Rev. Adopted ~~(date of adoption)~~ & Effective ~~March 10, 2022 (date of adoption)~~ July 1, 2025 (date of adoption))

**(a) APPLICABILITY**

(1) This rule applies to the following emission units:

(i) Existing internal combustion emergency standby engines that commenced operation in San Diego County on or before November 15, 2000. Such engines shall not be subject to Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

(ii) Existing stationary internal combustion engines rated at 200 brake horsepower or less which operate less than 200 hours per calendar year and commenced operation in San Diego County on or before November 15, 2000. Such engines shall not be subject to Rule 69.4.1 – Stationary Reciprocating Internal Combustion Engines.

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

(iv) Any boiler, process heater or steam generator with a heat input rating greater than 2 million Btu per hour to less than 5 million Btu per hour, and fired with natural gas, liquefied petroleum gas, or liquid fuel.

(v) Paper shredders with a maximum throughput capacity of greater than 600 pounds per hour, either as rated by the manufacturer or as stated in writing by the manufacturer for the current configuration. This does not include hammer mills or any associated power units.

(vi) Grain silos used to brew beer at breweries that produce less than 100,000 barrels (3.1 million gallons) of beer per calendar year.

(vii) Any chain-driven charbroiler equipped with a catalytic oxidizer certified by South Coast Air Quality Management District (SCAQMD), cooking 415 pounds or more of meat during any calendar week at a commercial cooking operations facility.

(2) This rule does not mandate the registration of any emission unit listed in Subsection (a)(1).

(3) Any emission unit registered under this rule shall be exempt from the requirements of Rule 10 – Permits Required and from the requirements of New Source Review Rules 20.1 through 20.8, inclusive.

(4) Registration under this rule or under District Rule 12.1 – Portable Equipment Registration, or by the California Air Resources Board pursuant to Health and Safety Code Section 41752, may be used in lieu of permitting. Any emission unit registered under this rule shall be precluded from simultaneously obtaining a Permit to Operate.

(5) Except as provided in Subsection (a)(3), compliance with this rule shall not exempt any emission unit specified in Subsection (a)(1) from meeting all other applicable requirements of these Rules and Regulations.

(b) **RESERVED**

(c) **DEFINITIONS**

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

(1) **"Approach Light System with Sequenced Flasher Lights in Category 1 and Category 2 Configurations (ALSF-1 and ALSF-2)"** means high intensity approach lighting systems with sequenced flashers used at airports to illuminate specified runways during Category II or III weather conditions, where Category II means a decision height of 100 feet and runway visual range of 1,200 feet, and Category III means no decision height or decision height below 100 feet and runway visual range of 700 feet.

(2) **"Boiler"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. This does not include waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines or internal combustion engines, or any waste heat recovery boiler that is used to recover sensible heat from the exhaust of any combustion equipment.

(3) **"Btu"** means British Thermal Unit.

(4) **"California Diesel Fuel"** means any fuel that is commonly or commercially known, sold or represented as diesel fuel No. 1-D or No. 2-D, and which meets the requirements specified in 13 CCR, Sections 2281 and 2282.

(5) **"CCR"** means California Code of Regulations.

(6) **"Certificate of Compliance"** means a statement in a specified format which is completed by an applicant, and which contains prohibitory rules and conditions of operation applicable to the operation of a registered emission unit.

(7) **"Certificate of Registration" or "Certificate"** means a written document issued by the Air Pollution Control Officer, granting authority to operate an emission unit in lieu of a Permit to Operate.

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

(9) **"Chain-driven Charbroiler"** also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the ~~device~~ heat sources positioned above and below the grated grill.

(10) **"Charbroiler"** means a cooking device composed of a grated grill and a heat source, where food resting on the grated grill cooks as the food receives direct heat from the heat source or a radiant surface. Types of charbroilers include, but *are* not limited to, grill charbroilers and flame broilers.

(9-11) **"Emergency Situation"** means providing electrical power or mechanical work during any of the following events and subject to the following conditions:

(i) The failure or loss of all or part of normal electrical power service or normal natural gas supply to the facility:

(A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and

(B) which is demonstrated by the owner or operator to the Air Pollution Control Officer's satisfaction to have been beyond the reasonable control of the owner or operator.

(ii) The failure of a facility's internal power distribution system:

(A) which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party; and

(B) which is demonstrated by the owner or operator to the Air Pollution Control Officer's satisfaction to have been beyond the reasonable control of the owner or operator.

(iii) The pumping of water or sewage to prevent or mitigate a flood or sewage overflow.

(iv) The pumping of water for fire suppression or protection.

(v) The powering of ALSF-1 and ALSF-2 airport runway lights under Category II or III weather conditions.

(vi) The pumping of water to maintain pressure in the water distribution system for the following reasons:

- (A) a pipe break that substantially reduces water pressure; or
- (B) high demand on the water supply system due to high use of water for fire suppression; or
- (C) the breakdown of pumping equipment at sewage treatment facilities or water delivery facilities.

~~(40-12)~~ **"Emergency Standby Engine"** means an engine used exclusively in emergency situations to drive an electrical generator, an air compressor or a water pump, except for operations up to 52 hours per calendar year for non-emergency purposes.

~~(44-13)~~ **"Emission Unit"** means the same as defined in Rule 2 – Definitions.

~~(42-14)~~ **"Existing Engine"** means an engine which commenced operation in San Diego County on or before November 15, 2000. Engines used to replace an existing engine pursuant to Rule 11 – Exemptions from Rule 10 Permit Requirements Subsection (d)(5) do not qualify as existing engines.

~~(15)~~ **"Meat"** means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

~~(43-16)~~ **"Portable Emission Unit"** means an emission unit that is designed to be and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer or platform. For the purposes of this rule, dredge engines on a boat or barge are considered portable. An emission unit is not portable if any of the following apply:

(i) The unit, or its replacement, is attached to a foundation or, if not so attached, will reside at the same location for more than 12-consecutive months. Any portable emission unit such as a backup or standby unit that replaces a portable emission unit at a location and is intended to perform the same function as the unit being replaced will be included in calculating the consecutive time period. In that case, the cumulative time of all units, including the time between the removal of the original unit(s) and installation of the replacement unit(s), will be counted toward the consecutive time period; or

(ii) The emission unit remains or will reside at a location for less than 12-consecutive months if the unit is located at a seasonal source and operates during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and operates at that single location at least three months each year, or

(iii) The emission unit is moved from one location to another in an attempt to circumvent the portable emission unit residence time requirements.

Days when a portable emission unit is stored in a designated holding or storage area shall not be counted towards the above time limits, provided the emission unit was not operated on that calendar day except for maintenance and was in the designated holding or storage area the entire calendar day.

~~(14-17)~~ **"Process Heater"** means any combustion equipment fired with liquid and/or gaseous fuel and which 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 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.

~~(15-18)~~ **"Registered Emission Unit"** means an emission unit that has a valid Certificate of Registration.

~~(16-19)~~ **"Registration"** means the process of obtaining a Certificate of Registration for an emission unit. Registration is the same as "permit" as used in Division 26 of the California Health and Safety Code, Part 3, Chapter 8 and Part 4, Chapter 4, Articles 2 and 4, respectively entitled Hearing Boards, Variances, and Orders of Abatement. The Air Pollution Control Officer and the Hearing Board shall have the same authority concerning registration as with permits, and the owner or operator of registered equipment shall be entitled to the same privileges and rights granted to a permittee.

~~(17-20)~~ **"Rental Emission Unit"** means an emission unit temporarily rented or leased to operators other than the owner(s) of the unit.

~~(18-21)~~ **"School Grounds"** means any public or private school used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in a private home(s). "School Grounds" includes any building or structure, playground, athletic field, or other areas of school property but does not include unimproved school property.

~~(19-22)~~ **"Stationary Source" or "Source"** means the same as defined in Rule 2 – Definitions.

~~(20-23)~~ **"Stationary Internal Combustion Engine"** means a spark or compression ignited, reciprocating internal combustion engine which is not a portable emission unit.

~~(21-24)~~ **"Steam Generator"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water. This does not include waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines or internal combustion engines, or any waste heat recovery boiler that is used to recover sensible heat from the exhaust of any combustion equipment.

~~(22-25)~~ **"Testing or Maintenance"** means operating an emergency standby engine to:

- (i) Evaluate the ability of the engine or its supported equipment to perform during an emergency. "Supported Equipment" includes, but is not limited to, generators, pumps, transformers, switchgear, uninterruptible power supply, and breakers; or
- (ii) Facilitate the training of personnel on emergency activities; or
- (iii) Provide electric power for the facility when the utility distribution company takes its power distribution equipment offline to service that equipment for any reason that does not qualify as an emergency situation; or
- (iv) Provide additional hours of operation to perform testing on an engine that has experienced a breakdown or failure during maintenance. Upon approval by the Air Pollution Control Officer, these additional hours of operation will not be counted in the maximum allowable annual hours of operation for the emergency standby engine that provided the electrical power. Operation for testing or maintenance purposes may be allowed for not more than 10 hours per year, with prior written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary; or
- (v) Provide electric power for the facility during an electrical upgrade, such as the replacement or addition of electrical equipment and systems resulting in increased generation, transmission and/or distribution capacity; or
- (vi) Provide electric power for the facility during the repair of supported equipment as defined in Subsection (c)(~~22-25~~)(i).

(d) **REQUIREMENTS**

Emission units registered under this rule shall comply with these rules and regulations and the following requirements, as applicable:

- (1) An internal combustion emergency standby engine shall be operated only during emergency situations and for not more than 52 hours per calendar year for non-emergency purposes. Operation for testing or maintenance purposes may be allowed for not more than 100 hours per calendar year with written authorization from the Air Pollution Control Officer, provided that an owner or operator demonstrates to the satisfaction of the Air Pollution Control Officer that such additional operation is necessary.
- (2) An engine operating on diesel fuel shall use only California Diesel Fuel.
- (3) An engine shall have, and maintain in good working order, a non-resettable hour or fuel meter installed that measures elapsed operating time or fuel usage, respectively. If an engine hour meter is replaced, the owner or operator shall notify the Air Pollution Control Officer in accordance with Subsection (g)(2).

(4) An owner or operator of an engine shall conduct at a minimum, annual maintenance of the engine as recommended by the engine manufacturer or as specified by any other maintenance procedures approved in writing by the Air Pollution Control Officer. Notwithstanding the frequencies recommended by the engine manufacturers, the annual maintenance shall be conducted at least once each calendar year. Engine maintenance shall include, but is not limited to, the following:

(i) Changing the oil and filter, or testing the oil in accordance with the requirements of 40 CFR Part 63, Sections 63.6625(i) or 63.6625(j);

(ii) Inspecting and cleaning air filters, and replacing as necessary;

(iii) Inspecting all hoses and belts, and replacing as necessary; and

(iv) Inspecting spark plugs, if equipped, and replacing as necessary.

(5) An asphalt roofing kettle or asphalt day tanker shall have an identification tag or serial number stamped, welded or engraved in a visible, accessible location on the kettle or tanker; shall not be operated above 525°F (274°C) and shall be equipped with a functional temperature gauge, temperature control thermostat, and a lid which shall be closed at all times when the unit is operating except for loading asphalt.

(6) An owner or operator of a boiler, process heater or steam generator registered under this rule shall comply with all applicable requirements of Rule 69.2.2 – Medium Boilers, Process Heaters, and Steam Generators.

(7) Grain silos shall be equipped with a filter in good operating condition during pneumatic transferring and receiving of grain. Manufacturer's specifications or engineering data demonstrating a minimum particulate matter control efficiency of 90 percent by weight for PM<sub>10</sub> shall be retained on site and made readily available to the District upon request. There shall be no leakage from silos and ducting prior to treatment in the filter.

(8) Paper shredders and any associated air pollution control devices shall be operated in accordance with all manufacturer's instructions. Manufacturer's instructions shall be retained with the shredder and made readily available to the District upon request.

(9) Paper shredders shall not discharge into the atmosphere from any single source of emissions any air contaminant for a period or periods aggregating more than three minutes in any one hour which has an opacity as to obscure an observer's view to a degree equal to or greater than does smoke of a shade designated Ringelmann 1 or equivalent 20 percent opacity.

(10) Paper shredders shall not discharge such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public; or which endanger the comfort, repose, health or safety of any such persons or the public; or which cause or have a natural tendency to cause injury or damage to business or property.



(11) An owner or operator of a chain-driven charbroiler equipped with a catalytic oxidizer certified by SCAQMD at a commercial cooking operations facility registered under this rule shall comply with all applicable requirements of Rule 67.26 – Commercial Charbroiling Operations.

**(e) REGISTRATION OF EMISSION UNITS**

**(1) Application for Certificate of Registration**

To apply for a Certificate of Registration, an owner or operator shall submit to the District, a completed Permit/Registration application form, a Certificate of Compliance, and any additional information determined by the Air Pollution Control Officer as necessary to demonstrate eligibility for registration. The applicable fees specified in Rule 40 – Permit and Other Fees shall also be paid. No application for registration shall be considered received unless accompanied by a Certificate of Compliance and the appropriate fees. A separate application is required for each emission unit.

**(2) Action on Applications**

(i) The Air Pollution Control Officer shall inform the applicant in writing, within 30 days of receipt of an application for registration, if the application is complete or incomplete. If incomplete, the written notice shall specify the additional information necessary to complete the application. When the additional information is received and the application is determined complete, the applicant shall be so notified.

(ii) An application for registration shall be canceled if additional information necessary to complete the application is not furnished within 90 days of such request, or if the Air Pollution Control Officer determines that the emission unit is not eligible to be registered under this rule.

(iii) An application for registration shall be withdrawn if the applicant requests such action in writing to the Air Pollution Control Officer. An application that is withdrawn by the applicant shall subsequently be canceled.

(iv) An application for registration shall be denied if the Air Pollution Control Officer finds that the emission unit will not comply with the applicable requirements of Section (d) Requirements of this rule, or other applicable District Rules and Regulations.

(v) The Air Pollution Control Officer shall issue a Certificate of Registration within a maximum of 90 days after an application for registration is deemed complete if the emission unit meets all applicable requirements of Section (d) Requirements of this rule.

(vi) Notice of any action taken shall be deemed to have been given when written notification has been delivered to the applicant or the applicant's representative.

**(3) Conditions on Certificate of Registration**

The Air Pollution Control Officer may issue a Certificate subject to temporary or permanent conditions which ensure compliance with these Rules and Regulations and applicable state laws and regulations. Operating a registered emission unit constitutes acceptance of all conditions specified on the Certificate.

**(4) Maintenance of Certificate of Registration**

An owner or operator whose emission unit has been issued a Certificate shall:

- (i) Comply with all conditions listed on the Certificate;
- (ii) Renew the Certificate annually pursuant to Subsection (f)(1) of this rule;
- (iii) Maintain records, as applicable, in accordance with the requirements of Section (g) Record Keeping Requirements of this rule;
- (iv) Display the current Certificate or a copy of the current Certificate in a clearly visible and accessible place within 25 feet of the emission unit. If the unit is so constructed or operated that the Certificate cannot be so placed, it shall be kept on the premises and be made readily available to the District at all times; and
- (v) Not willfully deface, alter, forge, counterfeit or falsify any Certificate issued under this rule.

**(f) ADMINISTRATION OF CERTIFICATE OF REGISTRATION**

**(1) Renewal of Certificate of Registration**

**(i) Current Certificate of Registration**

Any person who holds a valid Certificate and who desires to maintain the Certificate after the expiration date shall, prior to the expiration date, pay the applicable renewal and processing fees specified in Rule 40 – Permit and Other Fees. Any Certificate not reinstated within six months of the expiration date will be retired.

**(ii) Expired Certificate of Registration**

An expired Certificate may be reinstated within the first six months following the expiration date by paying the applicable renewal and processing fees and the appropriate late fees specified in Rule 40 – Permit and Other Fees.

**(2) Change of Status for Certificate of Registration**

**(i) Conversion to Inactive Status**

Any person who holds a valid Certificate and chooses not to operate the emission unit, may apply to the Air Pollution Control Officer for a revised Certificate indicating the unit is to be registered in an inactive status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40 – Permit and Other Fees. Operation of an emission unit registered in an inactive status shall constitute a violation of Subsection (e)(4)(i) of this rule. Any portable emission unit registered in an inactive status shall be stored at a fixed address provided to the Air Pollution Control Officer. All Certificates for emission units in inactive status shall be renewed annually.

(ii) **Removal of Inactive Status**

Any person who holds a valid Certificate for an emission unit in an inactive status and chooses to operate the unit shall first apply for and obtain a revised Certificate indicating the unit is now in an active status. The application shall be accompanied by the applicable application and renewal fees specified in Rule 40 – Permit and Other Fees.

(3) **Change of Location**

Any person who holds a valid Certificate and who desires to change the location of the registered emission unit shall first apply for and obtain a revised Certificate from the Air Pollution Control Officer. The application shall be accompanied by the applicable application and processing fees specified in Rule 40 – Permit and Other Fees. This provision shall not apply to any change of location within a stationary source or any change of location for a portable emission unit.

(4) **Transfer of Ownership**

The ownership of a valid Certificate may be transferred by applying for and obtaining a revised Certificate from the Air Pollution Control Officer. The application shall include a completed Permit/Registration application form and a Certificate of Compliance. Such application shall be deemed a temporary Certificate if accompanied by the applicable application fees specified in Rule 40 – Permit and Other Fees. The temporary Certificate shall be subject to all the terms and conditions of the current Certificate and shall expire upon receipt of a revised Certificate. An application for transfer of ownership shall not be deemed a temporary Certificate if the emission unit is in an inactive status. A new application shall be required if the emission unit has been modified.

(g) **RECORD KEEPING REQUIREMENTS**

The owner or operator of a registered emission unit shall maintain the applicable records listed below in electronic and/or hardcopy format. The records shall be retained on-site for at least three years and be made available to the District upon request.

(1) An owner or operator of an engine shall maintain, at a minimum, the following:

(i) An operating log containing dates and elapsed times of every instance of engine operation either based on actual readings of engine hour or fuel meter, or validated against such actual readings during owner or operator visits to unmanned sites only. In addition, an owner or operator of an emergency standby diesel engine located within 500 feet of school grounds shall also maintain the time of day of every instance of engine operation for testing or maintenance; except for an engine that emits no more than 0.01 g/bhp-hr of diesel particulate matter, or meets the requirements specified in 17 CCR, Section 93115.13(f). If applicable, indicate whether the operation was for testing or maintenance or during an emergency situation and the nature of the emergency, and maintain the following:

(A) for a total external power outage, documentation from the serving utility of an outage in the area where the engine is located;

(B) for an internal power outage, a description of what caused the failure, and receipts and/or work orders for the necessary repairs, as applicable; and

(C) for a partial external power outage, including a low-voltage or electric transient incident, in which the external power voltage is low enough to trigger the operation of an emergency standby engine, a description of the incident.

(ii) total cumulative hours of operation per calendar year;

(iii) records of annual engine maintenance, including dates maintenance was performed and the nature of the maintenance;

(iv) California Diesel Fuel certifications, if fueled with diesel fuel; and

(v) A manual of recommended maintenance procedures as provided by the engine manufacturer, or other maintenance procedures as approved in writing by the Air Pollution Control Officer.

(2) An owner or operator of an engine shall provide written notification to the Air Pollution Control Officer within 10 calendar days of replacing the engine hour meter. The notification shall include the following:

(i) Old meter's hour reading upon removal;

(ii) Replacement meter's manufacturer name, model, and serial number, if available;

(iii) Current hour reading of the replacement meter upon installation; and

(iv) Copy of receipt of new meter, or of installation work order.

(3) An owner or operator of any emission unit specified in Subsection (a)(1) which is operated as a rental emission unit shall maintain the following records, as applicable:

(i) The owner of a rental emission unit shall provide the operator with a copy of the Certificate and the recordkeeping requirements specified in Subsection (g)(1) as part of the emission unit rental agreement. The owner shall maintain written acknowledgment by the operator of receiving the above information.

(ii) During the duration of a rental agreement or contract, the operator of a rental emission unit shall be responsible for compliance with the recordkeeping requirements of this rule and the terms and conditions on the Certificate applicable to operation of the unit. The operator shall furnish the records specified in Subsection (g)(1), to the owner of the rental emission unit upon return of the unit.

(4) An owner or operator of a boiler, process heater or steam generator registered under this rule shall comply with the record keeping requirements specified in Rule 69.2.2 – Medium Boilers, Process Heaters, and Steam Generators.

(5) An owner or operator of a chain-driven charbroiler equipped with a catalytic oxidizer certified by SCAQMD at a commercial cooking operations facility registered under this rule shall comply with record keeping requirements specified in Rule 67.26 – Commercial Charbroiling Operations.

**REGULATION III: FEES****RULE 40. PERMIT AND OTHER FEES** (Adopted & Effective (date of adoption))*(Section (f)(12): Effective January 1, 2025; Remaining Sections: Effective July 1, 2025)***Table of Contents**

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## **RULE 40. PERMIT AND OTHER FEES**

### **(a) APPLICABILITY**

(1) Notwithstanding any other provision of these rules, this rule shall be used to determine all fees charged by the San Diego County Air Pollution Control District (District), as authorized by the Air Pollution Control District Governing Board, except for those specified in Rule 42 – Hearing Board Fees. These include, but are not limited to, fees for: applications, permits, portable equipment registrations, renewals, source testing, asbestos demolition or renovation notifications, emergency episode plans, grid searches, technical consultations, new or modified power plants, Toxic Hot Spots, Title V Operating Permits, and Synthetic Minor Source Permits, and reviews, analyses, documents and procedures required or requested pursuant to the California Environmental Quality Act (CEQA).

(2) This rule shall be used to determine refunds, forfeitures and insufficient payment of fees, if applicable.

### **(b) DEFINITIONS**

The following definitions shall apply for terms used in this rule:

(1) **“Annual Operating Fee”** means all fees related to a permit that are paid on an annual basis. These include, but are not limited to, the following: Site Identification (ID) Processing and Handling Fee, Permit Processing Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, District and State Air Toxic Hot Spots Fee, and Annual Source Test Fee.

(2) **“Applicant”** means the owner of the emission unit or operation, or an agent specified by the owner.

(3) **“Initial Application Fees”** means all fees related to an application. These include, but are not limited to, a Non-refundable Processing Fee, Initial Evaluation Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee and/or Source Test Fee.

(4) **“Location”** means the same as “Stationary Source” as defined in Rule 2 – Definitions.

(5) **“Permit to Operate”** or **“permit”** means any District authority to operate, such as a Permit to Operate, Certificate of Registration, Title V or Synthetic Minor Source permit, unless otherwise specified.

(6) **“T+M”** means time and material costs.

(7) **“Valid Permit or Valid Authority to Construct”** means a Permit or Authority to Construct for which all fees are current.

All other terms mean the same as defined in Rule 2 – Definitions unless otherwise defined by an applicable rule or regulation.

**(c) GENERAL PROVISIONS**

(1) No application shall be considered received unless accompanied by the completed application and associated supplemental forms (if applicable) and the appropriate Initial Evaluation Fees.

(2) All time and material (T+M) costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates.

(3) If the Air Pollution Control Officer determines that the activities of any one company would cause an increase of at least 10% in any one Emission Unit Fee Schedule, the Air Pollution Control Officer may delete the costs attributed to that company from the cost data used to determine that type of Emission Unit Fee Schedule. The costs from such a company shall be recovered by development of a source-specific Emission Unit Fee Schedule. The specific Initial Evaluation or Emission Unit Renewal Fee Schedules shall be submitted to the Air Pollution Control District Governing Board for consideration and adoption.

(4) If the Air Pollution Control Officer determines that a person has under-reported material usage, emissions or other information necessary for calculating an emissions inventory, and such under-reporting has led to an Air Contaminant Emissions Fee less than what would have been due if correct usage, emissions or other information had been reported, then the person shall pay the difference between the original and corrected Air Contaminant Emissions Fee plus a charge equal to 30% of the difference. Such charge shall not apply if the permittee demonstrates to the Air Pollution Control Officer's satisfaction that the under-reporting was the result of inadvertent error or omission which the permittee took all reasonable steps to avoid. Required fees not paid within 30 days of the due date shall be assessed a late fee in the amount prescribed in Section (g) – Late Fees.

(5) Credit card payments for fees will be assessed a processing fee of 2.19% of the amount paid by credit card. This processing fee covers only costs assessed to the District by credit card providers. Payments made using the online application submittal system will not be assessed a processing fee but will be subject to fees charged by the online submittal system vendor for the service. These convenience fees are not remitted to the District.

**(d) AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE FEES**

**(1) General Provisions**

(i) Every applicant for an Authority to Construct/Permit to Operate for any article, machine, equipment or other contrivance shall pay the applicable fees as specified in this Section (d) Authority to Construct and Permit to Operate Fees for each emission unit.



