

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)*.