(ii) A \$150 Non-refundable Processing Fee shall be submitted with each application for an Authority to Construct/Permit to Operate, Change of Location, Change to an Existing Authority to Construct/Permit to Operate, Like-Kind Replacement or Banking Emission Reduction Credits. This fee does not apply to applications for a Change of Ownership, Identical Replacement, or Fee Schedules 49(a) or 49(b).

(iii) When additional evaluation fees are required, the applicant shall deposit the amount estimated to cover the evaluation costs upon receipt of such an invoice. The District may stop work on the application until the invoiced amount is fully paid.

(iv) Initial Evaluation Fees and Emission Unit Renewal Fees shall be determined using the amounts listed in Columns (1) and (2), respectively, of the Fee Schedules provided within this rule.

(2) Initial Application Fees for an Authority to Construct/Permit to Operate

The Initial Application Fees for an Authority to Construct/Permit to Operate application shall include a Non-refundable Processing Fee, Initial Evaluation Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, an Additional Engineering Evaluation Fee and/or Source Test Fee.

Calculation Worksheet for Initial Application Fees

Non-refundable Processing Fee	\$150
Initial Evaluation Fee <sup>1</sup>	
Emission Unit Renewal Fee <sup>1</sup>	
Air Contaminant Emissions Fee <sup>2</sup>	
Additional Engineering Evaluation Fees <sup>3</sup>	
Source Test Fee <sup>4</sup>	

Total: \$ \_\_\_\_\_

Notes:

1. See Fee Schedule. If T+M fee is indicated, visit [www.apcd.org](http://www.apcd.org) for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
2. See Subsection (d)(4) to determine applicable fee, based on total facility emissions.
3. See Subsection (d)(5) to determine if additional fees are required or visit [www.apcd.org](http://www.apcd.org) for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.
4. Call the District for a Source Test Fee estimate.

(3) Initial Evaluation Fee

The Initial Evaluation Fee shall be determined based on the specific type of equipment, process or operation for which an application is submitted, as listed in Column (1) of the Fee Schedules provided within this rule.

(i) Where the fee specified in Column (1) is T+M, the fee shall be the actual evaluation cost incurred by the District. The applicant shall deposit the amount estimated to cover the actual evaluation cost at the time of application submittal.

(ii) If the equipment, process or operation for which an application is submitted is not listed in the Fee Schedules, the Initial Evaluation Fee shall be on a T+M basis, including the Emission Unit Renewal Fee, as specified in Fee Schedule 91 – Miscellaneous – Hourly Rates.

(iii) If the equipment, process, or operation for which an application is required solely due to a change in Rule 11 – Exemptions from Rule 10 Permit Requirements, the evaluation fee shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsection (d)(5).

#### (4) Air Contaminant Emissions Fees

The Air Contaminant Emissions Fee is an annual fee based on total air contaminant emissions from the stationary source. This fee shall also apply to portable equipment permitted or registered under these Rules and Regulations. For purposes of this subsection, the term “facility” means either the stationary source, or collection of portable equipment permitted or registered under a single site ID.

(i) For existing facilities, an Air Contaminant Emissions Fee shall not be collected as part of an Initial Application Fee, if the Air Contaminant Emissions Fee was paid as part of the most recent Annual Operating Fees.

(ii) For new facilities, the Air Contaminant Emissions Fee shall be paid with the first permit application filed for the new facility and based upon actual expected air contaminant emissions from the facility, as estimated by the District, for the calendar year in which the Permit to Operate is issued, as specified below. This fee shall remain unchanged until revised to reflect the most recent District approved emissions inventory report.

(A) If the actual expected annual emissions of carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), oxides of sulfur, particulate matter (PM<sub>10</sub>) or volatile organic compounds (VOC) equal or exceed five tons, then the Air Contaminant Emissions Fee shall be based on the total expected emissions of all these contaminants for that calendar year, multiplied by an air contaminant emissions fee rate of \$116 per ton.

(B) For all other new facilities, a single Air Contaminant Emissions Fee shall be paid based on the following table using the Fee Schedule that is most representative of the nature of the activities at the stationary source:

<u>Fee Schedule</u>	<u>Source Category Description</u>	<u>Annual Emissions Fee</u>
26(a)	VOC dispensing facility - Phase I and Phase II controls required	\$9 per nozzle
28(k and l)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$7 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$7 per cleaning unit

27(e)	Industrial surface coating applications	\$580
27(k)	Metal parts and aerospace coating applications	\$580
27(v)	Adhesive application operations	\$580
Various	All other stationary sources	\$116

If the most representative nature of the activities cannot be determined for facilities with more than one source category description or fee schedule, the highest applicable annual emissions fee shall apply.

#### (5) Additional Evaluation and Processing Fees for New or Revised Applications or Revised Permits to Operate

If an application requires the District to evaluate the emission unit for compliance with Rule 51 – Nuisance, Rule 1200 – Toxic Air Contaminants-New Source Review, Rules 20.1 through 20.8 (New Source Review), Rules 26.0 through 26.10 (Emission Reduction Credits), pre-backfill inspections for gasoline dispensing facilities, Regulation X – New Source Performance Standards, Regulation XI – National Emission Standards for Hazardous Air Pollutants, Regulation XII – Toxic Air Contaminants, federal Prevention of Significant Deterioration (PSD) requirements, a federal National Emission Standard for Hazardous Air Pollutants (NESHAP), State Airborne Toxic Control Measure (ATCM), CEQA, to conduct additional application or permit to operate processing procedures in accordance with California Health and Safety Code Section 42301 or 42301.6, or to witness testing or conduct inspections to verify compliance with any State Vapor Recovery Executive Order as part of a Like Kind Replacement application processed according to Rule 11 (d)(5)(ii), the applicant shall pay the actual cost incurred by the District for such evaluation and processing procedures, and any additional fees specified by this rule. The applicant shall deposit the amount estimated to cover the actual evaluation cost at the time of application submittal or upon request by the District.

#### (6) Fees for Revisions to Valid Permits

The owner of a valid permit, or their agent, may submit an application to propose the types of changes listed below. The evaluation fee for a revision shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsections (d)(5), (d)(6)(v), and (d)(6)(vi). The applicant shall deposit the amount estimated to cover the actual cost of evaluating the proposed change at the time of application submittal.

#### Calculation Worksheet for Modified Equipment Fees

Non-refundable Processing Fee	\$150
Initial Evaluation Fee <sup>1</sup>	
Additional Engineering Evaluation Fees <sup>2</sup>	

Total: \$ \_\_\_\_\_

#### Notes:

1. See Fee Schedules, use Column (1). If T+M fee is indicated, visit [www.sdapcd.org](http://www.sdapcd.org) for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.

2. See Subsection (d)(5) to determine if additional fees are required or visit [www.sdapcd.org](http://www.sdapcd.org) for the specific equipment type being requested and complete a fee estimate form to submit with the application materials.

(i) Operational Change: An application which proposes an operational change of a valid permit.

(ii) Condition Change: An application which proposes a condition change of a valid permit.

(iii) Additions, Alterations and Replacement of Equipment: An application which proposes an addition, alteration or replacement of an emission unit described in a valid permit.

(iv) Review for a Change of Location: An application which proposes a change of location for an emission unit with a valid permit. An application is not required for any change of location within a stationary source or for a portable emission unit.

(v) Ownership Change: An application which proposes an ownership change for a valid permit shall pay an administrative fee of \$150. The applicant shall demonstrate to the District's satisfaction proof of entitlement to the Permit to Operate at the time of application submittal. Prior to an ownership change application being processed, payment of all outstanding charges that are normally due and associated with that permit must be paid.

(vi) Like-Kind Replacement Units per Rule 11 – Exemptions from Rule 10 Permit Requirements, Subsection (d)(5): An application for a permit change to reflect an eligible like-kind replacement emission unit pursuant to Rule 11 (d)(5)(ii), shall pay a fee of \$495, in addition to the Non-refundable Processing Fee and any additional fees provided under Subsection (d)(5) of this rule.

#### (7) Fees for Revisions to Valid Authorities to Construct

The owner of a valid Authority to Construct, or their agent, may submit an application to propose the types of changes listed in Subsections (d)(6)(i thru v). The evaluation fee for a revision shall be based on the actual evaluation cost incurred by the District, not to exceed the Initial Evaluation Fee, except as provided under Subsection (d)(5). The applicant shall deposit the amount estimated to cover the actual cost of evaluating the proposed change at the time of application submittal.

#### (8) Special Application Processing Provisions

##### (i) Reduced Fees for Similar Emission Units at a Single Stationary Source

If more than one application for an Authority to Construct/Permit to Operate is submitted at the same time for similar emission units at the same stationary source location, then the first emission unit shall be charged the Initial Application Fee as specified in Subsection (d)(2). Each additional emission unit shall be charged the

Emission Unit Renewal Fee and the actual T+M costs incurred by the District to evaluate the emission unit and act upon the applications. The total cost for each additional emission unit shall not exceed the Initial Evaluation Fee (Column (1)), except as provided under Subsection (d)(5).

This provision only applies to the extent that each emission unit will be operated independently, and the evaluation for an Authority to Construct for the first emission unit can be applied to the additional units because of similarity in design and operation, and each emission unit can be evaluated and inspected for a Permit to Operate at the same time. The provisions of this subsection shall not apply to Fee Schedules 3 and 26.

(ii) Reinspection Fees

If during an inspection for a Permit to Operate, an emission unit cannot be evaluated due to circumstances beyond the control of the District, the applicant shall pay the actual time and material costs of performing a reinspection. An estimated reinspection fee, as determined by the District, may be required to be deposited with the District prior to reinspection of the emission unit.

(iii) Split Fee Payments for Applications

An applicant may request, due to financial hardship, to split the payment of Initial Application Fees into two equal payments. This request must be made in writing. The first payment, equal to 50% of the Initial Application Fees, plus an administrative fee of \$75, must be deposited with the application. The second payment, equal to the remaining balance, is due no later than 60 days after filing the application. Failure to pay the Initial Application Fees in full within 60 days after filing the application, may result in cancellation of the application, as specified in Subsection (i)(7) – Insufficient Payment of Fees.

(iv) Fees for Expedited Application Processing

If an applicant requests expedited processing of an application and the District determines that such expedited processing is available through voluntary overtime work, the applicant shall pay fees equal to one and one-quarter times the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates for the overtime work. At the time of submittal of the application, the applicant shall deposit a fee equal to that otherwise specified by this rule. If the application receives expedited processing, no final action shall be taken on the application until the applicant has paid the remainder of the fees required by this paragraph.

(v) Requirement for Defense and Indemnification Agreement

On a case-by-case basis, where significant risk to the District is identified in connection with the processing of an application, the Air Pollution Control Officer may require a defense and indemnification agreement from the applicant. The agreement shall be in a form approved by the Air Pollution Control Officer.

On a case-by-case basis, the Air Pollution Control Officer may determine to require security from the applicant. A determination to require security shall only be made by the Air Pollution Control Officer, and shall not be delegable. The Air Pollution Control Officer shall establish the form and amount of the security, as well as the time the security is to be provided to the District.

(vi) Indemnification

Each applicant, to the extent the applicant is at fault in causing liability to the District, shall indemnify the District, its agents, officers and employees (collectively "District Parties") from any claim, action, liability, or proceeding against the District Parties to attack, set aside, void or annul the applicant's project or any of the proceedings, acts or determinations taken, done or made as a result of District's processing and/or approval of the project, as specified below. Each applicant's obligation to indemnify shall apply to any lawsuit or challenge against the District Parties alleging failure to comply with the requirements of any federal, state, or local laws, including, but not limited to, requirements of these Rules and Regulations. This indemnification requirement shall be included in the application form provided to all applicants.

Each applicant's obligation to indemnify the District Parties shall include, but not be limited to, payment of all court costs and attorneys' fees, costs of any judgments or awards against the District, damages, and/or settlement costs, which arise out of District's processing and/or approval of the applicant's project, except that an applicant shall only be responsible for indemnifying the District Parties in the amount of liability which is equal to the proportion of fault caused by the applicant, as determined by a court. Where any court action results in a ruling for the plaintiff/petitioner, the applicant and the District shall request a determination on the percentage contribution of fault from the court which adjudicated the underlying challenge to the applicant's project.

Notwithstanding this subsection, when a defense and indemnification agreement is required for a project under Subsection (d)(8)(v) above, the provisions of the defense and indemnification agreement shall apply to the applicant and not the provisions of this subsection.

(vii) Fees for Previously Permitted Emission Units Operating Without Valid Permits

In addition to the fees otherwise specified by this Section (d) Authority to Construct and Permit to Operate Fees, a person who is applying for an Authority to Construct and/or Permit to Operate for a previously permitted emission unit that was operated after the applicable permit expired, and is no longer eligible for reinstatement, shall pay the annual operating and late fees specified in Sections (e) Annual Operating Fees, Section (f) Specific Program Fees, and Section (g) Late Fees, that would have otherwise been due. Such payment shall not negate any fines and penalties that may be assessed for violations of the requirement to operate with a valid permit.

**(e) ANNUAL OPERATING FEES**

**(1) General Provisions**

(i) Annual Operating Fees are due on an annual basis and shall be paid by any person who is required to maintain a Permit to Operate or Temporary Authorization pursuant to Rule 10 – Permits Required, Section (b) – Permit to Operate.

(ii) Annual Operating Fees are due by 5 PM Pacific Time on the date the permit expires. Permits expire on the last day of the renewal month. Payments received after the permit expiration date are subject to the late fee provisions of Section (g) – Late Fees.

**(2) Annual Operating Fees**

The following applicable fees shall be paid as part of the Annual Operating Fees: Site ID Processing and Handling Fee, Permit Processing Fee, Emission Unit Renewal Fee, Air Contaminant Emissions Fee, and if applicable, District and State Air Toxic Hot Spots Fee and Annual Source Test Fee.

**Calculation Worksheet for Annual Operating Fees**

Site ID Processing and Handling Fee	\$55
Permit Processing Fee (\$41 x number of permitted units)	
Emission Unit Renewal Fee (See (iii) below)	
Air Contaminant Emissions Fee (See (iv) below)	
District and State Air Toxic Hot Spots Fee (See (v) below)	
Annual Source Test Fee (See (vi) below)	

Total: \$ \_\_\_\_\_

(i) Site ID Processing and Handling Fee: A site ID processing and handling fee of \$55 per facility.

(ii) Permit Processing Fee: A permit processing fee of \$41 per Permit to Operate.

(iii) Emission Unit Renewal Fee: An annual renewal fee, for each specific type of emission unit, as specified in the Fee Schedules (Column (2)).

(iv) Air Contaminant Emissions Fee: An annual Air Contaminant Emissions Fee based on total emissions from the stationary source. This fee shall also apply to portable equipment permitted or registered under these Rules and Regulations. For purposes of this subsection, the term “facility” means either the stationary source, or collection of portable equipment permitted or registered under a single site ID.

(A) For facilities with annual emissions of either carbon monoxide (CO), oxides of nitrogen (NO<sub>x</sub>), oxides of sulfur, particulate matter (PM<sub>10</sub>) or volatile organic compounds (VOC) that equal or exceed five tons, as indicated by the

most recent District approved emission inventory report or an initial evaluation made pursuant to Subsection (d)(4)(ii), the Air Contaminant Emissions Fee shall be based on the total calendar year emissions of all these contaminants, multiplied by an air contaminant emissions fee rate of \$116 per ton.

(B) For all other facilities, a single Air Contaminant Emissions Fee shall be paid based on the following table using the Fee Schedule that is most representative of the nature of the activities at the stationary source:

<u>Fee Schedule</u>	<u>Source Category Description</u>	<u>Annual Emissions Fee</u>
26(a)	VOC dispensing facility - Phase I and Phase II controls required	\$9 per nozzle
28 (k and l)	Contract service solvent cleaning units (for contract companies with 100 or more units)	\$7 per cleaning unit
28(f)	Facilities with only remote reservoir units and no other permits at the facility	\$7 per cleaning unit
27(e)	Industrial surface coating applications	\$580
27(k)	Metal parts and aerospace coating applications	\$580
27(v)	Adhesive application operations	\$580
Various	All other stationary sources	\$116

If the most representative nature of the activities cannot be determined for facilities with more than one source category description or fee schedule, the highest applicable annual emissions fee shall apply.

(v) District and State Air Toxic Hot Spots Fee: If applicable, the stationary source-specific fee required under the Air Toxics “Hot Spots” Information and Assessment Act as specified in Subsection (f)(6).

(vi) Annual Source Test Fee: If a periodic source test is required, the applicable source test fee, as specified in Fee Schedules 92 and/or 93.

### (3) Staggered Renewal Dates

The District may initiate, or the owner of a Permit to Operate may request in writing, to change the renewal month of all permits located at a single facility. When the established renewal month for a facility is changed to a new renewal month, the amount due for each permit shall be prorated to reflect the new renewal month. Revised permits will be issued after the prorated amount has been paid.

### (4) Split Payment of Annual Operating Fees

Owners or operators may request, due to financial hardship, to split the payment of the Annual Operating Fees into four equal payments. This request must be made in writing at least seven days prior to the due date. The first payment, equal to 25% of the Annual Operating Fees, plus an administrative fee of \$75, must be deposited by 5 PM Pacific Time on the last day of the renewal month. The subsequent three payments, equal



to 25% each of the Annual Operating Fees, are due no later than 30, 60, and 90 days after the last day of the renewal month.

Permits with approved split payment requests will expire 120 days after the last day of the renewal month if the Annual Operating Fees are not paid in full or will be issued for the remainder of the annual period after full payment of the Annual Operating Fees is made. Failure to pay the Annual Operating Fees in full within 120 days after the last day of the renewal month, shall be assessed a late fee in the amount prescribed in Section (g) – Late Fees. Permits that have expired after the 120 days, pursuant to this subsection, will be renewed or reinstated if the requirements set out in Rule 10 – Permits Required Section (h) and this Rule 40 Section (h) are met.

#### (5) Inactive Status Permits

A person who holds a valid permit who desires to have that permit placed on inactive status pursuant to Rule 10 – Permits Required shall submit an application requesting such change and shall pay the Initial Evaluation Fee specified in Fee Schedule 49(a)(Column (1)). If such request is received at the time of annual renewal of the permit, the person shall also pay the annual Emission Unit Renewal Fee specified in Fee Schedule 49(a)(Column (2)). Thereafter, the annual Emission Unit Renewal Fee for the inactive status permit shall be as specified in Fee Schedule 49(a)(Column (2)). When a person who holds a valid inactive status permit applies, in accordance with Rule 10, for the condition prohibiting operation to be removed and the permit returned to active status, the owner or operator shall pay the Initial Evaluation Fee specified in Fee Schedule 49(b)(Column (1)), any Additional Engineering Evaluation Fees required pursuant to Subsection (d)(5), and the applicable Annual Operating Fee specified in this Section (e) Annual Operating Fees for that category of emission unit with an active status permit, prorated for the portion of the permit renewal year remaining.

#### (6) Expiration and Retirement of Permits

##### (i) Expiration of Permits due to Non-Payment of Annual Operating Fees

If Annual Operating Fees are not paid by the permit expiration date, the permit will expire on that date. An expired permit may be renewed within six months of the expiration date as provided in Subsection (h)(2).

##### (ii) Retirement of Permits due to Non-payment of Annual Operating Fees

If Annual Operating Fees are not paid within six months from the permit expiration date, the permit will be retired on the day following the last day of the six-month period from the permit expiration date. A retired permit may be reinstated within six months of the retirement date as provided in Subsection (h)(3). Emission units for which a permit was not reinstated within six months of the retirement date will require an application for a new Permit to Operate.

(iii) Retirement by Permittee Request

Owners or operators may, at any time, request retirement of a valid permit(s). This request must be made in writing. Retired permit(s) may be reinstated within six months of the date of retirement as provided in Subsection (h)(3).

**(f) SPECIFIC PROGRAM FEES**

(1) General Provisions

For all of the applicable programs listed below, a late fee as described in Section (g) – Late Fees shall be assessed if the required fees are not paid within 30 days after the due date.

(2) Asbestos Demolition or Renovation Notification

For each asbestos demolition or renovation notification subject to Rule 1206 – Asbestos Removal, Renovation, and Demolition, the owner or operator shall pay the applicable fees specified below. For projects where one notification is submitted for both renovation and demolition operations, the owner or operator shall pay both applicable renovation and demolition fees. Fees are due at the time a notification is submitted. Notifications or revisions thereof will not be considered received unless accompanied with the required fees. The terms used below are defined in Rule 1206.

<u>TYPE OF OPERATION</u>	<u>Notification Fee <sup>1</sup></u>
1. Renovation Operations (excluding residential buildings having four or fewer dwelling units) <sup>2</sup>	
<100 sq. ft.	\$764
100 sq. ft. to 500 sq. ft.	\$816
501 to 2,000 sq. ft.	\$828
2,001 to 5,000 sq. ft.	\$867
5,001 to 10,000 sq. ft.	\$998
>10,000 sq. ft.	\$1,080
2. Demolition Operations	
Regulated Asbestos Containing Material (RACM) sites or Non-RACM sites with no asbestos present	\$884

Notes:

1. Online notifications may be submitted to the District using the online Citizen Access Portal.
2. Additional fees may be required if the revised amount of asbestos to be removed increases to a higher category. The additional fee will be the difference between the fee paid and the fee required for the new category.

(3) Air Pollution Emergency Episode Plan Fee

The owner or operator of a facility for which a plan or a plan update is required by District Regulation VIII – San Diego Air Pollution Emergency Plan shall pay a \$147 evaluation fee for each plan or plan update, at the time the plan is submitted for review.

(4) Grid Search

Any school district, individual, business or agency that submits a request for the District to conduct a grid search to identify all facilities with the potential to emit hazardous air contaminants (pollutants) shall deposit an initial fee of \$362 at the time the grid search is requested. If the actual costs incurred are greater than the amount deposited, the school district, individual, business or agency that made the request shall submit an additional amount as specified by the District to recover the remaining actual costs of performing the grid search.

(5) New or Modified Power Plants

Any source subject to the requirements of Rule 20.5 – Power Plants, shall reimburse the District for the actual costs incurred in order to comply with the provisions of Rule 20.5. The applicant shall deposit the amount estimated to cover the actual cost at the time of application submittal.

(6) Toxic Hot Spots

The owner or operator of a facility who has been identified by the District as being subject to the requirements of California Health and Safety Code Section 44300 et seq. (the Air Toxics “Hot Spots” Information and Assessment Act), shall deposit or pay the applicable fees specified below to the District.

(i) Upon receipt of a fee estimate or invoice from the District, deposit or pay the amount estimated or invoiced to cover the actual costs associated with the following requirements.

(A) Toxic air contaminant emissions source testing when necessary to determine emissions for inclusion in a toxic air contaminant emissions inventory.

(B) Health risk assessment or updated health risk assessment review, revision, and approval pursuant to California Health and Safety Code Section 44360 et seq. or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

(C) Public notification of health risks pursuant to California Health and Safety Code Section 44362 or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

(D) Facility toxic air contaminant risk reduction audit and plan pursuant to California Health and Safety Code Section 44390 or Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction.

No health risk assessment or risk reduction audit and plan required pursuant to this provision shall be considered received unless accompanied by the appropriate fees as specified in Subsection (f)(6)(i).

(ii) An annual fee, as specified in Subsection (e)(1), for the recovery of State program costs. The amount of the annual State program fee for each facility shall be that specified by the California Air Resources Board in accordance with the State Air Toxics “Hot Spots” Fee Regulation contained in Title 17, California Code of Regulations, Section 90700 et seq.

(7) California Clean Air Act

The owner or operator of a stationary source who is required by Title 17, California Code of Regulations, Section 90800, et seq., to pay a fee adopted by the California Air Resources Board shall pay the required fee to the District within 30 days of receipt of an invoice for the required fees.

(8) Title V Operating Permit

The owner or operator of a stationary source subject to the requirements of Regulation XIV – Title V Operating Permits, shall pay the actual time and materials costs incurred by the District to review and act upon an application for initial permit, permit modification, administrative permit amendment, Section 502(b)(10) change (42 U.S.C. §7661a), Trading Under an Emissions Cap Operational Flexibility change, enhanced Authority to Construct and/or Title V operating permit renewal; to evaluate such source for compliance with Regulation XIV and the terms and conditions of a Title V operating permit, including, but not limited to, the costs incurred to document such evaluation, to prepare reports, and to take any actions necessary in cases of noncompliance; to reopen an existing Title V operating permit; and to cancel a Title V operating permit. All such applications shall also pay the Non-refundable Processing Fee of \$150.

(9) Synthetic Minor Source Permit

The owner or operator of a stationary source that submits an application to obtain a Synthetic Minor Source (SMS) Permit pursuant to Rule 60.2 – Limiting Potential to Emit-Synthetic Minor Sources, shall pay the fees specified below to recover the actual costs incurred by the District to review and act upon an application for initial permit, permit modification and/or permit renewal.

Non-refundable Processing Fee	\$150
Application evaluation fee (new or modified permits)	T+M
SMS permit renewal fee	T+M

(10) Determination of Exemption

The owner or operator of any emission unit or process requesting a determination of exemption pursuant to Rule 11 – Exemptions from Rule 10 Permit Requirements, Subsection (d)(19), shall pay the Non-refundable Processing Fee of \$150, plus an evaluation fee based on T+M to recover the actual costs incurred by the District to evaluate the emission unit or process.

## (11) California Environmental Quality Act

Whenever the District is requested or required to conduct analyses, review or prepare documents, or conduct and/or participate in administrative procedures, meetings or hearings pursuant to CEQA, the District costs shall be paid by the persons requesting and/or receiving such services. District staff costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Costs to the District resulting from the activities of other agencies or consultants to the District necessary to provide such services shall be included in the total District costs. Persons requesting and/or receiving such services shall be charged the estimated cost of providing those services and shall deposit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the District. If the actual costs incurred are greater than the amounts deposited, the persons requesting and/or receiving the services shall deposit additional amounts as specified by the District to recover the remaining actual costs. Any funds deposited in excess of actual costs incurred shall be refunded.

## (12) Emissions Inventory

The owner or operator of any facility subject to Subsections (c)(1)(i), (c)(1)(ii), (c)(1)(iii), or (c)(1)(vi) of District Rule 19.3, or subject to Section 93401(a), General Applicability of Criteria Air Pollutants and Toxic Air Contaminants (CTR) (State 17 CCR, Section 93400 et seq.) shall pay the actual time and material costs incurred by the District to prepare or revise an Emissions Inventory Report in accordance with District Rule 19.3.

District staff costs shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Any funds deposited in excess of actual costs incurred shall be refunded.

## **(g) LATE FEES**

(1) Late fees for Annual Operating Fees due to the District shall apply as follows:

(i) A late fee of 30% of the Annual Operating Fees due or \$250, whichever is less, shall be added for fees paid later than the last day of the renewal month.

(ii) An additional late fee of 10% of the Annual Operating Fees due shall be added for each additional month or portion thereof that the fees remain unpaid.

(iii) In no case shall the late fees exceed 100% of the total Annual Operating Fees.

(2) Late fees for any payments due to the District, except Annual Operating Fees, shall apply as follows:

(i) A late fee of 30% of the amount due shall be added for payments made more than 30 days after the due date.

(ii) An additional late fee of 10% of the amount due shall be added for each additional month or portion thereof that the payment is not received.

(iii) In no case shall the late fees exceed 100% of the amount due.

(3) On a case-by-case basis, upon written request, the Air Pollution Control Officer may waive late fees due to financial hardship during declared federal, State, or local emergencies provided that the Annual Operating Fees, and any other payments due to the District, have been made in full.

**(h) RENEWAL OF EXPIRED PERMIT(S) & REINSTATEMENT OF RETIRED PERMIT(S)**

**(1) General Provisions**

In addition to the Annual Operating Fees due for renewing an expired permit or reinstating a retired permit, any applicable fees pursuant to Subsection (d)(6), such as an ownership change, change of location, or modification, shall be paid concurrently.

New owners seeking to renew or reinstate a retired permit are responsible for payment of all outstanding charges that are normally due and associated with that retired or expired permit.

**(2) Renewal of Expired Permit(s) to Operate**

An expired permit can be renewed within six months of the expiration date by paying the applicable Annual Operating Fees and the late fees as specified in Section (g) – Late Fees.

**(3) Reinstatement of Retired Permit(s) to Operate**

A retired permit can be reinstated within six months of the retirement date by submitting a written request, and paying the applicable Annual Operating Fees, a reinstatement fee of \$75 and the late fees as specified in Section (g) – Late Fees.

**(i) REFUNDS, INSUFFICIENT PAYMENT OF FEES AND CANCELLATIONS**

**(1) General Provisions**

(i) No refunds shall be issued for amounts of less than \$25.

(ii) If an applicant does not sign, date and return a refund claim form within six months after receipt of the form, all rights to a refund shall be forfeited.

**(2) Application Fee Refunds**

(i) If an application for an Authority to Construct/Permit to Operate is withdrawn by the applicant:

(A) before the engineering evaluation has begun, the District will refund the entire Initial Application Fee, less the \$150 Non-refundable Processing Fee.

(B) after the engineering evaluation has begun, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, and all costs incurred by the District to evaluate the application.

(ii) If an application for an Authority to Construct/Permit to Operate is denied or cancelled, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, the Initial Evaluation Fee (if a dollar amount is listed in Column (1), and not T+M), and all other costs incurred by the District to evaluate the application.

(iii) Certificate of Registration Refunds: If an application for a Certificate of Registration is withdrawn by the applicant after the engineering evaluation has begun, or withdrawn seven days after the date of receipt, or the application is denied or cancelled, the District will refund the Initial Application Fee, less the \$150 Non-refundable Processing Fee, the Initial Evaluation Fee, and all other costs incurred by the District to evaluate the application.

(iv) Refund Due to Overpayment of T+M, Initial Evaluation Fees, Toxic Hot Spots Fees, or Additional Engineering Evaluation Fees: If the total cost incurred by the District to evaluate any application, health risk assessment, or risk reduction audit and plan involving T+M fees is less than the amount deposited by the applicant, the District will refund any overage beyond its actual evaluation costs and less the \$150 Non-refundable Processing Fee. This provision does not apply to Initial Evaluation Fees for which a fixed amount is established in the Fee Schedules or to any annual fee for the recovery of State Air Toxic Hot Spot program costs.

(v) Exempt Equipment Refunds: Except for requests for exemption processed according to Rule 40(f)(10), if the District determines that the article, machine equipment or other contrivance for which the application was submitted is not within the purview of state law or these Rules and Regulations, a full refund of the fees paid will be issued to the applicant. If a request for a determination of exemption is withdrawn by the applicant before the engineering evaluation has begun, the District will refund the entire deposit and any other fees paid. If a request for a determination of exemption is withdrawn by the applicant after the engineering evaluation has begun, the District will refund the entire deposit and any other fees paid, less any costs incurred by the District to evaluate the request.

### (3) Annual Operating Fee Refunds

A refund of the Annual Operating Fees shall not be issued unless the fees for the upcoming year are paid prior to the Permit to Operate renewal date and the request for a refund of these fees is made prior to the Permit to Operate renewal date. No refunds will be made for fees or late payments made after the due date.

(4) Air Contaminant Emissions Fee Refunds

(i) New Facilities: The Air Contaminant Emissions Fee portion of the Initial Application Fee shall only be refunded if the application is withdrawn or cancelled prior to the issuance of a Startup Authorization or Permit to Operate.

(ii) Existing Facilities: Air Contaminant Emissions Fees paid by existing facilities as part of their Annual Operating Fee or an Initial Application Fee shall not be refundable, unless all Permit(s) to Operate at the facility are retired.

(5) Other Fees

Asbestos Notifications: Refunds of asbestos notification fees shall be issued only if a cancellation notice is received by the District prior to the notification start date. A refund will not be issued if the notice of cancellation is received by the District on or after the notification start date.

(6) Cancellation Fees – Source Testing and Test Witnessing

Substitution of another facility for a scheduled test shall be considered a cancellation subject to the provisions listed below.

(i) Fee Schedule 92(a): If a source test cancellation notice is not received at least two working days prior to a scheduled source test date a cancellation fee of \$500 shall be charged.

(ii) Fee Schedules 92(b-z) and 93: If a source test or test witnessing cancellation notice is not received at least two working days prior to a scheduled source test date a cancellation fee of \$250 shall be charged.

(iii) Vapor Recovery (Phase I, II): If a VOC vapor recovery system test witness cancellation notice is not received at least two working days prior to a scheduled test date a cancellation fee of \$250 shall be charged.

(7) Insufficient Payment of Fees

(i) If the fees deposited by an applicant to cover the cost of evaluating an application for an Authority to Construct/Permit to Operate or other District evaluation is insufficient to complete the work in progress, the applicant shall deposit an amount deemed sufficient by the District to complete the work, except if the amount is \$25 or less.

(ii) The Air Pollution Control Officer may cancel an application when an applicant fails or refuses to deposit such amount within 45 days of demand or fails or refuses to deposit such amount by the date required by Rule 18 – Action on Applications for action to be taken on the application, whichever date is sooner.



(iii) If the applicant fails or refuses to deposit such amount upon demand, the District may recover the same through a collection agency or by action in any court of competent jurisdiction, including small claims court. Until such amount is paid in full, the District shall not further process the application unless the Air Pollution Control Officer determines that it is in the best interest of all parties concerned to proceed.

(iv) Returned Checks: Any person who issues a check to the District, which is returned by the bank upon which it is drawn without payment, shall pay a returned check fee of \$25.

(v) The Air Pollution Control Officer may refuse to process an application and/or refuse to renew a Permit to Operate if the applicant has any unpaid invoices more than 60 days overdue or has any late fees or outstanding court judgments which are owed to the District. The Air Pollution Control Officer may refuse to process an application if a prior applicant for the equipment or project which is the subject of the application has unpaid invoices or late fees related to that equipment or project.

In the event that processing of an application is stopped pursuant to this provision, the timelines for taking action on an application specified in Rule 18 – Action on Applications shall no longer apply to that application.

## ALPHABETICAL LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

Abrasive Blasting Cabinets, Rooms and Booths .....	Schedule 2
Abrasive Blasting Equipment - Excluding Rooms and Booths .....	Schedule 1
Acid Chemical Milling .....	Schedule 32
Adhesive Manufacturing .....	Schedule 38
Adhesive Materials Application Operations .....	Schedule 27
Air Stripping Equipment.....	Schedule 52
Anodizing Tanks.....	Schedule 55
Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC)) .....	Schedule 27
Asbestos Control Equipment .....	Schedule 59
Asphalt Pavement Heaters/Recyclers .....	Schedule 40
Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt.....	Schedule 3
Automotive Refinishing Operations .....	Schedule 27
Bakeries .....	Schedule 58
Boilers and Heaters.....	Schedule 13
Bulk Flour, Powdered Sugar Storage System.....	Schedule 35
Bulk Plants and Terminals (Volatile Organic Compounds) .....	Schedule 25
Bulk Terminal Grain Transfer and Storage Facility Equipment.....	Schedule 23
Burn Out Ovens .....	Schedule 15
Cement Silo System (Separate from Plants).....	Schedule 8
Ceramic Deposition Spray Booths.....	Schedule 37
Ceramic Slip Casting .....	Schedule 43
<u>Chain-driven Charbroilers .....</u>	<u>Schedule 16</u>
Coffee Roasters.....	Schedule 50
Cold Solvent Cleaning Operations .....	Schedule 28
Concrete Batch Plants.....	Schedule 8
Concrete Mixers Over One Cubic Yard Capacity .....	Schedule 8
Concrete Product Manufacturing Plants .....	Schedule 9
Copper Etching .....	Schedule 32
Dielectric Paste Manufacturing .....	Schedule 38
Dry Chemical Mixing.....	Schedule 24
Dry Chemical Storage System.....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23
Dry Cleaning Facilities .....	Schedule 31
Electronic Component Manufacturing.....	Schedule 42
Electric Deposition Spray Booths.....	Schedule 37
Engines - Internal Combustion .....	Schedule 34
Evaporators, Dryers, and Stills Processing Organic Materials .....	Schedule 44
Feed and Grain Mills and Kelp Processing Plants.....	Schedule 22
Filtration Membrane Manufacturing .....	Schedule 46
Gas Turbine Engines, Test Cells and Test Stands .....	Schedule 20
Gasoline Stations .....	Schedule 26
Grinding Booths and Rooms .....	Schedule 36
Hexavalent Chromium Plating .....	Schedule 55
Hot Dip Galvanizing.....	Schedule 32
Hot-Mix Asphalt Paving Batch Plants.....	Schedule 4
Industrial Coating Applications.....	Schedule 27
Industrial Waste Water Treatment.....	Schedule 51
Ink Manufacturing .....	Schedule 38

### Alphabetical List of Fee Schedules by Emission Unit Type – continued

Intermediate Refueler Facilities (Volatile Organic Compounds) .....	Schedule 25
Internal Combustion Engines (Piston Type).....	Schedule 34
Internal Combustion Engines, Test Cells and Test Stands .....	Schedule 34
Kelp and Biogum Products Solvent Dryer .....	Schedule 30
Marine Coatings .....	Schedule 27
Metal Inspection Tanks.....	Schedule 28
Metal Melting Devices .....	Schedule 18
Municipal Waste Storage and Processing.....	Schedule 48
Non-Bulk Volatile Organic Compound Dispensing Facilities .....	Schedule 26
Non-Municipal Incinerators.....	Schedule 14
Non-Operational Status Equipment .....	Schedule 49
Oil Quenching .....	Schedule 19
Organic Gas Sterilizers .....	Schedule 47
Paint and Stain Manufacturing .....	Schedule 38
Paper Shredders or Grinders .....	Schedule 21
Perlite Processing.....	Schedule 41
Pharmaceutical Manufacturing .....	Schedule 54
Plasma Deposition Spray Booths.....	Schedule 37
Precious Metals Refining.....	Schedule 39
Rock Drills.....	Schedule 5
Salt Baths.....	Schedule 19
Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules .....	Schedule 6
Sand, Rock, and Aggregate Plants.....	Schedule 7
Sewage Treatment Facilities .....	Schedule 56
Soil Remediation Equipment.....	Schedule 52
Solder Paste Manufacturing.....	Schedule 38
Solvent Cleaning Operations .....	Schedule 28
Still Processing Organic Materials .....	Schedule 44
Turbine Engines, Test Cells and Test Stands .....	Schedule 20
Vapor Solvent Cleaning Operations .....	Schedule 28
Wood Shredders or Grinders .....	Schedule 21

## CATEGORIZED LIST OF FEE SCHEDULES BY EMISSION UNIT TYPE

### ABRASIVE BLASTING EQUIPMENT

Abrasive Blasting Cabinets, Rooms and Booths .....	Schedule 2
Abrasive Blasting Equipment - Excluding Rooms and Booths .....	Schedule 1

### ASPHALT RELATED OPERATIONS, EQUIPMENT AND PROCESSES

Asphalt Pavement Heaters/Recyclers .....	Schedule 40
Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt.....	Schedule 3
Hot-Mix Asphalt Paving Batch Plants.....	Schedule 4

### COATING, ADHESIVE AND INK APPLICATION EQUIPMENT & OPERATIONS

Adhesive Materials Application Operations.....	Schedule 27
Automotive Refinishing Operations .....	Schedule 27
Graphic Arts Operations .....	Schedule 27
Industrial Coating Applications.....	Schedule 27
Miscellaneous Parts Coatings.....	Schedule 27
Wood, Metal, Marine, Aerospace Coatings.....	Schedule 27

### CONCRETE EQUIPMENT

Cement Silo System (Separate from Plants).....	Schedule 8
Concrete Batch Plants.....	Schedule 8
Concrete Mixers Over One Cubic Yard Capacity .....	Schedule 8
Concrete Product Manufacturing Plants .....	Schedule 9

### COMBUSTION AND HEAT TRANSFER EQUIPMENT

Boilers and Heaters.....	Schedule 13
Gas Turbine Engines, Test Cells and Test Stands .....	Schedule 20
Internal Combustion Engines (Piston Type).....	Schedule 34
Internal Combustion Engines, Test Cells and Test Stands .....	Schedule 34
Non-Municipal Incinerators.....	Schedule 14

### DRY CHEMICAL OPERATIONS

Dry Chemical Mixing .....	Schedule 24
Dry Chemical Storage System.....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23

### ELECTRONIC MANUFACTURING

Electronic Component Manufacturing.....	Schedule 42
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### FOOD PROCESSING AND PREPARATION EQUIPMENT

Bakeries .....	Schedule 58
Bulk Flour and Powdered Sugar Storage Systems .....	Schedule 35
<u>Chain-driven Charbroilers .....</u>	<u>Schedule 16</u>
Coffee Roasters.....	Schedule 50

### FUEL STORAGE, TRANSFER AND DISPENSING EQUIPMENT

Bulk Plants and Terminals (Volatile Organic Compounds) .....	Schedule 25
Gasoline Stations .....	Schedule 26
Intermediate Refueler Facilities (Volatile Organic Compounds) .....	Schedule 25
Non-Bulk Volatile Organic Compound Dispensing Facilities .....	Schedule 26

## Categorized List of Fee Schedules by Emission Unit Type – continued

### MACHINING EQUIPMENT

Grinding Booths and Rooms .....	Schedule 36
Paper or Wood Shredders or Grinders.....	Schedule 21
Plasma, Electric and Ceramic Deposition Spray Booths.....	Schedule 37

### METAL TREATMENT OPERATIONS

Acid Chemical Milling .....	Schedule 32
Copper Etching.....	Schedule 32
Hexavalent Chromium Plating and Anodizing Tanks .....	Schedule 55
Hot Dip Galvanizing.....	Schedule 32
Oil Quenching and Salt Baths.....	Schedule 19

### METALLURGICAL PROCESSING EQUIPMENT

Acid Chemical Milling .....	Schedule 32
Copper Etching.....	Schedule 32
Hot Dip Galvanizing.....	Schedule 32
Metal Inspection Tanks.....	Schedule 28
Metal Melting Devices .....	Schedule 18
Oil Quenching and Salt Baths.....	Schedule 19
Plasma and Electric Deposition Spray Booths .....	Schedule 37
Precious Metals Refining.....	Schedule 39

### MISCELLANEOUS MANUFACTURING AND PROCESSING

Ceramic Slip Casting .....	Schedule 43
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Feed and Grain Mills and Kelp Processing Plants.....	Schedule 22
Filtration Membrane Manufacturing .....	Schedule 46
Ink Manufacturing .....	Schedule 38
Kelp and Biogum Products Solvent Dryer .....	Schedule 30
Municipal Waste Storage and Processing.....	Schedule 48
Non-Operational Status Equipment.....	Schedule 49
Organic Gas Sterilizers .....	Schedule 47
Paint, Adhesive, Stain, Ink, Solder Paste, and Dielectric Paste Manufacturing.....	Schedule 38
Perlite Processing.....	Schedule 41
Pharmaceutical Manufacturing.....	Schedule 54
Stills Processing Organic Materials.....	Schedule 44

### MIXING, BLENDING AND PACKAGING EQUIPMENT

Concrete Mixers Over One Cubic Yard Capacity .....	Schedule 8
Dry Chemical Mixing .....	Schedule 24

### OVENS

Burn Out Ovens .....	Schedule 15
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### SAND, ROCK AND AGGREGATE RELATED OPERATIONS

Rock Drills .....	Schedule 5
Sand, Rock, Aggregate Screens, and Other Screening Operations.....	Schedule 6
Sand, Rock, and Aggregate Plants.....	Schedule 7

Categorized List of Fee Schedules by Emission Unit Type – continued

SOLVENT CLEANING OPERATIONS

Cold Solvent and Remote Reservoir Cleaning Operations .....	Schedule 28
Dry Cleaning Facilities .....	Schedule 31
Vapor Solvent Cleaning Operations .....	Schedule 28

SPRAY BOOTH OPERATIONS

Coating, Adhesives and Painting Operations .....	Schedule 27
Plasma, Electric and Ceramic Deposition Spray Booths.....	Schedule 37

STORAGE AND TRANSFER EQUIPMENT

Bulk Flour and Powdered Sugar Storage Systems .....	Schedule 35
Bulk Plants and Terminals (Volatile Organic Compounds) .....	Schedule 25
Bulk Terminal Grain Transfer and Storage Facility Equipment.....	Schedule 23
Dry Chemical Storage Systems .....	Schedule 35
Dry Chemical Transfer and Storage Facility Equipment.....	Schedule 23

TREATMENT AND REMEDIATION OPERATIONS

Air Stripping Equipment.....	Schedule 52
Asbestos Control Equipment .....	Schedule 59
Evaporators, Dryers, and Stills Processing Organic Materials.....	Schedule 44
Industrial Waste Water Treatment.....	Schedule 51
Sewage Treatment Facilities.....	Schedule 56
Soil Remediation Equipment.....	Schedule 52

## FEE SCHEDULES

The Fee Schedules shall be used in determining the Initial Evaluation Fees and Emission Unit Renewal Fees using the amounts listed in Columns (1) and (2), respectively for each emission unit. The fees specified below do not include all applicable fees. See Sections (c), (d), (e), (f), (g), (h), and (i) for other required fees.

### SCHEDULE 1: Abrasive Blasting Equipment Excluding Rooms and Booths

Any permit unit consisting of air hoses, with or without water lines, with a single pot rated at 100 pounds capacity or more of sand regardless of abrasive used, and a nozzle or nozzles. (Equipment not operated solely in Schedule 2 facilities).

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pot 100 pounds capacity or larger with no Peripheral Equipment	T+M	\$353
(b) Each Pot 100 pounds capacity or larger loaded Pneumatically or from Storage Hoppers	T+M	\$300
(c) Each Bulk Abrasive Blasting Material Storage System	T+M	\$282
(d) Each Spent Abrasive Handling System	T+M	\$282
(x) Each Portable Abrasive Blasting Unit, Registered Under Rule 12.1	\$841	\$415

### SCHEDULE 2: Abrasive Blasting Cabinets, Rooms and Booths

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Abrasive Blasting Cabinet, Room or Booth	T+M	\$628
(b) Each Cabinet, Room, or Booth with an Abrasive Transfer or Recycle System	T+M	\$537

### SCHEDULE 3: Asphalt Roofing Kettles and Tankers used to Store, Heat, Transport, and Transfer Hot Asphalt

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Kettle or Tanker with capacity greater than 85 gallons	T+M	\$367
(w) Each Kettle or Tanker, Registered Under Rule 12	\$565	\$333

### SCHEDULE 4: Hot-Mix Asphalt Paving Batch Plant

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Hot-Mix Asphalt Paving Batch Plant	T+M	\$2,292

**SCHEDULE 5: Rock Drills**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(w) Each Drill, Registered Under Rule 12.1	\$854	\$436

**SCHEDULE 6: Sand, Rock, Aggregate Screens, and Other Screening Operations, when not used in Conjunction with other Permit Items in these Schedules**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Screen Set	T+M	\$506
(x) Each Portable Sand and Gravel Screen Set, Registered Under Rule 12.1	\$883	\$463

**SCHEDULE 7: Sand, Rock, and Aggregate Plants**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Crusher System (involves one or more primary crushers forming a primary crushing system or, one or more secondary crushers forming a secondary crusher system and each serving a single process line)	T+M	\$961
(b) Each Screening System (involves all screens serving a given primary or secondary crusher system)	T+M	\$582
(c) Each Loadout System (a loadout system is a set of conveyors chutes and hoppers used to load any single rail or road delivery container at any one time)	T+M	\$573
(x) Each Portable Rock Crushing System, Registered Under Rule 12.1	\$978	\$427

**SCHEDULE 8: Concrete Batch Plants, Concrete Mixers over One Cubic Yard Capacity and Separate Cement Silo Systems**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Concrete Batch Plant (including Cement-Treated Base Plants)	T+M	\$1,022
(b) Each Mixer over one cubic yard capacity	T+M	\$415
(c) Each Cement or Fly Ash Silo System not part of another system requiring a Permit	T+M	\$655
(x) Each Portable Concrete Batch Plant or stand-alone Cementitious Material Storage Silo, Registered Under Rule 12.1	\$1,081	\$505

**SCHEDULE 9: Concrete Product Manufacturing Plants**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Plant	T+M	\$688



**SCHEDULE 10: RESERVED****SCHEDULE 11: RESERVED****SCHEDULE 12: RESERVED****SCHEDULE 13: Boilers and Heaters**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input	\$3,722	\$588
(b) Each 50 MM BTU/HR up to but not including 250 MM BTU/HR	T+M	\$794
(f) Each 1 MM BTU/HR up to but not including 50 MM BTU/HR input at a single site where more than 5 such units are located	T+M	\$482
(w) Each unit greater than 2 MM BTU/HR to less than 5 MM BTU/HR, Registered Under Rule 12	\$919	\$282

**SCHEDULE 14: Non-Municipal Incinerators**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Crematory or waste incinerator burning*	T+M	\$1,259
(c) Burning capacity up to and including 50 lbs/hr used exclusively for the incineration or cremation of animals	T+M	\$583

\*Excluding units of 50 lbs/hr capacity or less used exclusively for incineration or cremation of animals.

**SCHEDULE 15: Burn-Out Ovens**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Electric Motor/Armature Refurbishing Oven	T+M	\$581
(d) USN SIMA (ID #APCD1981-SITE-02798)*	T+M	\$270

\*Pursuant to Subsection (c)(3)

**SCHEDULE 16: ~~RESERVED~~ Chain-driven Charbroilers**

<u>Fee Unit</u>	<u>(1) Initial Evaluation Fee</u>	<u>(2) Emission Unit Renewal Fee</u>
(a) <u>Each chain-driven charbroiler with a non-certified emission control device</u>	<u>T+M</u>	<u>\$537</u>
<del>(b) Each existing chain-driven charbroiler with certified catalytic oxidizer, Registered Under Rule 12</del>	<del><u>T+M</u></del>	<del><u>\$537</u></del>
<del>(e)(w)</del> <u>Each new chain-driven charbroiler with certified catalytic oxidizer, Registered Under Rule 12</u>	<u>\$945</u>	<u>\$537</u>

**SCHEDULE 17: RESERVED****SCHEDULE 18: Metal Melting Devices**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Each Pit or Stationary Crucible/Pot Furnace	T+M	\$597

**SCHEDULE 19: Oil Quenching and Salt Baths**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Tank	T+M	\$340

**SCHEDULE 20: Gas Turbine Engines, Test Cells and Test Stands**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
<b>GAS TURBINE, TURBOSHAFT, TURBOJET AND TURBOFAN ENGINE TEST CELLS AND STANDS</b>		
(a) Each Aircraft Propulsion Turbine, Turboshaft, Turbojet or Turbofan Engine Test Cell or Stand	T+M	\$573
(b) Each Aircraft Propulsion Test Cell or Stand at a facility where more than one such unit is located	T+M	\$309
(c) Each Non-Aircraft Turbine Test Cell or Stand	T+M	\$231
<b>GAS TURBINE ENGINES</b>		
(d) Each Non-Aircraft Turbine Engine 1 MM BTU/HR up to but not including 50 MM BTU/HR input	T+M	\$1,156
(e) Each Non-Aircraft Turbine Engine 50 MM BTU/HR up to but not including 250 MM BTU/HR input	T+M	\$1,872
(f) Each Non-Aircraft Turbine Engine 250 MM BTU/HR or greater input	T+M	\$4,815
(h) Each Standby Gas Turbine used for Emergency Power Generation	T+M	\$378

**SCHEDULE 21: Waste Disposal and Reclamation Units**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Paper or Wood Shredder or Hammermill Grinder	T+M	\$385
(w) Each Paper Shredder with a maximum throughput capacity of greater than 600 pounds per hour, Registered Under Rule 12	\$885	\$418

**SCHEDULE 22: Feed and Grain Mills and Kelp Processing Plants**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Receiving System (includes Silos)	T+M	\$703
(b) Each Grinder, Cracker, or Roll Mill	T+M	\$628
(c) Each Shaker Stack, Screen Set, Pelletizer System, Grain Cleaner, or Hammermill	T+M	\$679
(d) Each Mixer System	T+M	\$867
(e) Each Truck or Rail Loading System	T+M	\$582

**SCHEDULE 23: Bulk Terminal Grain and Dry Chemical Transfer and Storage Facility Equipment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Receiving System (Railroad, Ship and Truck Unloading)	T+M	\$782
(b) Each Storage Silo System	T+M	\$385
(c) Each Loadout Station System	T+M	\$508
(d) Each Belt Transfer Station	T+M	\$508
(w) Each Grain Silo at beer breweries producing less than 100,000 barrels (3.1 million gallons) per year, Registered Under Rule 12	\$885	\$406

**SCHEDULE 24: Dry Chemical Mixing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Each Dry Chemical Mixer with capacity over one-half cubic yard	T+M	\$368

**SCHEDULE 25: Volatile Organic Compound Terminals, Bulk Plants and Intermediate Refueler Facilities**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
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1. Bulk Plants and Bulk Terminals equipped with or proposed to be equipped with a vapor processor:
  - (a) Per Tank T+M \$400
  - (b) Tank Rim Seal Replacement T+M N/A
  - (c) Per Truck Loading Head Permit T+M \$1,966
  - (d) Per Vapor Processor T+M \$540
2. Bulk Plants not equipped with or not proposed to be equipped with a vapor processor:
  - (e) Per Bulk Tank Permit T+M \$656
  - (f) Per Truck Loading Head Permit T+M \$591

“Vapor Processor” means a device which recovers or transforms volatile organic compounds by condensation, refrigeration, adsorption, absorption, incineration, or any combination thereof.

**SCHEDULE 25: Volatile Organic Compound Terminals, Bulk Plants and Intermediate Refueler Facilities – continued**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
3. Facilities fueling intermediate refuelers (IR's) for subsequent fueling of motor vehicles, boats, or aircraft:		
(h) Per IR Loading Connector	T+M	\$667

If a facility falls into Parts 1, 2, or 3 above and is equipped with dispensing nozzles for which Phase II vapor controls are required, additional fees equivalent to the “per nozzle” fees for Schedule 26(a) shall be assessed for each dispensing nozzle.

**SCHEDULE 26: Non-Bulk Volatile Organic Compound Dispensing Facilities**  
Subject to District Rules 61.0 through 61.6

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Facilities where Phase I and Phase II controls are required (includes Phase I fee)	\$4,762	
Renewal Fee: Fee x number of nozzles		\$258
(c) Facilities where only Phase I controls are required (includes tank replacement)		
Fee Per Facility	\$4,338	\$863
(e) Non-retail facilities with 250-550 gallon tanks and no other non-bulk gasoline dispensing permits		
Fee Per Facility	\$1,378	\$713

**SCHEDULE 27: Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))**

**PART 1 – MARINE COATINGS**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Marine Coating application operation, except where Fee Schedule 27(t) applies	T+M	\$1,049
(t) Each Marine Coating application operation at facilities where combined coating and cleaning solvent usage is < 3 gallons/day and < 100 gallons/year	T+M	\$799

**SCHEDULE 27:** Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))  
– continued

**PART 2 – INDUSTRIAL MATERIAL APPLICATIONS AND MANUFACTURING**

(Includes application stations for coatings such as paint spraying and dip tanks, printing, and manufacturing products with materials which contain VOCs, etc.)

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(d) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities using > 1 gallon/day of surface coatings and emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,259
(e) Each Surface Coating Application Station w/o control equipment and not covered by other fee schedules at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,593
(f) Each Fiberglass, Plastic or Foam Product Process Line Except If Using Only Polyester Resin	T+M	\$1,259
(i) Each Surface Coating Application Station requiring Control Equipment	T+M	\$1,092
(j) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting ≤ 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,322
(k) Each Surface Coating Application Station subject to Rule 67.3 or 67.9 w/o Control Equipment at facilities emitting > 5 tons/year of VOC from equipment in this fee schedule	T+M	\$1,119
(l) Each Wood Products Coating Application Station w/o Control Equipment at facilities using > 500 gallons/year of wood products coatings	T+M	\$1,177
(n) Each Press or Operation at a Printing or Graphic Arts facility subject to Rule 67.16	T+M	\$652
(o) Each Fiberglass, Plastic or Foam Product Process Line Using Only Polyester Resin	T+M	\$1,003
(p) Each Surface Coating Application Station w/o control equipment (except automotive painting) where combined coating, and cleaning solvent usage is < 1 gallon/day or < 50 gallons/year	T+M	\$876
(q) Each Wood Products Coating Application Station of coatings and stripper w/o control equipment at a facility using < 500 gallons/year for Wood Products Coating Operations	T+M	\$1,112

**PART 3 – MOTOR VEHICLE AND MOBILE EQUIPMENT REFINISHING OPERATIONS**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(r) Each facility applying Coating Materials subject to Rule 67.20 (as applied or sprayed)	\$5,087	\$1,602

**SCHEDULE 27:** Application of Materials Containing Organic Solvents (includes coatings, adhesives, and other materials containing volatile organic compounds (VOC))  
– continued

**PART 4 – ADHESIVE MATERIALS APPLICATION OPERATIONS**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(u) Each Adhesive Materials Application Station w/o control equipment at facilities emitting $\leq 5$ tons/year of VOC from equipment in this fee schedule	T+M	\$949
(v) Each Adhesive Materials Application Station w/o control equipment at facilities emitting $> 5$ tons/year of VOC from equipment in this fee schedule	T+M	\$1,280
(w) Each Adhesive Materials Application Station w/o control equipment at facilities where adhesive materials usage is $< 55$ gallons/year	T+M	\$1,043

**SCHEDULE 28:** Vapor and Cold Solvent Cleaning Operations and Metal Inspection Tanks

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Vapor Degreaser with an Air Vapor Interfacial area $> 5$ square feet	T+M	\$653
(b) Each Cold Solvent Degreaser with liquid surface area $> 5$ square feet	T+M	\$436
(d) Each Paint Stripping Tank	T+M	\$361
(f) Remote Reservoir Cleaners	T+M	\$385
(h) Vapor Degreaser with an Air-Vapor Interfacial area $\leq 5$ square feet	T+M	\$583
(i) Cold Solvent Degreaser with a liquid surface area $\leq 5$ square feet	T+M	\$385
(j) Metal Inspection Tanks	T+M	\$400
(k) Contract Service Remote Reservoir Cleaners with $> 100$ units	T+M	\$46
(l) Contract Service Cold Degreasers with a liquid surface area of $\leq 5$ square feet	T+M	\$24
(m) Each facility-wide Solvent Application Operation	T+M	\$755

**SCHEDULE 29: RESERVED**

**SCHEDULE 30:** Solvent and Extract Dryers

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Kelp and Biogum Products Solvent Dryer	T+M	\$2,264

**SCHEDULE 31:** Dry Cleaning Facilities

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(b) Each Facility using Petroleum Based Solvents	T+M	\$576

**SCHEDULE 32: Acid Chemical Milling, Copper Etching and Hot Dip Galvanizing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Copper Etching Tank	T+M	\$889
(b) Each Acid Chemical Milling Tank	T+M	\$810
(c) Each Hot Dip Galvanizing Tank	T+M	\$361

**SCHEDULE 33: RESERVED****SCHEDULE 34: Piston Type Internal Combustion Engines and Diesel Particulate Filter Cleaning Processes**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Cogeneration Engine or Waste Derived Fuel-Fired Engine with Add-on Control Equipment	T+M	\$1,180
(b) Each Cogeneration Engine or Waste Derived Fuel-Fired Engine without Add-on Control Equipment	T+M	\$902
(d) Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation $\geq$ 200 horsepower	T+M	\$870
(e) Each Grouping of Engines for Dredging or Crane Operation with total engine horsepower > 200 HP	T+M	\$840
(f) Each Diesel Pile-Driving Hammer	T+M	\$282
(g) Each Engine for Non-Emergency, Non-Cogeneration, and Not Waste Derived Fuel-Fired Operation < 200 horsepower	T+M	\$593
(h) Each Emergency Standby Engine (for electrical or fuel interruptions beyond control of Permittee)	\$3,852	\$506
(i) Each Internal Combustion Engine Test Cell and Test Stand	T+M	\$552
(l) Each Diesel Particulate Filter Cleaning Process	T+M	\$655
(w) Each Specified Eligible Engine, Registered Under Rule 12	\$642	\$476
(x) Each Specified Eligible Portable Engine, Registered Under Rule 12.1	\$1,055	\$446

**SCHEDULE 35: Bulk Flour, Powdered Sugar and Dry Chemical Storage Systems**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each System	T+M	\$473

**SCHEDULE 36: Grinding Booths and Rooms**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Booth or Room	T+M	\$616

**SCHEDULE 37: Plasma Electric and Ceramic Deposition Spray Booths**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Application Station	T+M	\$785
(c) Flame Spray (ID #APCD1976-SITE-00274)*	T+M	\$321

\*Pursuant to Subsection (c)(3)

**SCHEDULE 38: Paint, Adhesive, Stain, Ink, Solder Paste, and Dielectric Paste Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line for Paint, Adhesive, Stain, or Ink Manufacturing at facilities producing > 10,000 gallons per year	T+M	\$460
(b) Each Can Filling Line	T+M	\$435
(c) Each Process Line for Solder Paste or Dielectric Paste Manufacturing	T+M	\$476

**SCHEDULE 39: Precious Metals Refining**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$734

**SCHEDULE 40: Asphalt Pavement Heaters/Recyclers**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(x) Each Portable Unheated Pavement Crushing and Recycling System, Registration Under Rule 12.1	\$1,073	\$373

**SCHEDULE 41: Perlite Processing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$669
(b) Aztec Perlite (ID #APCD1978-SITE-01598)*	T+M	\$1,335

\*Pursuant to Subsection (c)(3)

**SCHEDULE 42: Electronic Component Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$688
(b) Each Screen Printing Operation	T+M	\$764
(c) Each Coating/Maskant Application Operation, excluding Conformal Operation	T+M	\$840
(d) Each Conformal Coating Operation	T+M	\$1,306



**SCHEDULE 43: Ceramic Slip Casting**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$415

**SCHEDULE 44: Evaporators, Dryers, & Stills Processing Organic Materials**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Evaporators and Dryers [other than those referenced in Fee Schedule 30 (a)] processing materials containing volatile organic compounds	T+M	\$597
(b) Solvent Recovery Stills, on-site, batch-type, solvent usage > 350 gallons per day	T+M	\$608

**SCHEDULE 45: RESERVED****SCHEDULE 46: Filtration Membrane Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Process Line	T+M	\$779

**SCHEDULE 47: Organic Gas Sterilizers**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Organic Gas Sterilizer/Aerator requiring control	T+M	\$370

**SCHEDULE 48: Municipal Waste Storage and Processing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Municipal Waste Storage and Processing - not subject to the ARB Methane Emissions Regulation	T+M	\$2,027
(c) Municipal Waste Storage and Processing - subject to the ARB Methane Emissions Regulation	T+M	\$7,169

**SCHEDULE 49: Non-Operational Status Equipment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Non-Operational Status Equipment	\$373	\$476
(b) Activating Non-Operational Status Equipment	\$345	N/A

**SCHEDULE 50: Coffee Roasters**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Coffee Roaster	T+M	\$415

**SCHEDULE 51: Industrial Waste Water Treatment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each On-site Processing Line	T+M	\$573
(c) USN Air Station NORIS Public Works (ID #APCD1986-SITE-02755)*	T+M	\$516

\*Pursuant to Subsection (c)(3)

**SCHEDULE 52: Air Stripping and Soil Remediation Equipment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Air Stripping Equipment	T+M	\$1,009
(b) Soil Remediation Equipment - On-site (In situ Only)	T+M	\$1,046

**SCHEDULE 53: RESERVED****SCHEDULE 54: Pharmaceutical Manufacturing**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Pharmaceutical Manufacturing Process Line	T+M	\$1,280

**SCHEDULE 55: Hexavalent Chromium Plating and Anodizing Tanks, and Chromate Conversion Coating Tanks**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Hard or Decorative Chrome Plating and/or Anodizing Tank or Group of Tanks Served by an Emission Control System	T+M	\$1,244
(b) Each Decorative Plating Tank without Add-on Emission Controls	T+M	\$767
(d) Each Chromate Conversion Coating Tank	T+M	\$589

**SCHEDULE 56: Sewage Treatment Facilities**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Each Wastewater Treatment Facility, or Each Water Reclamation Facility	T+M	\$1,492
(b) Each Wastewater Pump Station	T+M	\$722

**SCHEDULE 57: RESERVED**

**SCHEDULE 58: Bakeries**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Bakery Ovens at Facilities with Emission Controls Pursuant to Rule 67.24	T+M	\$1,052

**SCHEDULE 59: Asbestos Control Equipment**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(c) Portable Asbestos Mastic Removal Application Station	T+M	\$476

**SCHEDULES 60 THROUGH 90 RESERVED****SCHEDULE 91: Miscellaneous**

Fee Unit	(1) Initial Evaluation Fee	(2) Emission Unit Renewal Fee
(a) Miscellaneous Operations	T+M	\$814

**SCHEDULE 92: Source Testing Performed by the District**

The owner or operator of an emission unit which requires source testing to determine compliance shall pay the applicable source test fee(s) listed below if the source testing is performed by the District or a District contractor. If the source test requires significantly more on-site time than is provided by the fixed fees specified below (e.g., tall stacks), the additional costs incurred by the District shall be determined using the labor rates specified in Schedule 94 – Time and Material (T+M) Labor Rates and related material and other costs. The owner or operator shall pay such fees upon notification from the District that such fees are required.

<u>Fee Unit</u>	<u>Fee</u>
(c) Each Sulfur Oxides Source Test	T+M
(d) Annual Fee for each Biennial Cycle Test for NOx and CO (1/2 the cost of one test)	\$2,346
(e) Each Ethylene Oxide Source Test	T+M
(f) Each Carbon Monoxide and Nitrogen Oxides Source Test	\$4,691
(g) Each Nitrogen Oxides Source Test	\$5,410
(h) Each Incinerator Particulate Matter Source Test with Waste Burning Capacity of > 100 lbs Per Hour	T+M
(i) Each Ammonia Source Test	\$2,240
(j) Continuous Emission Monitor System Evaluation	T+M
(k) Incinerator Particulate Matter Source Test with Waste Burning Capacity of < 100 lbs Per Hour	T+M
(m) Each Mass Emissions Source Test	\$2,211
(o) Each Multiple Metals Source Test	T+M

**SCHEDULE 92: Source Testing Performed by the District – continued**

<u>Fee Unit</u>	<u>Fee</u>
(p) Each Chromium Source Test	T+M
(q) Each VOC Onsite Analysis	\$10,317
(r) Each VOC Offsite Analysis	\$2,417
(s) Each Hydrogen Sulfide Source Test	T+M
(t) Each Acid Gas Source Test	T+M
(v) Annual Fee for Optional Source Test Pilot Study	T+M
(w) Each Particulate Matter Source Test	\$6,631
(x) Each Particulate Matter and Nitrogen Oxides and Carbon Monoxide Source Test	\$14,792
(y) Each Particulate Matter and Carbon Dioxide and Oxygen Source Test	\$10,580
(z) Miscellaneous Source Test (Special Tests not Listed)	T+M

**SCHEDULE 93: Witness of Source Tests Performed by Independent Contractors**

The owner or operator of an emission unit which requires source testing to determine compliance for the purpose of quantifying emissions to determine whether a Permit to Operate shall be issued or if the emission unit is in compliance, and chooses to have the testing performed by an independent contractor, shall pay the actual T+M costs incurred by the District to observe such testing and review the resulting source test report.

Any person, company, agency that requests review of a test procedure shall pay the actual T+M costs incurred by the District to review such test procedures. Such requests shall be accompanied by an amount estimated to cover actual District costs.

<u>Fee Unit</u>	<u>Fee</u>
(a) Test Witness and Report Review	T+M
(c) Test Procedure Review	T+M
(d) Each VOC Bulk Terminal Test Witness	\$3,995
(e) Each Ethylene Oxide Test Witness Day	\$3,973

**SCHEDULE 94: Time and Material (T+M) Labor Rates**

<u>Service Category</u>	<u>Hourly Rate</u>
Compliance Services	\$308
Engineering Services	\$318
Monitoring Services	\$161
Planning and Mobile Incentives Services	\$225
Source Testing Services	\$250

#### **SCHEDULE 95: Sampling and Analysis**

When the District determines a sample and/or analysis is needed for the purpose of determining potential emissions and/or determining compliance with District Rules and Regulations, the actual T+M costs incurred by the District for collection and analysis of samples, including preparing the reports, shall be paid by the permittee, applicant or other persons for activities for which a Permit is not required.

#### **SCHEDULE 96: Additional Costs Incurred by the District for Sources Not in Compliance**

Whenever the District is requested or required to provide consultation, testing or inspection to any person or facility, beyond the consultation testing and inspection covered by the permit fees, or related to a Notice of Violation and/or Notice to Comply, the person or facility shall pay the actual T+M costs incurred by the District for the cost of such services.

#### **SCHEDULE 97: Other Charges**

Whenever the District is requested or required to provide consultation, legally required testimony, testing, inspection, engineering or services, the cost of such services shall be determined using the labor rates specified in Fee Schedule 94 – Time and Material (T+M) Labor Rates. Persons requesting and/or receiving such services shall be charged the estimated cost of providing such services and shall deposit such amount to the District in advance of the service, unless prior arrangements for payment have been approved by the District. In the case of consultations requested prior to filing an application, any funds deposited in excess of actual costs incurred for such consultations shall be refunded or applied as a credit against required application fees.

**SAN DIEGO COUNTY  
AIR POLLUTION CONTROL DISTRICT**

**ATTACHMENT F**

**DRAFT PROPOSED  
NEW RULE 67.26 – COMMERCIAL CHARBROILING OPERATIONS &  
CORRESPONDING DRAFT PROPOSED AMENDMENTS TO RULES 11, 12, AND 40  
RESPONSE TO COMMENTS REPORT**

The San Diego County Air Pollution Control District (District) held a virtual public workshop on December 4, 2024, to discuss and receive input on draft proposed new Rule 67.26 (Commercial Charbroiling Operations), and corresponding draft proposed amendments to Rule 11 (Exemptions from Rule 10 Permit Requirements), Rule 12 (Registration of Specified Equipment), and Rule 40 (Permit and Other Fees). A meeting notice was mailed to over 270 owners or operators of facilities potentially subject to draft proposed new Rule 67.26 in San Diego County. An electronic meeting notice was sent to over 1,500 owners or operators of food facilities and industry association members. A meeting notice was also posted on the District's website, on social media, and distributed to interested parties via the District's electronic mail service. The District also prepared an informational video in English and Spanish, which provided background data to help the public understand proposed new Rule 67.26 requirements. The videos were posted on the District's website along with the workshop notice and corresponding documents. The video was also presented (virtually) to the Portside Community Steering Committee (CSC) on November 19, 2024, and to the International Border CSC (in person) on November 20, 2024. Moreover, the District collaborated with the Department of Environmental Health and Quality (DEHQ) and the Food, Water, and Housing Division (FHD) of San Diego County to distribute a survey to potential subject facilities via their electronic messaging system, which included information about a proposed new rule. The District anticipates the DEHQ/FHD to also deliver this report to all food facilities via their electronic messaging system.

The virtual workshop was attended by 12 people, which included four District staff. A summary of the comments and District responses from the virtual workshop, each CSC meeting, and submitted written comments are provided below:

**1. PUBLIC COMMENT**

Some parts of San Diego County have many fast-food facilities, which are likely to operate a chain-driven charbroiler. How many of the potential subject facilities are in the International Border and Portside vicinities?

**DISTRICT RESPONSE**

The District presented maps at the virtual workshop showing potential facilities subject to proposed new Rule 67.26 located in San Diego County, including the International Border and Portside communities. The District estimates approximately five of these facilities are in the Portside community and three facilities are in the International Border community. The maps can be found within the virtual workshop presentation slides (see Slide 18):

<https://www.sdapcd.org/content/dam/sdapcd/documents/rules/rule-workshops/120424/R67.26-Workshop-Presentation.pdf>.

**2. PUBLIC COMMENT**

Will training be required for restaurant employees to operate charbroiling equipment with an installed emission control device?

**DISTRICT RESPONSE**

Potentially. Catalytic oxidizers must be periodically cleaned, properly maintained and operated in accordance with manufacturer's recommendations to effectively remove particulate matter (PM) and volatile organic compound (VOC) emissions. Proposed new Rule 67.26 would require owners/operators of chain-driven charbroilers to ensure their equipment is maintained according to manufacturer's specifications. This could require the owners/operators to either train specific restaurant employees in how to maintain the device, or to hire a specially trained company to periodically maintain the device.

**3. PUBLIC COMMENT**

What is the life expectancy of a commercial charbroiler and emission control device?

**DISTRICT RESPONSE**

Life expectancy for a commercial chain-driven charbroiler is typically 25 years on average, while the life expectancy for a typical emission control device (i.e., catalytic oxidizer) is about 5 to 10 years, depending on the model. However, lack of proper cleaning and maintenance according to manufacturer's recommendations could shorten the equipment's useful life.

**4. PUBLIC COMMENT**

What is the average cost of a catalytic oxidizer for a commercial chain-driven charbroiler?

**DISTRICT RESPONSE**

Based on information available to the District, the average cost of a catalytic oxidizer typically ranges between \$3,000 and \$5,000, depending on the size and model. Additional installation costs and other indirect costs may also apply to retrofitting equipment.

**5. PUBLIC COMMENT**

Staff believes there are approximately 200 facilities potentially subject to proposed new Rule 67.26. Where are these located in San Diego County?

**DISTRICT RESPONSE**

See District Response to Comment #1.

**6. PUBLIC COMMENT**

If proposed new Rule 67.26 is adopted, would owners/operators that already operate an existing commercial chain-driven charbroiler with a catalytic oxidizer already installed, need to first have the equipment inspected by the District, and then need to apply and pay for an annual registration?

**DISTRICT RESPONSE**

If the rule is adopted as proposed by the Governing Board, an owner or operator of an existing chain-driven charbroiler with a catalytic oxidizer that meets the proposed cooking limit of 415 lbs./week, will need to apply for either a registration or permit to operate pursuant to Compliance Schedule in Section (j) of the proposed rule. If the commercial chain-driven charbroiler and catalytic oxidizer combination is certified by South Coast Air Quality Management District, the owner/operator would apply for a registration to the District. Conversely, if the commercial chain-driven charbroiler is installed with any other non-certified emission control device, owners/operators would need to apply for a permit to operate. Registered or permitted commercial chain-driven charbroilers would be subject to annual compliance inspections by the District, owners/operators would pay an annual operating fee pursuant to proposed amended Rule 40(e)(2)(ii) and emissions fee pursuant to proposed amended Rule 40(e)(2)(iv). Charbroiling operations that do not have a permit or registration are also subject to inspections to verify compliance with District rules.

**7. PUBLIC COMMENT**

Does the quantity of meat cooked on a chain-driven charbroiler need to be recorded daily or weekly?

**DISTRICT RESPONSE**

Proposed new Rule 67.26 requires weekly and annual records to be maintained for the amount of meat cooked, for each commercial chain-driven charbroiler. These records are required to be retained on the restaurant premises for a period of at least five years and made available for District inspection upon request.



**8. PUBLIC COMMENT**

If a chain-driven charbroiler is currently being used to cook meat below the proposed weekly limit of 415 lbs. for cooked meat, is the owner/operator still required to apply for a registration or permit to operate and keep records of the amount of cooked meat?

**DISTRICT RESPONSE**

A registration or permit to operate is only required for chain-driven charbroilers that meet the proposed cooking limit of 415 lbs. per week of meat; such units will require the installation of catalytic oxidizer or alternative emission control. However, record keeping requirements are proposed to apply to all owners/operators of any commercial chain-driven charbroiler in San Diego County, regardless of the amount of meat cooked per week. This includes limited use, seasonal use, and low-emitting chain-driven charbroilers that are claiming exemptions in proposed new Rule 67.26. Charbroiling operations that do not have a permit or registration are also subject to inspections to verify compliance with District rules.

**9. PUBLIC COMMENT**

Where will owners/operators submit records and documentation required for chain-driven charbroilers? Will facilities need to keep these records readily accessible?

**DISTRICT RESPONSE**

Limited and seasonal use chain-driven charbroilers would not be required to submit cooking operation records to the District. However, these owners/operators would still need to maintain records and any related documentation for any meat cooked for possible inspection and review by the District. Owners/operators of low-emitting chain-driven charbroilers and any chain-driven charbroilers that are subject to emission control requirements would submit records to the District when applying for a registration or permit to operate, and as required by the District upon request and/or during annual compliance inspections.

**10. PUBLIC COMMENT**

Can facilities subject to proposed new Rule 67.26 use their existing point of sale (POS) system to pull required record keeping data for the District, or is physical/paper record keeping required?

**DISTRICT RESPONSE**

Proposed new Rule 67.26 allows either physical and/or electronic documentation of the amount and type of meat cooked (weekly and annually) on each chain-driven charbroiler. So long as the POS system tracks this information to the extent required by the proposed rule, such documentation would be acceptable.

**11. PUBLIC COMMENT**

Is an electric impinger chain-driven/conveyor oven subject to proposed new Rule 67.26?

**DISTRICT RESPONSE**

No. Electric impinger chain-driven/conveyor ovens are not included within the definition of a chain-driven charbroiler, as defined in proposed new Rule 67.26, and thus are not subject to any proposed new requirements.

**12. PUBLIC COMMENT**

How did the District set the proposed 415 lbs. per week and 21,580 lbs. per year cooking limits found within proposed new Rule 67.26? Also, can the District share the estimated emission calculation analysis?

**DISTRICT RESPONSE**

The District will include additional information and an analysis of the proposed cooking limits, as well as baseline and potential emission reductions associated with the proposed new rule, within the final staff report prior to the Governing Board's consideration.

**13. PUBLIC COMMENT**

The definition of "meat" in proposed new Rule 67.26 includes plant-based meat. Does the District have separate formulas and emission calculations for each type of meat, including plant-based products?

**DISTRICT RESPONSE**

Estimated uncontrolled emissions from chain-driven charbroilers were calculated using South Coast Air Quality Management District's emission factor for ¼ lb cooked hamburger (beef) meat at 21% fat content. No emission factors are available for plant-based meat. Thus, for the purposes of proposed new Rule 67.26, all "meat" cooked using a chain-driven charbroiler is assumed to be cooked hamburger (beef) meat.

**14. PUBLIC COMMENT**

Will owners/operators who already operate a chain-driven charbroiler with an emission control device already installed, need to replace it with a catalytic oxidizer or alternative emission control device that meets the minimum control efficiency required in the proposed new rule?

### **DISTRICT RESPONSE**

The District appreciates the comment. To account for this situation, staff added the following new subsections (d)(2)(i) and (d)(2)(ii) to proposed new Rule 67.26, to address owners/operators that may currently operate existing chain-driven charbroilers with already installed non-certified catalytic oxidizer or alternative emission control devices/systems. Owner/operators with such equipment would still be required to obtain a registration or permit to operate as applicable. This language supersedes language that was within the workshop draft of the proposed rule. See language below:

*(i) New non-certified catalytic oxidizer(s) or alternative emission control device(s) shall meet minimum control efficiency required in this rule for particulate matter and VOC emissions.*

*(ii) Existing non-certified catalytic oxidizer(s) or alternative emission control device(s), not including grease filters, that do not meet the minimum control efficiency required for particulate matter and VOC emissions, may elect to maintain that emission control device for the duration of its functional life not to exceed seven (7) years from (date of adoption). At such time, owners and operators may elect to either replace the existing control device with a catalytic oxidizer or any alternative emission control device that meets minimum control efficiency.*

### **15. DISTRICT COMMENT**

To further clarify the emission limitations for facilities utilizing the low-emitting chain driven charbroiler exemption, the District is proposing the following amendment to Section (b)(4).

“(4) The provisions of Sections (d), (e), (f), and (g) of this rule shall not apply to any person who installs, owns, or operates a low-emitting chain-driven charbroiler that emits less than 0.50 pound per day (or 3.5 pounds per week) of particulate matter and 0.15 pound per day (1.1 pounds per week) of VOCs, if both of the following conditions are met:”

### **16. DISTRICT COMMENT**

Minor administrative/clarifying edits are proposed throughout the post-workshop draft of proposed new Rule 67.26, as documented by underline and strike-through formatting.

### **17. PUBLIC COMMENT**

Rule 11 currently exempts ceramics kiln from permit requirements. The exemption should be removed.

### **DISTRICT RESPONSE**

The comment received is beyond the scope of the proposed amendments applicable to the consideration of proposed new Rule 67.26.

#### **18. PUBLIC COMMENT**

Retrofitting existing restaurant equipment with emission controls can be prohibitively expensive and could be technologically infeasible. Additionally, installation of emission control devices might require structural, electrical, or water-line modifications that may not always be possible.

### **DISTRICT RESPONSE**

The District acknowledges that the cost to retrofit/install an emission control device (typically a catalytic oxidizer) on a chain-driven charbroiler will range depending on the age, model, and configuration of the chain-driven charbroiler. Older chain-driven charbroilers may require more retrofitting activities. However, catalytic oxidizers should be feasible to install in most settings, as the emission control technology has been in use in many other air districts for chain-driven charbroilers in California for decades. Costs related to catalytic oxidizers typically include the catalyst purchase and installation, which in rare cases may require adjustments to the fire-suppression system, hood modification, or air balancing. Updated estimated retrofit costs will be described in greater detail within the cost-effectiveness section of the final staff report.

#### **19. PUBLIC COMMENT**

The existing footprint of a facility may not have the necessary space or structural support for the control unit. As such, installing an emission control device may require the restaurant to temporarily shut down, resulting in loss of employee wages and revenue. Furthermore, the cost of a brand-new chain-driven charbroiler, emission control device, installation, potential facility renovation, annual maintenance and record keeping may cost a restaurant close to \$100,000.

### **DISTRICT RESPONSE**

Though individual situations will vary, the District believes most typical installations of a catalytic oxidizer on a chain-driven charbroiler will not result in the need for significant additional space or structural support modifications. Furthermore, the installation of such devices can likely be scheduled at the owner's/operator's discretion at a time that would minimize any temporary shutdown periods or possible lost wages, such as when the restaurant is closed for business overnight or during annual maintenance of the charbroiler itself. The District recognizes that if the owner/operator opts to install a more complicated emission control system other than a catalytic oxidizer, structural adjustments may be necessary, which might result in higher costs and more downtime for the restaurant. Based on recent findings, a new commercial chain-driven charbroiler ranges between \$15,000 and \$30,000, depending on size, model, and if catalytic oxidizer is already

integrated. As noted in District Response to Comment #18, installation of a catalytic oxidizer generally does not require modifying the existing footprint of a facility but may require minor adjustments to the ventilation hood system. While minimal weekly maintenance is required for catalytic oxidizers, annual operating and maintenance costs for ventilation hood systems may decrease, since the emissions going into the ventilations systems would be cleaner.

**20. PUBLIC COMMENT**

Regular maintenance of emission control devices is critical to ensure control effectiveness. Maintenance requires specially trained staff that may not be accessible to all restaurants and cleaning can be a complex process, once again, requiring specially trained staff.

**DISTRICT RESPONSE**

Similar to other equipment, the District recommends that all owners/operators follow manufacturer recommendations in regards to regular maintenance of any installed emission control device, whether such maintenance is being conducted internally or through specially trained staff. While typical emission control devices (i.e., catalytic oxidizers) should only require general washing, the District recognizes that more complicated emission control systems may require employees and/or specially trained staff to operate and/or maintain its control efficiency.

**21. CALIFORNIA AIR RESOURCES BOARD (CARB) COMMENT**

CARB has no official comments at this time.

**22. ENVIRONMENTAL PROTECTION AGENCY (EPA) COMMENT**

EPA has no official comments at this time.

NC:MS:jl  
02/19/25

## **FINAL STAFF REPORT**

### **PROPOSED NEW RULE 67.26 – COMMERCIAL CHARBROILING OPERATIONS & CORRESPONDING AMENDMENTS TO RULES 11, 12, AND 40**

San Diego County Air Pollution Control District  
Rule Development Section

Completed by Miriam Sanchez  
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## EXECUTIVE SUMMARY

The U.S. Environmental Protection Agency (EPA) has established National Ambient Air Quality Standards (NAAQS) for six criteria pollutants, including ozone and particulate matter (PM), which are known to be harmful to human health and welfare. San Diego County does not meet State and federal ozone standards and may soon be designated as a nonattainment area for the new (more stringent) federal PM<sub>2.5</sub> standard. Additionally, the 2021 Community Emissions Reduction Plan (CERP) for the Portside Environmental Justice Neighborhoods (Portside) included Action C3, to evaluate existing rules and consider new rules to help improve air quality and public health in the Portside community. More specifically, Action C3 required the San Diego County Air Pollution Control District (District) to evaluate and, if feasible, propose a new rule to control emissions from commercial cooking operations. Furthermore, the region's planning strategy to attain State ozone standards (2022 Regional Air Quality Strategy or RAQS) which was adopted by the Governing Board in March 2023, included Control Measure S-6, to further evaluate and consider for adoption measures to control emissions from Restaurant Cooking Operations.

To help the region attain compliance with State and federal standards and to satisfy commitments within the 2021 Portside CERP and the 2022 RAQS, the District is proposing new Rule 67.26 (Commercial Charbroiling Operations), and corresponding proposed amendments to Rule 11 (Exemptions from Rule 10 Permit Requirements), Rule 12 (Registration of Specified Equipment), and Rule 40 (Permit and Other Fees). Proposed new Rule 67.26 would reduce PM<sub>2.5</sub> and volatile organic compound (VOC) emissions from chain-driven charbroilers operated at commercial cooking facilities within San Diego County.

A chain-driven charbroiler (commonly used at fast-food restaurants) is a semi-enclosed cooking device that uses conveyor belts to carry the food through flames and a heated area to quickly cook the top and bottom of the food simultaneously. During the cooking process, emissions are generated which contain harmful pollutants such as PM and VOCs that can negatively affect public health. PM contains small particulates that can easily bypass the natural filters in the nose and throat, reach deep into the lungs and cause respiratory problems. VOCs are organic compounds that chemically react with other existing compounds in the atmosphere and form ground-level ozone (commonly known as smog).



Proposed new Rule 67.26, if adopted, would apply to owners/operators of a chain-driven charbroiler at commercial facilities within San Diego County. Proposed new Rule 67.26 would require owners/operators who cook at least 415 pounds (lbs.) per week of meat on each chain-driven charbroiler to install and operate the equipment with a certified flameless catalytic oxidizer or alternative control device that can control at least 83% of PM emissions and 86% of VOC emissions from each subject chain-driven charbroiler. Proposed new Rule 67.26 would also require



owners/operators of all chain-driven charbroilers, regardless of the amount of meat cooked, to conduct proper operation and maintenance of each chain-driven charbroiler, and to keep records of all charbroiling cooking operations. To facilitate the adoption of proposed new Rule 67.26, corresponding amendments to Rules 11, 12, and 40 are also proposed. Such amendments are necessary to (1) remove existing permit exemptions for chain-driven charbroilers, (2) allow owners/operators of chain-driven charbroilers to apply for a less costly Registration instead of a Permit to Operate if operating with a flameless catalytic oxidizer certified by the South Coast Air Quality Management District (SCAQMD), and (3) enact applicable Registration and permitting fees to facilitate recovery of District costs for equipment registration/permitting and annual compliance inspections.

Commercial chain-driven charbroilers that comply with the emission standards proposed in new Rule 67.26 have been demonstrated as feasible and effective and are ubiquitous in other air districts in California, specifically South Coast Air Quality Management District (SCAQMD), San Joaquin Valley Air Pollution Control District (SJVAPCD), Bay Area Air Quality Management District (BAAQMD), and Ventura County Air Pollution Control District (VCAPCD). Some of these air districts have had similar emission control requirements in their respective air basin for decades. Consequently, the District does not expect any concerns with the availability of equipment able to comply with the proposed new rule.

During the rule development process, the District partnered with the Food, Water, and Housing Division (FHD) of the San Diego County Department of Environmental Health and Quality (DEHQ) to identify potential subject commercial cooking facilities within the County. Through this collaboration, the District initially identified approximately 200 cooking facilities that could operate at least one chain-driven charbroiler at their facility. However, after the Board Meeting on April 10, 2025, District staff conducted additional comprehensive public outreach to these 200 facilities to further refine the list of potential facilities affected by the proposed new rule, which shortened the list to approximately 140 potential facilities. Consequently, corresponding baseline and estimated emission reductions from the proposed rule have also been updated.

The following statements summarize important elements of the proposed rulemaking:

#### Comparative Analysis

No other District rule specifically regulates emissions from chain-driven charbroilers in San Diego County. Proposed new Rule 67.26 requirements have similar emission standards as SCAQMD, SJVAPCD, BAAQMD, and VCAPCD.

#### Socioeconomic Impact Assessment

The proposed rule amendments are not expected to have any significant impacts that would decrease employment or have any adverse effects to the local economy.

#### California Environmental Quality Act (CEQA)

The District prepared an Initial Study pursuant to the California Environmental Quality Act (CEQA) to determine whether there is any evidence that adopting proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, may have a significant environmental impact. The Initial Study revealed no substantial evidence that such actions may have a significant effect on the environment, and based on initial findings, a proposed Negative

Declaration was prepared (Attachment H). The District published the Notice of Intent to adopt the Negative Declaration and is soliciting comments during a 30-day review period (March 11, 2025 through April 10, 2025) along with the proposed new rule and corresponding amendments. No public comments on the CEQA documents were received. No revisions to the document or recirculation are warranted, as the impacts associated with the proposed rulemaking will be less because fewer facilities are now anticipated to be subject to the proposed rule.

#### Environmental Justice

Proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40 will result in PM<sub>2.5</sub> and VOC emission reductions that will improve the health of residents living in vulnerable neighborhoods like the Portside and International Border communities, as well as the entirety of San Diego County. Adoption of proposed new Rule 67.26 will also satisfy a commitment found in the 2021 Portside CERP (Action C3).

## I. INTRODUCTION

Charbroilers produce air pollutants such as particulate matter (PM) and volatile organic compounds (VOCs); the latter of which is precursor to ozone formation. The San Diego County Air Pollution Control District (District) is currently in nonattainment for the State and federal ozone (8-hour) standard, the State ozone (1-hour), State PM10 and PM2.5 standards, and potentially the strengthened 2024 federal annual PM2.5 standard. The main purpose of proposed new Rule 67.26 (Commercial Cooking Operations) is to limit particulate matter and VOC emissions from commercial chain-driven charbroilers. The proposed measure was identified and scheduled for adoption in the 2022 Regional Air Quality Strategy (RAQS) (Measure S-6) and was also included in the 2021 Portside Community Emission Reduction Plan (CERP) under Action C3.

## II. BACKGROUND

A chain-driven charbroiler is a semi-enclosed cooking device that uses conveyor belts to carry the food through the flame and heated area, and are commonly used at fast-food restaurants. Flames and heat quickly cook the top and bottom of the food simultaneously. The smoke and vapors generated by cooking the food in a charbroiler contain water, PM, and VOCs. PM emissions from a chain-driven charbroiler are typically captured by the grease filter of the ventilation hood above the charbroiler. However, VOCs and smaller PM (PM10 and PM2.5) that are not collected by the grease filter are released into the atmosphere unless a secondary emission control device is installed, which is not typically present unless required by rule or regulation. Chain-driven charbroilers most commonly combust natural gas to operate. These charbroilers may also be electric; however, while an electric chain-driven charbroiler may reduce emissions from the consumption of fossil fuel (i.e., natural gas, propane, etc.), it does not reduce PM and VOC emissions created through the cooking process.

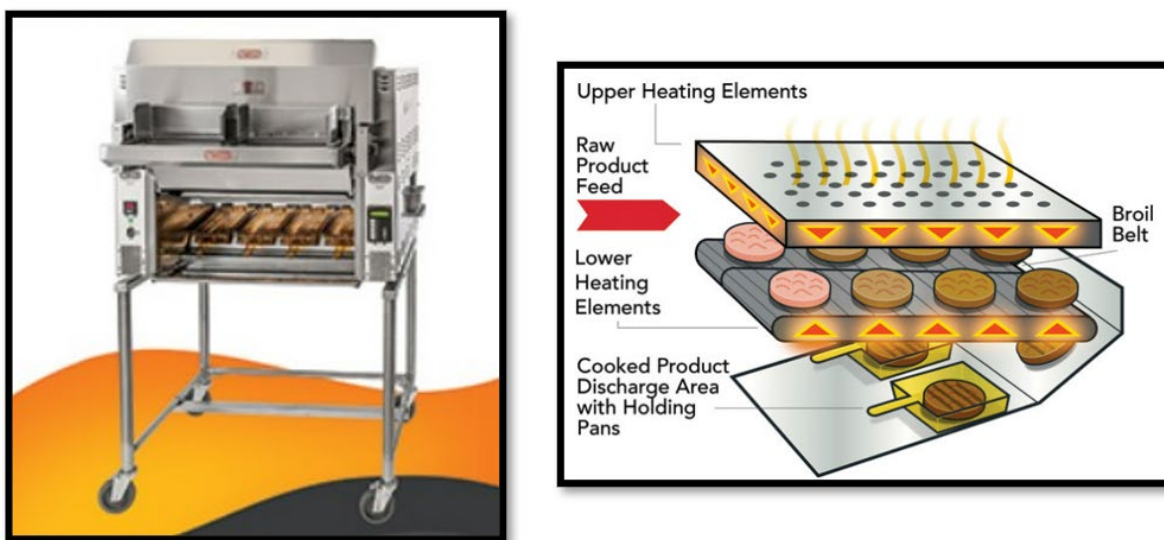


Figure 1: Chain-driven Charbroiler

While chain-driven charbroilers typically produce lower PM and VOC emissions than under-fired charbroilers, controlling emissions from under-fired charbroilers is significantly more difficult and costly, and thus are not proposed to be subject to proposed new Rule 67.26. Under-fired charbroilers differ from chain-driven charbroilers in that the heat source and radiant surface is position at or below the level of the grated grill. Emission controls for under-fired charbroilers are not yet feasible to install. However, as part of ongoing statewide efforts and extensive research to evaluate and implement emission control strategies for under-fired charbroilers, the Charbroiler Collaborative Workgroup was created by San Joaquin Valley Air Pollution Control District (SJVAPCD). The District has joined this working group which consists of representatives from SJVAPCD, Bay Area Air Quality Management District (BAAQMD), South Coast Air Quality Management District (SCAQMD), and the California Air Resources Board (CARB). The first meeting the District attended was held on May 1, 2024, and since then the District has attended approximately ten charbroiler collaborative workgroup meetings to discuss emission control technology and programs, provide outreach to restaurants to participate in technology demonstration projects, collaborate and engage with stakeholders, and develop an emissions inventory for under-fired charbroilers. The District will continue to participate in this working group and will assess possible future rule development action should emission control technologies for under-fired charbroilers become more widely available.

### III. CONTROL TECHNOLOGIES

Currently available types of technologies capable of controlling PM and/or VOC emissions from commercial chain-driven charbroilers include catalytic oxidizers, electrostatic precipitators (ESPs), different types of filters, wet scrubbers, and activated carbon absorbers. At this time, there are no zero-emission technologies available for chain-driven charbroilers that could provide a similar “char” taste that is obtained from natural gas-fired charbroilers. Although an electric chain-drive charbroiler may reduce emissions from the consumption of fossil fuel (i.e., natural gas, propane, etc.), such units would not reduce any PM or VOC emissions associated with the process of meat cooking, which emanates from the meat/fat drippings coming into contact with a heating element.

- Catalytic oxidizer (flameless): burns or oxidizes smoke and gases from the cooking process to create carbon dioxide and water, using an infrastructure coated with a noble metal alloy at an elevated temperature. Attaches to a chain-driven charbroiler. Easier to install and requires low maintenance in comparison to other emission controls. Compatible with gas and electric chain-driven charbroilers.

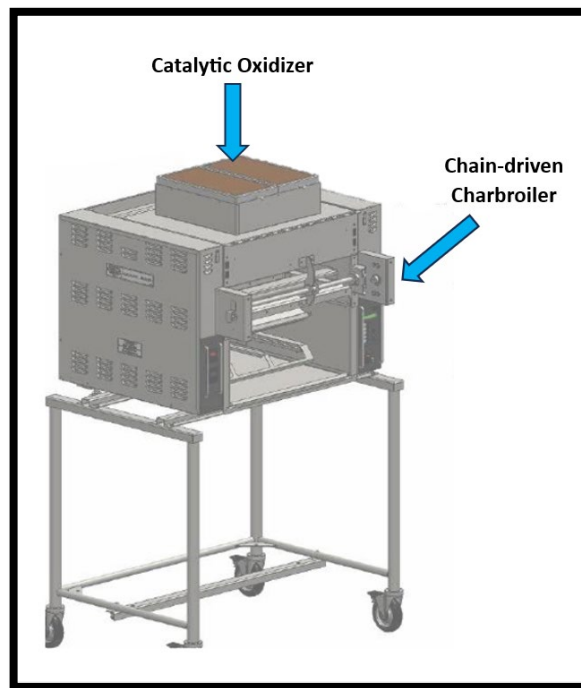


Figure 2: Chain-driven Charbroiler with Catalytic Oxidizer Installed

- Electrostatic Precipitators (ESPs): captures and removes PM emissions using prefilters followed by an advanced electrostatic charging and collecting mechanism that ionizes pollution particles. May have self-washing feature for daily maintenance (monthly maintenance required by service company).
- Filtration systems: removes particulate matter and/or VOCs using banks of filters (pre-filters, metal mesh screens, ceramic filters, HEPA, or charcoal filters). Typically requires large footprint (space and weight) for installation. High maintenance costs for high volume restaurants and/or restaurants using wood-fired operations due to filter replacements.
- Wet Scrubbers: removes hazardous gases, VOCs, and particulate matter using prefilters followed by a water wash tank. Increases plumbing/water costs. Requires frequent maintenance that includes changing wash solution and prefilters.
- Ultra-violet (UV) Light Technology: UV light technology is used to reduce PM and VOC emissions. The UV light system is typically used with a water-wash system. The UV light converts the grease to a powder form, which is then washed off the bulbs by the water-wash system. A grease particulate separator (GPS) is placed before the UV lamp-stage in the hood to make the grease particles the optimum size for UV destruction. This technology is commonly found at large commercial facilities such as airports and shopping centers to remove the larger grease particles.

Other known available control technologies are listed below in Table 1, sorted by highest to lowest possible percent (%) of emission reduction.

Table 1: Available Control Technology (sorted by highest to lowest emission reductions %)

Control Equipment	Pollutant	% Reduction	Comments	Overall Costs
<b>Ceramic Filters</b>	PM & VOCs	≥ 90%	High maintenance costs	Medium-high
<b>Incinerator Thermal</b>	PM & VOCs	≥ 90%	High fuel costs	Highest
<b>ESPs</b>	PM	≥ 90%	Daily maintenance required. Potential fire hazard when not properly maintained	Medium-high
<b>UV Lights</b>	PM & VOCs	≥ 90%	High installation costs	Medium-high
<b>Wet Scrubbers</b>	PM	~85%	High plumbing/water costs and high maintenance costs	Low
<b>Catalytic Oxidizer (flameless)</b>	PM & VOCs	≥ 83%	Feasible and cost-effective	Lowest
<b>HEPA Filters</b>	PM	~52%	Large footprint and high maintenance costs	Medium-high
<b>Fiber-bed Filter</b>	PM	Not confirmed	High maintenance costs	Medium-high
<b>Activated Carbon Adsorber</b>	VOCs	Not confirmed	Offsite regeneration	Medium

#### IV. SUMMARY OF RULE REQUIREMENTS

The proposed rule requirements for new Rule 67.26, are summarized below:

##### Section (a) – Applicability

Any person who installs, owns, or operates any charbroiler at a commercial cooking operations facility in San Diego County.

##### Section (b) – Exemptions

- Under-fired charbroilers & flat-top grills/griddles.
- Chain-driven charbroilers in microenterprise home kitchens.
- Limited use chain-driven charbroilers.
  - <415 lbs. of meat per calendar week (not to exceed 21,580 lbs. during calendar year), or
  - <875 lbs. of meat every calendar week during one consecutive 12-week period in most recent calendar year (*i.e., seasonal use*)
- Low-emitting chain-driven charbroilers that emits <0.50 lbs./day (or 3.5 pounds per week) of PM and 0.15 lbs./day (1.1 pounds per week) of VOC.

### Section (c) – Definitions

“Chain-driven Charbroiler” also known as a conveyORIZED charbroiler, means a semi-enclosed cooking device with a mechanical chain, which automatically moves food through the heat sources positioned above and below the grated grill.

“Commercial Cooking Operations” means any stationary facility that cooks food for human consumption and that engages in the retail sale, or offer for sale, of the cooked food. This includes, but is not limited to, restaurants, dinner houses, cafeterias, catering operations, mobile food facilities, commissary facilities, retail markets, satellite food service operations, and hotel or motel food service operations.

“Meat” means beef, lamb, pork, poultry, fish, game, plant-based meat substitutes, and seafood, uncooked.

“Under-fired Charbroiler” means a charbroiler, other than a chain-driven charbroiler, where the heat source and radiant surface, if any, are positioned at or below the level of the grated grill.

### Section (d) – Requirements

Unless a facility is utilizing an exemption as proposed in Section (b), proposed new Rule 67.26 would require the installation of a certified catalytic oxidizer or alternative control device, to control at least 83% of PM emissions and at least 86% of VOC emissions from chain driven charbroilers subject to the rule.

### Section (e) – Emission Control Device Maintenance

All emission control devices shall be installed, calibrated, operated, and maintained in good working order in accordance with the manufacturer’s specifications in the maintenance manual and/or other written materials supplied by the manufacturer or distributors of the emission control device or combination of chain-driven charbroiler and emission control device.

### Section (f) – Registration Requirements For Chain-Driven Charbroilers With Certified Catalytic Oxidizers

Should a facility elect to install a catalytic oxidizer certified by SCAQMD, the District will require owners and operators to apply for a registration for each charbroiler/oxidizer combination pursuant to District Rule 12 and a Registration shall be issued by the District prior to purchase and operation of any new chain-driven charbroiler/oxidizer combination.<sup>1</sup> This is designed to be a more streamlined, less expensive process.

### Section (g) – Permit to Operate Requirements For Chain-Driven Charbroilers With Non-Certified Catalytic Oxidizers Or Alternative Emission Controls

For non-certified or alternative emission control systems installed (which is less common), owner/operators must apply to receive an Authority to Construct or Permit to Operate for each chain-driven charbroiler pursuant to Rule 10 (Permits Required).

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<sup>1</sup> A facility may also elect to apply for a Permit to Operate in lieu of a Registration. Additionally, if facility was close to, but not yet, meeting the 415 lbs./week threshold, the District would allow facilities to voluntarily procure a Permit to Operate, if they anticipate the 415 lbs./week threshold may be met in the future.

#### Section (h) – Recordkeeping Requirements

Weekly and annual records are required to be maintained for the quantity and type of meat cooked for each chain-driven charbroiler, regardless of whether they are subject to emission control requirements. Records and other documentation will be required to be available for five calendar years and upon request by the District.

#### Section (i) – Test Methods

Owners/operators of non-certified catalytic oxidizers, alternative emission control devices, or low-emitting devices, would follow test methods described in proposed new Rule 67.26 to confirm control efficiency for PM and VOCs.

#### Section (j) – Compliance Schedule

If adopted by the Governing Board, proposed new Rule 67.26 would become effective on August 14, 2025. All new chain-driven charbroilers after this date would need an approved registration or permit to operate prior to operation. Existing chain-driven charbroilers would need to either apply for a Registration or Permit to Operate for approval by the District by August 2026, and emission controls would need to be installed by February 2027. All chain-driven charbroilers would become subject to Rule 67.26 record-keeping requirements upon proposed new Rule 67.26's adoption on August 14, 2025, if adopted by the Governing Board.

### **V. STATUTORY REQUIREMENTS**

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section [40727](#) requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein, as part of the consistency finding and to ensure proposed new rule requirements do not conflict with or contradict other District and/or federal regulations.

For rules applicable to fees, such as District Rule 40, California Health and Safety Code, Section 42311 requires the District to send out a Public Notice through the mail at least 14 days in advance of a Governing Board meeting to adopt or revise fees for the evaluation, issuance, and renewal of permits, to all interested parties (e.g., permit holders, applicants, chambers of commerce in the region). On March 11, 2025, a Public Notice regarding the Governing Board hearing on April 10, 2025, was mailed to approximately 2,000 commercial cooking facilities, chambers of commerce in the region, and other stakeholders with known contact information. Additionally, the Public Notice was sent electronically to over 12,000 subscribers to the District's email notification service (approximately 2,000 subscribers elected to open the email notice), CARB and EPA, and posted to the District's website, providing an opportunity to submit written comments. The DEHQ also sent the Public Notice electronically via their email notification service to over 14,000 recipients. Combined with the District mailout, over 39% of recipients (~10,500) opened either the APCD or DEHQ email, indicating strong interest in the material and that stakeholders were aware of the proposed rule development action and opportunities to comment.

On July 15, 2025, a Notice of Public Hearing for the second Governing Board hearing on August 14, 2025, was mailed to the approximately 140 potentially affected commercial cooking facilities, as well as chambers of commerce in the region and other stakeholders. The notice was also sent electronically to over 12,000 subscribers to the District's email notification service, CARB, EPA,



the approximate 140 potentially affected commercial cooking facilities, and other restaurant facilities as applicable. Over 28% of recipients (~3,300) opened the Public Notice email, indicating strong interest in the material and that stakeholders are aware of the proposed rule development action and upcoming Governing Board meeting. The Notice was also posted to the District's website, providing an opportunity to submit written comments prior to the August Governing Board meeting. To comply with State law, the District also intends to make the revised Staff Report available to the public on the District's website at least 10 days prior to the Governing Board hearing on August 14, 2025.

Rule 40 requires amendments to incorporate a new fee schedule applicable to chain-driven charbroilers ("Schedule 16") to recover District costs for equipment registration/permitting and annual compliance inspections. If adopted as proposed, owners/operators of new chain-driven charbroilers with a catalytic oxidizer certified by SCAQMD will be required to obtain a Registration and would pay initial application fees which include but are not limited to, a non-refundable processing fee of \$150, initial evaluation fee of \$945, emission unit renewal fee of \$537, the applicable air contaminant emissions fee, and if applicable, an additional engineering evaluation fee and/or source test fee.<sup>2</sup> Owners/operators of chain-driven charbroilers with non-certified emission controls would be required to pay all initial application fees identified above to obtain a Permit to Operate but would pay the actual time and materials costs incurred by the District to review and act upon an application for initial permit in lieu of the fixed \$945 initial evaluation fee for a Registration. The District will make a supplemental application form applicable to chain-driven charbroilers, available to the public prior to the August 14, 2025, effective date of the rule. Owners/operators of registered and/or permitted chain-driven charbroilers would be required to pay annual operating fees which include, but are not limited to, a site identification processing and handling fee of \$55, a permit processing fee of \$41, an emission unit renewal fee of \$537, the applicable air contaminant emissions fee, District and State Air Toxic Hot Spots Fee, and, if applicable, an annual source test fee.<sup>3</sup> If adopted, these fees would be effective August 14, 2025, and may be subject to future modification as part of regular annual District fee adjustments applicable to Rule 40.

California Health and Safety Code, Section 42311, also requires the District to make available to the public information indicating the amount of cost, or estimated cost, required to provide the service for which the fee is charged, and the revenue sources anticipated to provide the service, at least 10 days prior to the Governing Board hearing. In the case of proposed new Rule 67.26, the revenue source is the collection of fees proposed in amended Rule 40 as described above for chain-driven charbroilers subject to proposed new Rule 67.26 (if adopted by the Governing Board). The estimated proposed costs were derived by estimating the number of hours required to perform the initial application processing and evaluation services as well as the annual operating permit processing and compliance verification services and multiplying those by the Fiscal Year (FY) 2025-26 approved (November 14, 2004 (E.2)) fully burdened rates associated with the corresponding classification performing the service. These costs include the direct (hands on staff conducting inspections for compliance and reviewing applications), as well as indirect support associated with those activities (i.e., permit processing, rule development, human resources,

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<sup>2</sup> Equipment with a unique design or that have difficulty meeting the requirements in an initial test (should one be required) may also require annual source testing at the District's discretion.

<sup>3</sup> See footnote above.

finance, IT, etc.). Therefore, for each individual time and material fee, fixed fee and renewal fee, it is ensured that the total fee proposed does not exceed the full cost of providing the service. The District also ensures that it follows all State and federal guidelines in relation to conducting any compliance inspections or application reviews to ensure that the fee payor is only paying for their fair share of services received. Unnecessary application reviews and inspections are not imposed upon the facility. Any fines and violations for lack of compliance would be imposed separately outside of the fee process.

## **VI. COMPARATIVE ANALYSIS**

Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, with existing or proposed District rules and guidelines, as well as existing federal rules, requirements, and guidelines applying to the same source category. The District finds that an analysis comparing proposed new Rule 67.26 with applicable requirements of federal and local regulations (“Comparative Analysis”) is required pursuant to Section 40727.2(a) and (b) of the California Health and Safety Code.

The complete Comparative Analysis evaluating proposed new Rule 67.26 with other comparable California air district rules is summarized in Attachment G1. To summarize, four California air districts have existing rules to control emissions from commercial charbroiling operations; SCAQMD Rule 1138 (adopted in 1997), SJVAPCD Rule 4692 (adopted in 2002 & amended in 2018), VCAPCD Rule 74.25 (adopted in 2004), and BAAQMD Regulation 6, Rule 2 (adopted in 2007). BAAQMD Regulation 6, Rule 2 (Commercial Cooking Equipment) is the only existing rule that currently requires emission controls for commercial under-fired charbroilers and is considered a “technology-forcing” rule. The District, as well as other air districts in California, have to date not opted not to pursue BAAQMD’s approach to control emissions from under-fired charbroilers, as they are not yet technologically feasible nor cost-effective to require at this time.

The District finds a Comparative Analysis is not required for proposed amendments to Rules 11, 12, and 40, pursuant to California Health and Safety Code 40727.2(g), because these proposed rule amendments on their own are solely administrative in nature and 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. No other District rule regulates charbroiling operations in San Diego County. However, District Rule 11 (Exemptions from Rule 10 Permit Requirements) currently exempts food preparation equipment, including broilers. The District is proposing to amend Rule 11 to clarify that charbroilers would no longer be exempt from rule requirements in San Diego County if proposed new Rule 67.26 is adopted. Additionally, amendments to District Rule 12 (Registration of Specified Equipment) are also necessary to reflect new proposed registration requirements for chain-driven charbroilers at commercial cooking operation facilities requiring emission control devices. Proposed amendments to Rules 11 and 12 ensure consistency with proposed new Rule 67.26.

## VII. EMISSION SOURCES AND IMPACTS

### Baseline Emissions

Using data collected from recent industry outreach efforts and comparing it with existing chain-driven charbroiler rule requirements at other air districts in California, baseline commercial charbroiler emissions were calculated for an estimated 137 facilities that could potentially be subject to emission control requirements proposed in new Rule 67.26 in San Diego County. At least two thirds of these facilities primarily comprise of fast-food or fast-casual restaurants within the County that advertise charbroiled meat. The list of potential subject facilities is summarized in Attachment G2. Using data collected from a countywide electronic survey, recent site visits to potentially affected restaurants, and based on other air pollution control district charbroiler rule staff reports, the District assumed an overall average of 650 lbs. of hamburger meat per week being cooked at each major restaurant facility. Emission factors for uncontrolled emissions from charbroiling operations in Table 2 were obtained from the 2002 National Emissions Inventory (U.S. EPA 2002b), which SJVAPCD uses to calculate emissions from charbroilers, and are also consistent with SCAQMD's emission factors.<sup>4</sup> Estimated baseline emissions using these emission factors are shown below, and total estimated baseline emissions for PM and VOC from chain-driven charbroilers are shown in Table 2.

### Assumptions

Number of potential subject facilities:	137
Chain-driven charbroilers at each facility:	1
Operational chain-driven charbroilers countywide:	137
Weekly Operating Schedule (days/year):	7
Annual Operating Schedule (days/week):	365
Average Meat Cooked per charbroiler (lbs./week):	650
PM Control Efficiency:	83%
VOC Control Efficiency:	86%

Table 2: Baseline Emissions in San Diego County (Uncontrolled)

	<b>PM</b>	<b>VOC</b>
<b>Total Uncontrolled Emissions (tons/year)</b>	17	5.3

### Emission Reductions

- From the baseline emissions presented above in Table 2, a total of 17 tons per year of PM and 5.3 tons per year of VOC emissions are estimated from 137 facilities that potentially operate a chain-driven charbroiler in San Diego County.
- Proposed new Rule 67.26 would require installation of emission control devices on new and existing chain-driven charbroilers to reduce PM and VOC emissions by 83% and 86%, respectively. Assuming all such devices are subject to emission control requirements in the rule and install emission controls, this results in an estimated annual emission reduction of

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<sup>4</sup> Emission factors used in the inventory comprise all directly emitted particulate matter (PM2.5 and PM10).

14 tons of PM (all considered to be PM2.5),<sup>5</sup> and 4.5 tons of VOC from these 137 restaurant facilities, as shown in Table 3 below.

Table 3: Emission Reductions in San Diego County (Controlled)

	<b>PM<sup>2</sup></b>	<b>VOC</b>
Total Controlled Emissions (tons/year)	2.9	0.7
<b>Total Emission Reductions (tons/year)</b>	<b>14</b>	<b>4.5</b>

No emission sources or impacts (other than those applicable to the proposed adoption of proposed new Rule 67.26) are anticipated with the proposed amendments to Rules 11, 12, and 40.

Proposed new Rule 67.26 is estimated to reduce PM2.5 emissions in the County by approximately 14.0 tons per year and VOC emissions by approximately 4.5 tons per year upon full implementation. Using the EPA’s Co-Benefits Risk Assessment Health Impacts Screening and Mapping tool (“COBRA”), proposed new Rule 67.26 is estimated to avoid as many as 125 cases of negative health endpoints and 240 lost work or minor restricted activity days on an annual basis, which will contribute as much as \$6.3 million to the economy annually from avoided health care costs and lost productivity.

## **VIII. ECONOMIC IMPACTS & COST-EFFECTIVENESS**

### Statutory Requirements

California Health and Safety Code Section 40703 requires that prior to adopting any regulation or rule, air pollution control districts shall consider, pursuant to Health and Safety Code Section 40922, and make available to the public its findings related to the cost-effectiveness of a control measure, as well as the basis for the findings and the considerations involved. Health and Safety Code Section 40920.6(a) also requires air pollution control districts to conduct an incremental cost-effectiveness analysis of available emission controls prior to adopting a Best Available Retrofit Control Technology (BARCT) rule. The cost-effectiveness analysis compares relative costs of available emission control options that achieves the same emission reduction objectives as proposed in a new rule. The analysis also helps identify and develop emission control requirements of a proposed new rule.

### Cost-Effectiveness (Flameless Catalytic Oxidizer)

Cost-effectiveness is calculated by dividing the annualized costs (amortized capital costs and operating costs) by the total number of tons of emission reductions expected each year:

$$\text{Cost effectiveness (\$/pound)} = \text{Annualized Cost (\$/pound)} \div \text{Annual Emission Reduction (pound/year)}$$

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<sup>5</sup> For the objectives of proposed new rule R67.26, District staff is equating control of PM with control of PM2.5 emissions.

Proposed new Rule 67.26 would require owners/operators of chain-driven charbroilers to operate with a flameless catalytic oxidizer that can control at least 83% of PM emissions and 86% of VOC emissions from each subject chain-driven charbroiler. The cost-effectiveness to control emissions from chain-driven charbroilers using flameless catalytic oxidizers is estimated at \$10.46 per pound of PM<sub>2.5</sub> reduced and \$34.88 per pound of VOC reduced, as shown in Table 4 below. The District finds that flameless catalytic oxidizers are feasible to operate and install, as this control technology has been in use in other air districts for chain-driven charbroilers in California for decades. Additionally, due to the region’s urgent need to further reduce PM and ozone precursor emissions, such cost-effectiveness amounts are justified.

Table 4. Cost-Effectiveness per Flameless Catalytic Oxidizer

Total Annualized Cost (\$/year):	\$19,027
PM <sub>2.5</sub> Reductions (tons/year):	0.10
Cost-Effectiveness of Control (\$/ton of PM removed):	\$19,027
<b>PM-2.5 Cost-Effectiveness of Control (\$/lb of PM Reduced):</b>	<b>\$10.46</b>
VOC Reductions (tons/year):	0.03
Cost-Effectiveness of Control (\$/ton of VOC removed):	\$63,424
<b>VOC Cost-Effectiveness of Control (\$/lb of VOCs removed):</b>	<b>\$34.88</b>

Cost-effectiveness for each flameless catalytic oxidizer was estimated based on the average meat quantity cooked (650 lbs./week). Both SCAQMD’s Final Draft Staff Report, Rule 1138 (Control of Emissions from Restaurant Operations), October 10, 1997, and SJVAPCD’s Final Draft Staff Report, Rule 4692 (Commercial Charbroiling), February 21, 2002, were utilized to incorporate such figures, and were updated to 2025 dollars using the U.S. Bureau of Labor Statistics CPI Inflation Calculator. Cost-effectiveness presented during the District’s public workshop reflected 2024 dollars. Several other assumptions were also made to calculate cost-effectiveness such as reducing a minimum of 83% of PM and 86% of VOC uncontrolled emissions after installation of controls. Additionally, a five-year equipment life, and a 4% interest rate were assumed.

For clarity and as a commitment included in the District’s Response to Comments Report, Table 5 summarizes the estimated costs to install and operate a catalytic oxidizer on an existing chain-driven charbroiler.

Table 5. Flameless Catalytic Oxidizer Retrofit Estimated Costs

Capital Cost: <sup>6</sup>	\$10,045
Installation Cost (20% of capital cost):	\$2,009
Contingency (10% of the total capital cost): <sup>7</sup>	\$1,205
<b>Total Capital Investment:</b>	<b>\$13,259</b>

<sup>6</sup> Includes cost for flameless catalytic oxidizer, delivery and shipping of equipment, potential planning plans (i.e., engineering, construction/installation), and compliance review.

<sup>7</sup> Additional fees could be incurred from other regulatory agencies, such as local building departments and/or County of San Diego, in the event the emission control installed requires a plan review and/or approval outside of the District.

Direct Annual Cost (10% of the total capital cost):	\$1,326
Indirect Annual Overhead Cost (10% of the direct annual cost):	\$133
Indirect Annual Administration/Permitting Cost (10% of total capital cost):	\$1,326
CRF (assuming 4% interest for 5 years):	0.23
Annual Capital Cost (CRF x total capital cost):	\$2,983
<b>Total Annual Cost per Device:</b>	<b>\$5,768</b>

#### Cost-Effectiveness (alternative emission control)

District staff believe most owners and operators are likely to install a flameless catalytic oxidizer on existing chain-driven charbroilers, as it has been identified as a feasible, readily available control option. However, proposed new Rule 67.26 also allows flexibility for alternative emission control devices to be installed that can comply with the proposed control rule requirements, provided they meet minimum control efficiency for PM and VOC emissions (similar to that of a flameless catalytic oxidizer). Such emission control requirements would be required to be verified through testing of PM and VOC emissions on the applicable unit.

As shown in Table 6 on the following page, a possible alternative emission control device (thermal incinerator) can potentially reduce at least 90% of both PM and VOC emissions.<sup>8</sup> Using uncontrolled baseline emissions from Table 2 and applying a 97% control efficiency for both PM and VOC emissions, the District estimates the cost-effectiveness to control emissions from an existing chain-driven charbroiler using a thermal incinerator. For this alternative, cost-effectiveness was estimated as \$186.80 per pound of PM reduced, and \$560.40 per pound of VOC reduced. These figures confirm that while alternative emission controls can be utilized should facilities wish to install similar kinds of technology, the District's requirement proposed in new Rule 67.26 to install certified flameless catalytic oxidizer technology, presents a more cost-effective control option with minimal forgone emissions reduced.

Table 6. Alternative Emission Control Cost-Effectiveness

Total Annualized Cost Across per Device (\$/year):	\$407,564
PM Reductions (tons/year):	0.12
Cost-Effectiveness of Control (\$/ton of PM removed):	\$339,637
<b>Cost-Effectiveness of Control (\$/lb of PM Reduced):</b>	<b>\$186.80</b>
VOCs Reductions (tons/year):	0.04
Cost-Effectiveness of Control (\$/ton of VOC removed):	\$1,018,911
<b>Cost-Effectiveness of Control (\$/lb of VOCs removed):</b>	<b>\$560.40</b>

For clarity and as a commitment included in the District's Response to Comments Report, Table 7 summarizes the estimated costs to install and operate an alternative emission control for an existing chain-driven charbroiler. Similar to the calculations for flameless catalytic oxidizers, the District used an average meat quantity cooked of 650 lbs. per week, SCAQMD and SJVAPCD's average capital and annual costs, and the U.S. Bureau of Labor Statistics CPI Inflation Calculator, to calculate cost-effectiveness of a thermal incinerator on each chain-driven charbroiler.

<sup>8</sup> On average, a thermal incinerator has been shown to reduce up to 97% of both PM and VOC emissions.

Table 7. Alternative Emission Control Retrofit Estimated Costs (thermal incinerator)

Capital Cost:	\$35,875
Installation Cost (35% of capital cost):	\$7,175
Contingency (10% of the total capital cost): <sup>9</sup>	\$4,305
<b>Total Capital Investment per Device</b>	<b>\$47,355</b>
Direct Annual Cost per Control Device (15% of the total capital cost):	\$4,736
Natural gas cost (\$2.27/therm):	\$344,677
Indirect Annual Cost Overhead (5% of the direct annual cost per control device):	\$237
Indirect Annual Administration Cost (10% of total capital cost):	\$4,736
CRF (assuming 4% interest for 10 years):	0.12
Annual Capital Cost (CRF x Total Capital Cost):	\$5,825
<b>Total Annual Cost per Device:</b>	<b>\$360,209</b>

#### Incremental Cost-Effectiveness and Other Costs

Health and Safety Code Section 40920.6(a) requires the District to identify one or more potential control options that achieve at least the same benefit as the proposed new rule, assess the cost-effectiveness of those option(s), and calculate the incremental cost-effectiveness of each identified option. Incremental cost-effectiveness is defined as the difference in control costs divided by the difference in emission reductions between two potential control options achieving the same emission reduction goal of a regulation.

The District identified flameless catalytic oxidizers, as proposed in new Rule 67.26, as the most cost-effective control option in comparison to the installation and operation of a thermal incinerator system on a chain-driven charbroiler. Table 8 below summarizes the incremental cost-effectiveness.

Table 8. Alternative Emission Control Retrofit Costs (thermal incinerator)

Flameless Catalytic Oxidizer Annualized Cost (during first year only):	\$19,027
Thermal Incineration Cost Effectiveness Annualized Cost (during first year only):	\$407,564
Incremental Annualized Cost:	\$388,537
Incremental PM Reductions (lbs. per year):	40
Incremental VOC Reductions (lbs. per year):	20
<b>Incremental Cost-Effectiveness (\$ per lb. of PM reduced):</b>	<b>\$9,713</b>
<b>Incremental Cost-Effectiveness (\$ per lb. of VOC reduced):</b>	<b>\$19,427</b>

<sup>9</sup> Additional fees could be incurred from other regulatory agencies, such as local building departments and/or County of San Diego, in the event the emission control installed requires a plan review and/or approval outside of the District.

As shown in Table 8, each extra pound of PM and VOC emissions that would be reduced by installing an alternative emission control device would result in a minimum of \$29,140 for existing facilities in San Diego County. This cost significantly exceeds the cost-effectiveness of the District's other prohibitory rules; therefore, the District anticipates owners/operators of existing chain-driven charbroilers to install a flames catalytic oxidizer instead of an alternative emission control.

#### Socioeconomic Impacts Assessment

California Health & Safety Code [40728.5](#) requires that whenever a district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation. The Governing Board shall actively consider the socioeconomic impact of regulations and make a good faith effort to minimize adverse socioeconomic impacts. This section does not apply to the adoption, amendment, or repeal of any rule or regulation that results in any less restrictive emissions limit if the action does not interfere with the district's adopted plan to attain ambient air quality standards or does not result in any significant increase in emissions.

Proposed new Rule 67.26 will result in significant PM and VOC emissions reductions and help improve air quality regionwide. Therefore, a socioeconomic impact analysis is required for this proposed new rule. However, the District finds that an assessment of the socioeconomic impacts of proposed amendments to Rules 11, 12, and 40, is not required pursuant to California Health and Safety Code Section 40728.5(a), as the proposed amendments to these rules are solely administrative in nature and will not impose new or more stringent requirements on affected sources and will not significantly affect air quality or emissions limitations.

California Health and Safety Code Section 40728.5(b) specifies the following elements to be included in the socioeconomic assessment are satisfied through this section which examines the following items:

- The necessity of adopting, amending, or repealing the rule or regulation to attain state and federal ambient air standards.
- The type of industries or businesses affected by the proposed new rule.
- The impact of the new rule on employment and the economy of San Diego County.
- The range of probable costs, including cost to industry or businesses.
- The availability and cost-effectiveness of alternatives to the proposed new rule.
- The emission reduction potential of the proposed new rule.

#### Necessity of Adopting, Amending, or Repealing

The discussion of the necessity of adopting, amending, or repealing a rule to attain state and federal ambient air quality standards is met through the discussion within the other sections of this Staff Report and in the corresponding Board Resolution.



### Type of Industries and Businesses Affected

Proposed new Rule 67.26 would primarily affect quick-service/fast-food restaurants and sit-down restaurants in the restaurant industry, specifically those in the burger restaurant industry. Currently, the District estimates approximately 137 restaurant facilities to be potentially subject to proposed new Rule 67.26 emission control requirements. Such facilities may include, but are not limited to, Burger King, Carl's Jr., and other commercial cooking businesses that operate a chain-driven charbroiler. The known affected restaurants facilities are primarily large fast-food restaurant chains and franchises, comprising 67% of all potentially subject restaurant facilities in San Diego County. Fast-food restaurant chains, in particular within the burger industry, have been found to be consistently profitable, even at the peak of the global COVID-19 pandemic which impacted most commercial cooking facilities worldwide. Moreover, the overall restaurant industry is a major economic driver to San Diego County, which supports thousands of jobs and contributes to the local economy.

Manufacturers of catalytic oxidizers would be affected by proposed new Rule 67.26 by a possible increase in production and/or maintenance obligations. However, District staff has not identified any catalytic oxidizer manufacturer facilities in San Diego County. Moreover, catalytic oxidizer manufacturers commonly found in California have already certified several emission controls with SCAQMD; therefore, it is unlikely manufacturers will have difficulty providing catalytic oxidizers to distributors, sellers, or owners/operators of chain-driven charbroilers in San Diego County to comply with the new proposed emission control requirements. Consequently, proposed new Rule 67.26 is expected to have minimal impact to catalytic oxidizer manufacturers.

Distributors, sellers, and installers of catalytic oxidizers already sell inventory today that meet the minimum control efficiency for PM and VOC emissions proposed in new Rule 67.26.

### Impacts to Employment and Economy

Proposed new Rule 67.26 is expected to have no significant impact on employment, business creation, elimination or expansion, or business competitiveness in the San Diego region. The proposal will not significantly affect the quick-service/fast-food, sit-down, or the burger restaurant industry because proposed catalytic oxidizers have been used (and continue to be used) and regulated in these industries for decades at other air pollution control districts throughout the state of California. Proposed new Rule 67.26 is not expected to have any significant impacts that would decrease employment or have any adverse effects to the local economy. The District anticipates existing restaurant facilities affected by proposed new Rule 67.26 would likely not need to hire additional staff to operate and maintain flameless catalytic oxidizers on a daily basis, as maintenance typically comprises of general washing of the device. Should owners/operators elect to install more complicated alternative emission control systems, it is possible that such systems may require specially trained staff to periodically maintain the equipment.

Additionally, as discussed in the District's Response to Comments Report, the installation of flameless catalytic oxidizers can likely be mitigated/minimized by scheduling a time at the owner/operator's discretion when the device can be installed/maintained, to minimize any temporary shutdown period or possible lost wages of employees. Such possibilities include when restaurants may be closed overnight, during slow periods when burgers may not be cooked on a

charbroiler (such as during breakfast hours), or during periods when the charbroiler is taken offline for annual maintenance.

#### Probable Costs

As shown in Table 5, the cost of a typical flameless catalytic oxidizer is approximately \$13,000, which includes both direct and indirect costs for installation on an existing chain-driven charbroiler. Flameless catalytic oxidizers are readily available in San Diego County since they have been previously required by neighboring air districts in the State (specifically SCAQMD, SJVAPCD, BAAQMD, and VCAPCD). Table 5 also describes possible ongoing annual costs for permitting and maintenance of the control technology.

#### Availability and Cost Effectiveness of Alternatives

The District investigated several other emission control technologies associated with proposed new Rule 67.26, as shown in Table 1. Although not commonly found at restaurant facilities due to their high fuel costs, the District identified thermal incinerators as a viable alternative emission control option to meet proposed new rule requirements (see Tables 6 and 7). The District estimates the cost-effectiveness to control emissions from a chain-driven charbroiler using a thermal incinerator to be \$186.80 per pound of PM reduced and \$560.40 per pound of VOC reduced, which far surpasses the cost-effectiveness calculated for a chain-driven charbroiler installed with a flameless catalytic oxidizer.

#### Emission Reduction Potential

Proposed new Rule 67.26 is expected to result in annual emission reductions of 14 tons of PM (all considered to be PM<sub>2.5</sub>), and 4.5 tons of VOC, upon full rule implementation.

#### Estimated Fees

Amendments to Rule 40 are proposed to add new fees (Schedule 16) associated with proposed new Rule 67.26. If Rule 67.26 is adopted as proposed by the Governing Board, an owner/operator of an existing or new chain-driven charbroiler with a catalytic oxidizer that meets the proposed cooking limit of 415 lbs./week, will need to apply for either a Registration or Permit to Operate pursuant to the Compliance Schedule in Section (j) of proposed new Rules 67.26 and pay initial application fees, as well as other applicable District fees, as described in Section V above.

If the chain-driven charbroiler and catalytic oxidizer combination is certified by SCAQMD, the owner/operator would apply for a registration to the District. Conversely, if the chain-driven charbroiler is installed with any other non-certified emission control device, owners/operators would need to apply for a permit to operate.

Registered or permitted commercial chain-driven charbroilers would be subject to annual compliance inspections by the District. Owners/operators would pay annual operating fees as described in Section V above, pursuant to proposed amended Rule 40. Charbroiling operations that do not have a permit or registration would also be subject to possible inspections by District staff to verify compliance with District rules and/or exemptions being utilized.

## **IX. ENVIRONMENTAL ANALYSIS**

### California Environmental Quality Act (CEQA) and Public Resources Code

The California Environmental Quality Act (CEQA) requires environmental review of certain actions. Pursuant to CEQA and Public Resources Code Section 21159, the District prepared an Initial Study to determine whether there is any evidence that adopting proposed new Rule 67.26 and corresponding proposed amendments to Rules 11, 12, and 40, may have a significant environmental impact. The Initial Study revealed no substantial evidence that such actions may have a significant effect on the environment, and based on initial findings, a proposed Negative Declaration was prepared (Attachment H). The District published the Notice of Intent to adopt the Negative Declaration and solicited comments during a 30-day review period along with the proposed new rule and corresponding amendments. No public comments on the CEQA documents were received. No revisions to the document or recirculation are warranted, as the impacts associated with the proposed rulemaking will be less because fewer facilities are now anticipated to be subject to the proposed rule.

### Environmental Justice

If adopted, proposed new Rule 67.26 would satisfy commitments made within the 2021 Portside CERP via Action C3, to evaluate and, if feasible, pursue rule development for commercial cooking operations. If adopted, significant PM and VOC emissions reductions are anticipated to occur within two years of rule adoption from existing chain-driven charbroilers subject to emissions control requirements in proposed new Rule 67.26. Additionally, any new chain-driven charbroilers proposed in under-resourced communities (or countywide) meeting the thresholds established would be required to install emission control technology, limiting potential emission growth. Significant PM emission reductions will help improve the health of residents living in vulnerable neighborhoods like the Portside and International Border communities, as well as the entirety of San Diego County. The District estimates approximately three facilities that may be subject to proposed new Rules 67.26 are located in the Portside community, and three facilities are located in the International Border community.

## **X. RULE DEVELOPMENT AND PUBLIC PARTICIPATION PROCESS**

### Outreach – Electronic Survey

In an effort to obtain information on estimated restaurants likely to use commercial charbroilers and amount/type of meat throughput, the District initially sent electronic surveys (via Survey Monkey) to active DEHQ permit owners of approximately 200 restaurant food facilities thought to operate commercial charbroilers. Most of these restaurants are comprised of locations of six major fast-food restaurants. Some restaurant facilities did not receive an electronic survey because no email address was found. The District sent the initial electronic surveys on April 17, 2024, and extended its closing date until May 17, 2024. See a completed survey below in Figures 3 and 4.


**COMPLETE**

Collector: Email Invitation 2 (Email)  
 Started: Wednesday, May 01, 2024 8:37:56 PM  
 Last Modified: Wednesday, May 01, 2024 8:42:00 PM  
 Time Spent: 00:04:04  
 Email: [REDACTED]  
 IP Address: 12.206.45.23

---

Page 1

**Q1**  
 Select type(s) of charbroiler installed at commercial facility:

 Chain-driven charbroiler (see image below)

---

Page 2

**Q2**  
 Total number of operational chain-driven (conveyorized) charbroiler(s) at facility:

**1**

**Q3**  
 Approximately, how much food is cooked on each chain-driven (conveyorized) charbroiler per week?

**875 lbs./week**

Figure 3: Survey Question Responses (part 1)

**Q4**  
 If any, how many of the chain-driven (conveyorized) charbroilers operate with an emission control device installed (e.g. catalytic oxidizer)?

**0 (no control devices installed)**

**Q15**  
 Type of food cooked on charbroiler(s) (select all that apply):

**Hamburger**

**Q16**  
 Type of business operation:

**All-year**

**Q17**  
 Enter days per year of business operation:

**7**

Figure 4: Survey Question Responses (part 2)

### Outreach – Site Visits

In addition to the initial electronic survey, the District attempted to schedule site visits at some of the aforementioned restaurants. In May 2024, Rule Development staff met with one such restaurant located in Sorrento Valley. This location was selected to observe chain-driven charbroiler operations and equipment solely due to its close proximity to the District’s main office. During this site visit, the following data was collected:

- Typically, only one chain-driven charbroiler is installed per facility.
- No second chain-driven charbroiler is installed/needed for backup. Operations/business stops completely if repairs or retrofitting is needed.
- This location cooks approximately 700 lbs. per week of hamburgers only on a chain-driven charbroiler. However, this location is typically busier than most other locations of the same restaurant within San Diego County.
- No emission control devices installed.

District staff also conducted additional site visits at three additional restaurants located within the terminals at San Diego International Airport, to better understand the amount of meat typically cooked, operational characteristics, and equipment used.

### Enhanced Outreach Following April 10, 2025, Governing Board Meeting

At the Governing Board meeting held on April 10, 2025, the Governing Board directed staff to (1) work with the Governing Board Chair and Vice Chair on public engagement and outreach to businesses affected, (2) consider a phased-in approach to the implementation of proposed new Rule 67.26, and (3) return to the Governing Board at a future meeting for consideration of Rule 67.26. To address this direction, District staff reached out to the Chair, Vice-Chair, and other Board members on April 21, 2025, providing additional information on the level of public engagement with previous District outreach efforts, a list of the potentially affected facilities (Attachment G2), and to provide a plan for more targeted outreach to potentially affected facilities. Staff also considered a phased-in approach to the rulemaking, but determined such an approach was not warranted due to the limited number of small/independent facilities with chain-driven charbroiling equipment, the wide availability and limited cost of emission control technology, and the urgency needed to reduce PM2.5 emissions both regionwide and in under-resourced communities. Proposed new Rule 67.26 also already includes several exemptions that could allow potentially impacted facilities to minimize reporting and/or emission control device installation completely. These exemptions include: low-use chain-driven charbroilers (defined as cooking less than 415 pounds of meat every calendar week), seasonal use chain-driven charbroilers (defined as cooking 875 pounds or less of meat every calendar week during one consecutive 12-week period), chain-driven charbroilers used in microenterprise home kitchens, chain-driven charbroilers used in non-commercial settings, or chain-driven charbroilers that can demonstrate through testing that they are “low-emitting” devices.

Addressing Board direction, District staff conducted comprehensive enhanced public outreach to refine the list of facilities potentially impacted by proposed new Rule 67.26 and ensure each of the facilities identified as potentially being subject to the proposed new rule was aware of the rule development activity. This included a simple, easy-to-understand, bilingual personalized letter (English and Spanish) to each potentially affected restaurant that explained what was (and was

not) being affected, why it is important, how to provide the District with additional information about their facility, a timeline for Governing Board consideration, and information/QR codes about how to engage with District staff. The letter was sent via email and certified mail to approximately 200 facilities, to ensure facilities received the letter. In cases where certified mail was returned or undeliverable, District staff made in-person deliveries to locations throughout the County. District staff also followed up with phone calls to specific facilities for confirmation on equipment types used in cooking operations. The additional outreach produced 12 additional survey responses and calls from stakeholders to inform District staff about the charbroiling equipment (or lack thereof) in their restaurants. This information was also used to update estimates on facilities potentially subject to the rule (reduced to approximately 140) and corresponding emission reductions accordingly in the Staff Report.

Additional outreach is planned upon adoption of the proposed rule, including possible distribution of a Compliance Advisory to potentially affected parties to enhance awareness of the new requirements.

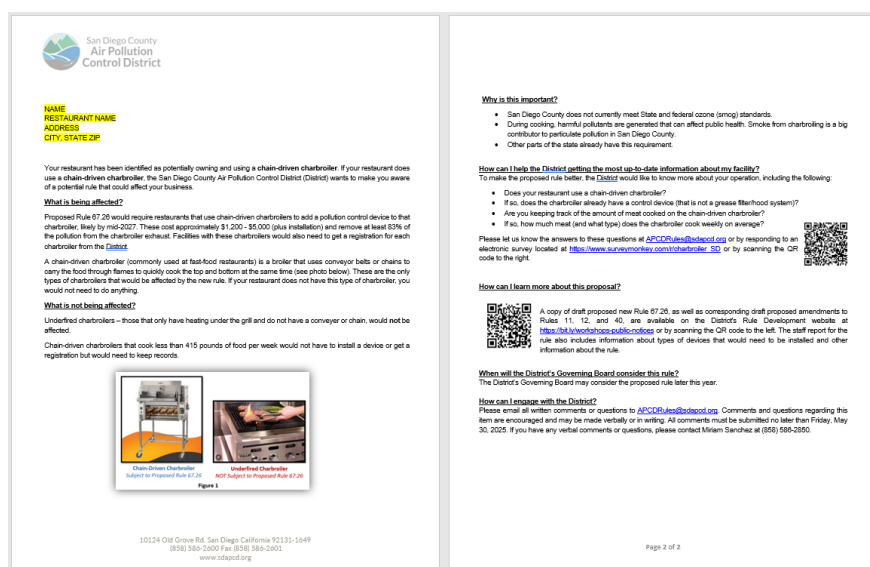


Figure 5: May 2025 Outreach Letter to Potentially Affected Facilities

### Rule Change Copy Formatting

The District uses specific formatting procedures in draft rule change copies, as shown in Table 9, that are released for public review. This ensures all changes can be adequately tracked by staff and the public throughout the rule development process.

**Table 9. Rule Development Change Copy Formatting Procedures**

	New Rule	Example Language	Revised Rule	Example Language
<b>Public Workshop Change Copy</b> (Prior to Public Workshop)	Normal text, no formatting needed	“Change of Ownership”	Single underline/ Single strikeout	<u>“Change of Ownership”</u> <del>“Change of Ownership”</del>
<b>Post-Workshop Change Copy</b> (Prior to Governing Board consideration)	Single underline/ Single strikeout	<u>“Change of Ownership”</u> <del>“Change of Ownership”</del>	Double underline/ Double strikeout	<u><u>“Change of Ownership”</u></u> <del><u>“Change of Ownership”</u></del>
<b>2<sup>nd</sup> Public Workshop Change Copy if needed</b> (After first workshop and prior to Governing Board consideration)	Double underline/ Double strikeout	<u><u>“Change of Ownership”</u></u> <del><u>“Change of Ownership”</u></del>	Single underline/ Single strikeout/ Italics	<u><u>“Change of Ownership”</u></u> <del><u>“Change of Ownership”</u></del> <i>and location</i>
<b>Post 2<sup>nd</sup> Workshop Change Copy or other changes if needed</b>	Single underline/ Single strikeout/ Italics	<u><u>“Change of Ownership”</u></u> <del><u>“Change of Ownership”</u></del> <i>and location</i>	Double underline/ Double strikeout/ Italics	<u><u><u>“Change of Ownership”</u></u></u> <del><u><u>“Change of Ownership”</u></u></del> <i>and location</i>

## XI. OTHER RULE AMENDMENTS

To facilitate the adoption of proposed new Rule 67.26, corresponding amendments to Rules 11, 12 and 40 are also proposed.<sup>10</sup> Such amendments are necessary to (1) remove existing permit exemptions applicable to chain-driven charbroilers, (2) allow owners/operators of chain-driven charbroilers to apply for a less costly Registration instead of a Permit to Operate, and (3) enact applicable Registration and permitting fees. Specifically, proposed amendments to Rule 40 include a new fee schedule (“Schedule 16”) that would apply to owners/operators of chain-driven charbroilers that are subject to the emission control requirements found in proposed new Rule 67.26. The Governing Board may consider modifications to the proposed new rule and corresponding amendments, which may be deemed appropriate.

## XII. CONCLUSION

This Staff Report addresses all the requirements specified in Health and Safety Code Sections 40725 through 40728.5 for rule development, and Health and Safety Code Section 42311 for adoption of a new fee.

<sup>10</sup> Immaterial revisions were made to Rules 11, 12, and 40 in the change copies for the August 14, 2025, Governing Board meeting. These revisions were necessitated to improve District processing of applications and consistency between each rule.

### **XIII. REFERENCES**

1. “Burger Restaurants in the US”. Le, Thi. IBISWorld, September 2024.  
www.ibisworld.com.
2. “Fast Food Restaurants in the US”. Le, Thi. IBISWorld, October 2024.  
www.ibisworld.com.
3. “CPI Inflation Calculator.”, U.S. Bureau of Labor Statistics,  
[www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm). Accessed August 2024 and March 2025.
4. Certified catalytic oxidizer list, “South Coast AQMD Certified Charbroilers with Integrated Catalysts”. Last updated on May 5, 2023, <https://www.aqmd.gov/docs/default-source/permitting/product-certification/charbroilerscatalysts.pdf>.
5. Regulation 6, Rule 2, “Commercial Cooking Equipment”, Bay Area Air Quality Management District, adopted on December 5, 2007.
6. Rule 74.25, “Restaurant Cooking Operations”, Ventura County Air Pollution Control District, adopted October 12, 2004.
7. Rule 1138, “Control of Emissions from Restaurant Operations”, South Coast Air Quality Management District, adopted on November 14, 1997.
8. “Rule 1138 Staff Report”, South Coast Air Quality Management District, dated October 10, 1997.
9. Rule 4692, “Commercial Charbroiling”, San Joaquin Valley Air Pollution Control District, adopted on March 21, 2002, amended in 2009 and 2018.
10. “Rule 4692 Staff Report”, San Joaquin Valley Air Pollution Control District, dated January 2002, November 2008, and April 2018.

### **XIV. ATTACHMENTS**

Attachment G1 – New Rule 67.26 Comparative Rule Analysis Summary  
Attachment G2 – New Rule 67.26 Potential Facility List Summary



## ATTACHMENT G1

### New Rule 67.26 Comparative Rule Analysis Summary

District	SDAPCD	BAAQMD	SJVAPCD	SCAQMD	VCAPCD
<b>Rule Name</b>	Rule 67.26 - Commercial Charbroiling Operations	Regulation 6 Particulate Matter, Rule 2 Commercial Cooking Equipment	Rule 4692 - Commercial Charbroiling	Rule 1138 - Control of Emissions from Restaurant Operations	Ventura Rule 74.25 - Restaurant Cooking Operations
<b>Date of Adoption</b>	TBD	5-Dec-2007	21-Mar-2002	14-Nov-1997	12-Oct-2004
<b>Date of Revision</b>	<i>N/A</i>	<i>N/A</i>	Amended 17-Sep-2009 and on 21-Jun-2018	2009 - amendments to add requirements for under-fired charbroilers.	<i>N/A</i>
<b><u>Applicability</u></b>	Applies to any person who installs, owns, or operates any charbroiler at a commercial cooking operations facility within San Diego County.	Any person who owns, operates, or installs a chain-driven (conveyorized) charbroiler in a restaurant and purchases 500 lbs. of beef or more per week.	Charbroilers used to cook meat at commercial cooking operations.	Owners and operators of commercial cooking operations that use chain-driven charbroilers to cook meat.	The owner or operator of restaurant cooking equipment: Conveyorized (chain-driven) charbroilers.
<b><u>Exemptions</u></b>	<ul style="list-style-type: none"> <li>•Under-fired charbroilers &amp; flat-top grills/griddles</li> <li>•Chain-driven charbroilers in microenterprise home kitchens</li> <li>•Limited use chain-driven charbroilers: &lt;415 lbs. of meat per calendar week (not to exceed 21,580 lbs. during calendar year), or &lt;875 lbs. of meat every calendar week during one consecutive 12-week period in most recent calendar year (i.e., seasonal use)</li> </ul>	Exempt if unit cooks less than 400 lbs. of beef per week.	Exempt if: (1) Cooks less than 400 lbs. of meat per week, or (2) less than 10,800 lbs. in the most recent 12-month rolling period and the total amount of meat cooked per week does not exceed 875 lbs. (3) Low-emitting units that emit less than 1 lb/day of any criteria pollutant.	Exempt if: (1) applies for exemption, submits substantiating data to prove they operate at or below weekly limit, and accepts permitting condition limiting the amount of meat cooked to less than 875 lbs. per week; or (2) submit testing showing that emissions are less than 1 lb. per day of any criteria pollutant.	Exempt if charbroiler placed into service prior to Oct. 2005 that cooks less than 875 lbs. per week (no exemption for throughputs for units installed after Oct. 2005).

District	SDAPCD	BAAQMD	SJVAPCD	SCAQMD	VCAPCD
	<ul style="list-style-type: none"> <li>•Low-emitting chain-driven charbroilers that emits &lt;0.50 lbs./day (or 3.5 pounds per week) of PM and 0.15 lbs./day (1.1 pounds per week) of VOC</li> </ul>				
<b><u>Control Measure(s)</u></b>	Requires the installation of a control device certified by SCAQMD or alternative emission control device to reduce at least 83% of PM emissions and 86% of VOC emissions.	Requires the installation of a catalytic oxidizer certified by the manufacturer to limit emissions to no more than 1.3 lbs. of PM-10 and 0.32 lbs. of VOCs per 1,000 lbs. of beef cooked, or installation of an alternative control device certified by the manufacturer to limit emissions to no more than 0.74 lbs. of PM-10 per 1,000 lbs. of beef cooked.	Reduce PM10 emissions by 83% through the installation of an approved catalytic oxidizer.	Subject charbroilers shall only operate with a certified catalytic oxidizer or alternative emission control device or methods.	Requires the installation of a control device certified by SCAQMD to reduce both VOCs and particulate matter emissions by 83%. Other emission control devices shall be tested per SCAQMD's protocol.
<b><u>One-time Compliance Report</u></b>	<i>N/A</i>	<i>N/A</i>	Required for existing chain-driven charbroilers subject to control requirements of the proposed rule.	<i>N/A</i>	<i>N/A</i>

<b>District</b>	<b>SDAPCD</b>	<b>BAAQMD</b>	<b>SJVAPCD</b>	<b>SCAQMD</b>	<b>VCAPCD</b>
<b><u>Registration</u></b>	Subject charbroilers with integrated catalysts that are certified with SCAQMD would be required to apply for a Registration.	Units subject to control requirements shall be registered. The owner/operator is required to obtain a registration for each facility having one or more charbroilers subject to rule. The registration covers all charbroilers and associated emission control device(s) at a facility. Renew the registration annually.	<i>N/A</i>	Charbroilers with integrated catalysts that have already been certified (have a Certified Equipment Permit from SCAQMD) shall submit a Registration Permit to Construct or to Operate application.  Facilities that are subject to Title V, RECLAIM, or facilities within a 1,000 ft. of a school are not eligible to register the certified equipment.	<i>N/A</i>
<b><u>Permit to Operate</u></b>	Subject charbroilers with non-certified catalytic oxidizers or alternative control devices would be required to apply for an Authority to Construct and Permit to Operate.	<i>N/A</i>	Permit to operate required for all chain-driven charbroilers, including the units with control devices certified by SCAQMD.	Charbroilers with integrated catalysts that are not currently on the certified list and charbroilers using an alternative control device or method shall apply for a Permit to Construct/Operate.	Permit to operate application shall be filed prior to purchase of the emission control equipment.
<b><u>Manufacturer's Certification</u></b>	<i>N/A</i>	Manufacturers shall submit an application for certification of their compliant control equipment.	Control device manufacturers can apply for certification of their compliant equipment.	Manufacturers shall follow SCAQMD's testing method requirements to obtain a Certified Equipment Permit for the combination charbroiler/catalyst or charbroiler/alternative control device.	<i>N/A</i>

<b>District</b>	<b>SDAPCD</b>	<b>BAAQMD</b>	<b>SJVAPCD</b>	<b>SCAQMD</b>	<b>VCAPCD</b>
<b><u>Recordkeeping</u></b>	<p>District-permitted charbroilers shall maintain weekly and annual records of the total quantity (in pounds) for each type of meat cooked on each charbroiler and maintained onsite for 5 years.</p> <p>Additionally, subject charbroilers shall maintain documentation of installation and maintenance of emission control devices.</p>	<p>Units subject to this rule shall maintain records.</p> <p>Exempt units shall maintain records to demonstrate exemption.</p>	<p>Both exempt charbroilers and charbroilers subject to control requirements shall keep on site weekly records of the meat cooked on each unit and retain records for no less than 5 years.</p> <p>Additionally, exempt, low-emitting units, shall also keep test results.</p>	<p>Units subject to rule shall retain records for 5 years. Exempt units shall maintain weekly records of the amount of meat cooked and monthly records of the amount of meat purchased.</p>	<p>Exempt units must maintain weekly records of the lbs. of meat and monthly records of the lbs. of meat purchased.</p>

## ATTACHMENT G2

### New Rule 67.26 Potential Facility List Summary

Facility Name	Total
<b>Facilities Known to Operate a Chain-driven:</b>	<b>92</b>
Burger King	26
Carl's Jr.	55
Dairy Queen	8
Fosters Freeze	2
Brody's Burgers & Beer	1
<b>Facilities Likely to Operate a Chain-driven:</b>	<b>45</b>
Red Robin	1
<b>Other Potential Charbroiler Facilities:</b>	<b>44</b>
ALS BURGER INC	1
ANNYS FINE BURGER	2
ARAMARK AT LEGOLAND - BURGER KITCHEN	1
ARAMARK AT LEGOLAND - BURGER STOP	1
BFF BURGERS FISH AND FRIES	1
BIGGIES BURGERS	1
BURGER FISH & FRIES	1
BURGERS HOUSE	1
CALI STACK BURGERS & GRILL	1
CALIO BURGERS	1
CANADA STEAK BURGER	2
CHIEFS BURGERS & BREW	1
CHILI COAST BURGERS	1
COPPER KINGS BURGERS	1
COSMOS BURGER	2
CRAZEE BURGER	1
DUKES OLD FASHIONED ONION BURGERS	1
EAT CRISPY BURGER	1
FATBURGER	1
FROSTY BURGER	1
FUNKY FRIES AND BURGERS	1
GASLAMP BURGER AND LOUNGE	1
GEORGE BURGERS	2
GRUB BURGER BAR	1
HAMBURGER FACTORY	2
HAMBURGER HUT	2
HAYES BURGER	1
JOHNNY B'S BURGERS & BREW	1
KNOCKOUT BURGERS	1
LEGENDS HOSPITALITY SPORTS LLC - CONTAINER BURGER STAND	1
NESSY BURGERS	1
NOTORIOUS BURGERS	1
RAD BURGER	1
ROSEMARIES BURGERS	1
SAN DIEGO BURGER CO BY THE BAY	1
SLAPPYS BURGERS AND BREWS	1
STATION TAVERN & BURGER	1
THAI BURGER COMPANY	1
<b>Grand Total:</b>	<b>137</b>

## APPENDIX G

### ENVIRONMENTAL ANALYSIS CHECKLIST FORM

**1. Project Title:**

San Diego County Air Pollution Control District Rule 67.26 - Commercial Charbroiling Operations

**2. Lead Agency Name and Address:**

San Diego County Air Pollution Control District  
(District) 10124 Old Grove Road  
San Diego, CA 92131

**3. Contact Person and Phone Number:**

Eric Luther (858) 586-2600

**4. Project Location:**

All of San Diego County

**5. Description of Project:**

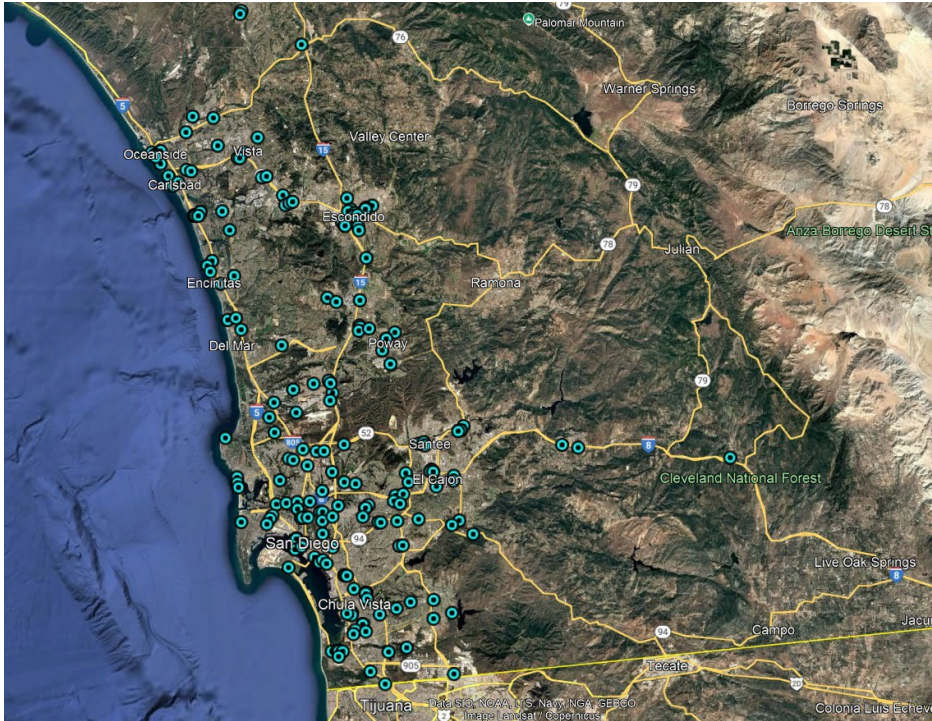
Rule 67.26 would apply to new and existing chain-driven charbroilers that cook over 415 pounds weekly at commercial cooking facilities in San Diego County. Commercial charbroilers are cooking devices that use very high temperature to cook food and create a charred/smoky flavor. However, charbroilers generate smoke and air pollutants such as particulate matter (PM), and volatile organic compounds known as VOCs. Charbroiling makes up about 13% of the overall inventory of particulate matter (PM)<sub>2.5</sub> emissions in San Diego County. VOCs are gases that can react with other gases and existing air pollutants, contributing to ground-level ozone.

The Rule 67.26 applicability is based upon limits in other comparable California air district rules and is intended to avoid limited-use charbroilers from having to install emission controls. In most cases, chain-driven charbroiler facilities subject to the proposed new rule would need to register their equipment, install a certified flameless catalytic oxidizer that will control 83% of PM emissions and 86% of VOC emissions from each unit, properly maintain their equipment, and keep records of their operations. This emission reduction technology has been in place for over 2 decades in some other air districts around the state. Therefore, the District anticipates such technology being readily available for facilities to install.

**6. Surrounding Land Use and Setting**

San Diego County is a region that includes a wide variety of land uses and geographic features. The jurisdiction of rules passed by the San Diego County Air Pollution Control District Governing Board include the whole of San Diego County, including all cities within and the un-incorporated areas of the County. The District estimates approximately 200 food facilities (197) that are known or are likely to use a chain-driven charbroiler could be subject to Rule 67.26. Based on data collected, most of these restaurants identified likely currently operate without any emission controls installed. The District estimates that combined these facilities emit approximately 24 tons of PM<sub>2.5</sub> per year and 7.5 tons of VOCs per year. If Rule 67.26 is adopted by the Governing Board, the District estimates approximately 20 tons of PM<sub>2.5</sub> and 6 tons of VOCs per year would be reduced upon full implementation of the rule. Using EPA's Co-Benefits Risk Assessment tool, this emission reduction translates to annually reducing up to 450 minor restricted activity and lost workdays, and up to 240 negative health incidents, such as acute bronchitis, respiratory symptoms, asthma emergency room visits, and hospital admissions.

Figure1.- Map of Potentially Subject Facilities



**7. Other Public Agencies Whose Approval is Required:**

None

**8. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

No, California Native American tribes have not requested consultation for this project.

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analyses Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance



## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture / Forestry Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Energy
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards and Hazardous Materials
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use / Planning	<input type="checkbox"/> Mineral Resources
<input type="checkbox"/> Noise	<input type="checkbox"/> Population / Housing	<input type="checkbox"/> Public Services
<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation	<input type="checkbox"/> Tribal Cultural Resources
<input type="checkbox"/> Utilities / Service Systems	<input type="checkbox"/> Wildfire	<input type="checkbox"/> Mandatory Findings of Significance

## DETERMINATION

On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS.</b> Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities (indoor) meeting the applicability of the rule. Therefore, there is no impact relating to scenic vistas or visual character of the site. The project does not propose any changes to the outdoor lighting for the site, therefore there is no impact relating to the creation of new sources of light or glare which would adversely affect day or nighttime views in the area.

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>II. AGRICULTURE AND FORESTRY RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment <a href="#">project</a> ; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within the building footprint of existing and new facilities meeting the applicability of the rule. Project implementation would thus not convert prime or unique farmland or farmland of statewide importance to nonagricultural use; conflict with agricultural use or a Williamson Act contract; convert forest land to non-forest use; or involve other changes that might ultimately result in conversion of farmland to non- agricultural use or conversion of forest land to non-forest use. Based on the above discussion, it is expected that project implementation would have no adverse impact on agricultural resources.

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment (such as a catalytic oxidizer) within existing and new facilities meeting the applicability of the rule. The purpose of this rule is to reduce PM and VOC emissions from restaurant equipment exhaust. Based on data from other air districts including the South Coast Air Quality Management District, there is a minimum control efficiency of 83% for PM and 86% for VOC. Based on these control efficiency factors it is estimated that there will be emission reductions of 20.6 tons/year of PM and 6.5 tons/year VOC. Table 1 below shows the baseline emissions and controlled emissions assuming 197 chain-driven charbroilers in San Diego County.

Table 1:

Baseline Emissions		
Uncontrolled Emissions	PM	VOC
(lbs/week)	4.82	1.48
(tons/year)	0.13	0.04
<b>Total Uncontrolled Emissions (tons/year)</b>	<b>24.8</b>	<b>7.6</b>
Emission Reductions		
Controlled Emissions	PM	VOC
(lbs/week)	0.82	0.21
(tons/year)	0.02	0.01
<b>Total Controlled Emissions (tons/year)</b>	<b>4.2</b>	<b>1.1</b>
(tons/year)	0.10	0.03
<b>Total Emission Reductions (tons/year)</b>	<b>20.6</b>	<b>6.5</b>

*using min. control efficiency of 83% for PM and 86% for VOC emissions.*

Since the adoption of this rule will reduce emissions there will be no exceedance of any air quality significance thresholds during the operational phase of the adoption of this rule. During the construction phase there will be negligible emissions from extra vehicle trips from installation and inspection of the catalytic oxidizers. However, as these types of controls are generally pre-fabricated devices that attach to the charbroiler, construction impacts are expected to be minor. The adoption of Rule 67.26 will also have a direct effect on the modification of existing District Rules 11, 12 and 40. Rules 11 and 12 are for exemptions to permitting requirements and registering air pollution control equipment. Rule 40 only requires fees for permitting actions taken by an applicant. The changes to these three rules are administrative only and will not have any effect on air quality. The modification of these rules is also categorically exempt from CEQA (14 CCR section 15308) and a General Rule Exemption (14 CCR section 15061 (b)(3)) which is commonly referred to as the "common sense exemption". Because of this information, the adoption of Rule 67.26 will not affect any air quality plan, not increase any criteria pollutants, not expose any sensitive receptors to pollutants or cause odors to a significant number of people.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES.</b> Would the project:				
a) <u>Have</u> a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) <u>Have</u> a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) <u>Have</u> a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would have no effect on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service; would have no effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means; would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; and would not conflict with any local policies or ordinances, protecting biological resources, such as a tree preservation policy or ordinance; and would not conflict with the provisions of an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Based on the above discussion, it is expected that project implementation would have no adverse impact on biological resources.

	Potentially Significant	Less Than Significant <u>With</u> Mitigation	Less Than Significant	No
<b>V. CULTURAL RESOURCES.</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within the building footprint of existing and new facilities meeting the applicability of the rule.

Project implementation would not cause a substantial adverse change in the significance of a historical or archaeological resource; would not destroy a unique paleontological resource or site or unique geologic feature; and would not unlawfully disturb any human remains, including those interred outside of formal cemeteries. Based on the above discussion, it is expected that project implementation would have no adverse impact on cultural resources.

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VI. ENERGY.</b> Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule. Any additional energy required to operate the control device will be minimal, as charbroiler emissions are pushed through the control device in the exhaust stack. Project implementation would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with a state or local plan for renewable energy or energy efficiency. Based on the above discussion, it is expected that project implementation would have no adverse impact on energy resources.



Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS.</b> Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Prilo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable <u>as a result of</u> the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative <u>waste water</u> disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would not expose people to the risk of loss, injury, or death associated with earthquakes, seismic ground shaking, seismic-related ground failure, liquefaction or landslides. It would not result in soil erosion, loss of topsoil, be located on soil that is unstable, or located on expansive soil. Based on the above discussion, it is expected that project implementation would have no adverse impact on geology/soils.

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. GREENHOUSE GAS EMISSIONS.</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment (catalytic oxidizer) within existing and new facilities meeting the applicability of the rule. The purpose of this rule is to reduce PM and VOC emissions from restaurant equipment exhaust. Based on data from other air districts including the South Coast Air Quality Management District, there is a minimum control efficiency of 83% for PM and 86% for VOC. Based on these control efficiency factors it is estimated that there will be emission reductions of 20.6 tons/year of PM and 6.5 tons/year VOC. Reducing VOCs will reduce the formation of ground level ozone which is a secondary pollutant which is formed from when VOCs react with nitrogen oxides in the presence of sunlight. Ozone is considered a greenhouse gas as it traps the sun's radiation and increases temperature. Therefore, reductions of VOC emissions results in an indirect reduction in greenhouse gas emissions. Adoption of Rule 67.26 will not generate greenhouse gas emissions that will have a significant impact on the environment nor conflict with any plan, policy or regulation adopted for the purpose of reducing greenhouse gases.

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### ENVIRONMENTAL CHECKLIST FORM

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. HAZARDS AND HAZARDOUS MATERIALS.</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule. No hazardous waste will be produced in the process.

The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, create a significant hazard to the public due to an accident or upset condition, or create hazardous emissions, materials, substances, or waste within one-quarter mile of a school. The rule will not impact sites included on a list of hazardous materials or result in any safety hazards or excessive noise for people near a public airport. The project will not impair or interfere with adopted emergency response plans or emergency evacuation plans. The project will not increase exposure of people or structures to risk of loss, injury, or death due to wildland fires. Therefore, this project will not create any impacts to hazards and hazardous materials.

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Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) result in a substantial erosion or siltation on- or <u>off-site</u> :	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or <u>offsite</u> :	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of a catalytic oxidizers within existing and new facilities meeting the applicability of the rule. Standard maintenance procedure involves soaking the catalyst in water every 3 to 6 months to remove the residue build-up. If soaked once every three months in 10 gallons of soapy water, the 197 catalysts in San Diego County would increase County water demand by approximately 22 gallons per day (7,880 gallons per year). Also, the small amount of grease and particles removed during each water soak will require minimal treatment prior to discharge.

Project implementation would not violate any water quality standards or waste discharge requirements; would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge; would not substantially alter the existing drainage pattern of the site or area; would not create or contribute runoff water which would exceed the capacity for existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; would not otherwise substantially degrade water quality; would not place housing within a 100-year flood hazard area; would not place structures which would impede or redirect flood flows within a 100-year flood hazard area; and would not expose people or structures to a significant risk of loss, injury, death, inundation by seiche, tsunami, or mudflow. Therefore, no impact to hydrology or water quality is expected.

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Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. LAND USE AND PLANNING.</b> Would the project:				
a) Physically divide an established <u>community</u> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would not physically divide an established community; would not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect; and would not conflict with any applicable habitat conservation or natural community conservation plan. Based on the above discussion, it is expected that project implementation would have no adverse impact on land use/planning.

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Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. MINERAL RESOURCES.</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> X

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State; and would not result in the loss of availability of a locally important mineral resource recovery site. Based on the above discussion, it is expected that project implementation would have no adverse impact on mineral resources.

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Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. NOISE.</b> Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project <u>in excess of standards</u> established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive <u>groundborne vibration or groundborne noise levels</u> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people <u>residing</u> or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Implementation of this project will not result in generation of substantial temporary or permanent increase in ambient noise levels, and no ground-disturbing activities would be involved. Project implementation would not result in exposure of persons to or generation of noise levels in excess of applicable standards; would not expose people to or generate excessive groundborne vibration or noise; would not result in a substantial permanent, temporary, or periodic increase in ambient noise levels; and would not affect any airport land use plan or private air strip. Based on this discussion it is expected that project implementation would not have an adverse noise impact.

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Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. POPULATION AND HOUSING.</b> Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would not induce substantial growth and would not displace substantial numbers of housing or people, requiring the construction of replacement housing. Based on the above discussion, it is expected that project implementation would have no adverse impact on population/housing.



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Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XV. PUBLIC SERVICES.</b> Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, <u>in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:</u>				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

There will be no physical impacts to governmental facilities, and no new or altered governmental facilities would be required to maintain acceptable service ratios, response times or other performance objectives for public services. Based on the above discussion, it is expected that project implementation would have no adverse impact on public services

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Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. RECREATION.</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would not result in increased use of any existing neighborhood park, regional park or recreation facility. The project does not include recreational facilities, nor does it require construction or expansion of existing facilities. Therefore, it is expected that the project would have no adverse impact on recreational facilities.

## APPENDIX G

### ENVIRONMENTAL CHECKLIST FORM

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. TRANSPORTATION.</b> Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would not cause a substantial increase in traffic in relation to the existing traffic load; would not exceed the capacity of the street system; would not exceed, either individually or cumulatively, a level of service standard established by the regional congestion management agency for any road or highway; would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; would not substantially increase hazards due to a design feature or incompatible uses; would not result in inadequate emergency access or parking capacity; and would not conflict with adopted policies, plans, or programs supporting alternative transportation. Based on the above discussion, it is expected that project implementation would not have an adverse impact on transportation/traffic.

## APPENDIX G

### ENVIRONMENTAL CHECKLIST FORM

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVIII. TRIBAL CULTURAL RESOURCES.</b>				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would not cause a change in tribal cultural resources that are listed in the California Register of Historical Resources, a local register of historical resources or a resource considered significant to a California Native American tribe. Based on this discussion, it is expected that project implementation would have no adverse impact on tribal cultural resources.

## APPENDIX G

### ENVIRONMENTAL CHECKLIST FORM

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIX. UTILITIES AND SERVICE SYSTEMS.</b> Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, <u>dry</u> and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the <u>waste water</u> treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste <u>in excess of</u> state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

No changes to the existing wastewater facilities are proposed as part of this project. Project implementation would not exceed wastewater treatment requirements of the regional water quality control board; would not require or result in the construction of new water, wastewater treatment, or storm water drainage facilities, or the expansion of existing facilities; would not require water supplies in excess of existing entitlements and resources or require new or expanded entitlements; would not require additional wastewater treatment capacity or landfill; and would comply with federal, State, and local statutes and regulations related to solid waste. Based on the above discussion, it is expected that project implementation would have no adverse impact on utilities/service systems.

## APPENDIX G

### ENVIRONMENTAL CHECKLIST FORM

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XX. WILDFIRE.</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, <u>as a result of</u> runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Adoption of Rule 67.26 will regulate approximately 197 existing facilities and require installation of control equipment within existing and new facilities meeting the applicability of the rule.

Project implementation would not impair an emergency response plan, exacerbate wildfire risks, require the installation of infrastructure nor expose people or structures to significant risks. Based on this discussion, it is expected that project implementation would have no adverse impact on wildfires.

## APPENDIX G

### ENVIRONMENTAL CHECKLIST FORM

Issues	Potentially Significant Impact	Less Than Significant <u>With</u> Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the <u>number</u> or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Based on the analysis in this document, the San Diego County Air Pollution Control District finds that this project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The project does not have cumulatively considerable impacts as demonstrated in the Air Quality section (III) of this document which evaluated the project's emissions. The project does not have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly.

Your restaurant has been identified as potentially owning and using a **chain-driven charbroiler**. If your restaurant does use a **chain-driven charbroiler**, the San Diego County Air Pollution Control District (District) wants to make you aware of a potential rule that could affect your business.

### **What is being affected?**

Proposed Rule 67.26 would require restaurants that use chain-driven charbroilers to add a pollution control device to that charbroiler, likely by mid-2027. These cost approximately \$1,200 - \$5,000 (plus installation) and remove at least 83% of the pollution from the charbroiler exhaust. Facilities with these charbroilers would also need to get a registration for each charbroiler from the District.

A chain-driven charbroiler (commonly used at fast-food restaurants) is a broiler that uses conveyor belts or chains to carry the food through flames to quickly cook the top and bottom at the same time (see photo below). These are the only types of charbroilers that would be affected by the new rule. If your restaurant does not have this type of charbroiler, you would not need to do anything.

### **What is not being affected?**

Underfired charbroilers – those that only have heating under the grill and do not have a conveyor or chain, would **not** be affected.

Chain-driven charbroilers that cook less than 415 pounds of food per week would not have to install a device or get a registration but would need to keep records.



**Figure 1**

### **Why is this important?**

- San Diego County does not currently meet State and federal ozone (smog) standards.
- During cooking, harmful pollutants are generated that can affect public health. Smoke from charbroiling is a big contributor to particulate pollution in San Diego County.
- Other parts of the state already have this requirement.



### **How can I help the District getting the most up-to-date information about my facility?**

To make the proposed rule better, the District would like to know more about your operation, including the following:

- Does your restaurant use a chain-driven charbroiler?
- If so, does the charbroiler already have a control device (that is not a grease filter/hood system)?
- Are you keeping track of the amount of meat cooked on the chain-driven charbroiler?
- If so, how much meat (and what type) does the charbroiler cook weekly on average?

Please let us know the answers to these questions at [APCDRules@sdapcd.org](mailto:APCDRules@sdapcd.org) or by responding to an electronic survey located at <https://www.surveymonkey.com/r/FKHMJZ8> or by scanning the QR code to the right.



### **How can I learn more about this proposal?**



A copy of draft proposed new Rule 67.26, as well as corresponding draft proposed amendments to Rules 11, 12, and 40, are available on the District's Rule Development website at <https://bit.ly/workshops-public-notice> or by scanning the QR code to the left. The Staff Report for the rule also includes information about types of devices that would need to be installed and other information about the rule.

### **When will the District's Governing Board consider this rule?**

The District's Governing Board may consider the proposed rule later this year.

### **How can I engage with the District?**

Please email all written comments or questions to [APCDRules@sdapcd.org](mailto:APCDRules@sdapcd.org). Comments and questions regarding this item are encouraged and may be made verbally or in writing. All comments must be submitted no later than Friday, May 30, 2025. If you have any verbal comments or questions, please contact Miriam Sanchez at (858) 586-2850.