



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

Air Pollution Control District
R. J. Sommerville Director

NOTICE OF WORKSHOP

FOR DISCUSSION OF PROPOSED AMENDMENTS TO REGULATION XIV – TITLE V OPERATING PERMITS AND REVISIONS TO THE TITLE V PERMIT PROGRAM

The San Diego County Air Pollution Control District (District) will hold a public workshop to consider proposed amendments to Regulation XIV – Title V Operating Permits and revisions to the Title V Permit Program. Comments concerning this proposal may be submitted in writing before, or made at, the workshop which is scheduled as follows:

DATE: **March 22, 2001**
TIME: **10:00 a.m.**
PLACE: **Conference Room 139**
 Air Pollution Control District
 9150 Chesapeake Drive
 San Diego, CA 92123

The federal Clean Air Act requires that states and local air districts implement a nationwide air pollution permit program, referred to as Title V, for all major stationary sources of air pollutants. District Regulation XIV prescribes the District's Title V program requirements for affected sources. Regulation XIV currently requires Title V permits for major stationary sources of air pollution, as defined by the U.S. Environmental Protection Agency (EPA). EPA considers a facility to be a major stationary source if its actual or potential emissions are equal to or greater than the following:

50 tons per year of oxides of nitrogen (NO_x) or volatile organic compounds (VOC);

100 tons per year of PM₁₀-fine particulate matter, carbon monoxide (CO), or sulfur oxides (SO_x);

10 tons per year of any federally listed hazardous air pollutant (HAP); or

25 tons per year of any combination of federally listed HAPs.

On March 7, 1995, the District adopted Regulation XIV. On February 5, 1996, EPA approved the District's Title V Permit Program for an interim period that ends on December 1, 2001. EPA

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also published conditions to be met to receive final approval. The District is proposing amendments to its rules and program to address EPA conditions for Title V Permit Program approval. Other minor changes and clarifications are also proposed. Specifically, the changes accomplish the following:

- Eliminate the exemption for major agricultural production sources from the requirement to obtain a Title V Permit, effective upon amendment of the State Health and Safety Code.
- Require that any significant change in monitoring permit terms or conditions be processed as a significant permit modification.
- Add a definition of “affected states” and add notification procedures.
- Require permit reopening for any inactive status permit that is modified and becomes subject to new applicable requirements when returned to active status.
- Revise Regulation XIV, Appendix A list of insignificant activities, to be consistent with revisions to Rule 11 – Exemption from Rule 10 Permit Requirements.
- Amend the definition of “administrative permit amendment” to be consistent with federal requirements contained in 40 CFR Part 70 (EPA’s Title V regulations).
- Revise the definition of “federally mandated new source review” to clarify that it includes specified federal minor new source review requirements.

Copies of the proposed amendments to Regulation XIV and the revisions to the Title V Permit Program may be obtained from the District’s web site, <http://www.sdapcd.co.san-diego.ca.us>, under Rules and Regulations, Workshops and Meetings, or you may call Luann Serbesku at (858) 650-4544. If you have any questions concerning the proposal, please call Stan Romelczyk at (858) 650-4599.

RICHARD J. SMITH
Assistant Director

RJSm:SR:ls

2/16/01

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED AMENDED RULE 1401

Proposed amended Rule 1401 to read as follows:

RULE 1401. GENERAL PROVISIONS

(a) APPLICABILITY

Notwithstanding the provisions of Rule 11, this regulation shall apply to any stationary source that is:

- (1) A major stationary source as defined in this regulation, or
- (2) Subject to a standard, limitation or other requirement under Section 111 of the federal Clean Air Act or Regulation X, Standards of Performance for New Stationary Sources (NSPS), except as provided in Subsection (b)(1) of this rule, or
- (3) Subject to a standard, limitation or other requirement under section 112 of the federal Clean Air Act or Regulation XI, National Emission Standards for Hazardous Air Pollutants (NESHAPS), except as provided in Subsection (b)(1) of this rule, or
- (4) Subject to the acid rain provisions of Title IV of the federal Clean Air Act, or
- (5) A solid waste incineration unit required to obtain a permit pursuant to Section 129(e) of the federal Clean Air Act.

Terms and conditions of permits imposed pursuant to this regulation may be incorporated into permits to operate for emission units or for a group or groups of emission units at the stationary source. Terms and conditions imposed pursuant to this regulation that are applicable to more than one emission unit at the stationary source may, if appropriate, be incorporated into individual permits to operate by reference or through a common attachment.

Applicability of or exemption from this regulation does not constitute applicability of or exemption from any other provisions of these Rules and Regulations.

(b) EXEMPTIONS

The provisions of Regulation XIV shall not apply to any of the following:

- (1) Emission units at stationary sources that are not major stationary sources, until the federal Environmental Protection Agency (federal EPA) completes rulemaking that requires any such source to have a permit under Title V of the federal Clean Air Act.

(2) Stationary sources, source categories or emission units that would be required to obtain a permit solely because they are subject to 40 CFR Part 60 Subpart AAA, Residential Wood Heaters.

(3) Stationary sources, source categories, or emission units that would be required to obtain a permit solely because they are subject to 40 CFR Part 61 Subpart M, Asbestos Demolition and Renovation.

(4) Insignificant emission units as specified in Rule 1411 provided that such unit or units are not subject to any applicable requirement other than District Rules 50 and 51. This exemption shall not exclude the emissions from such insignificant emission units in determining the applicability of or fees associated with any provisions of this regulation or of Title V of the federal Clean Air Act to any stationary source.

(c) **DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) all federally enforceable requirements applicable to a stationary source prior to issuance of a permit to operate; and
- (ii) any new federally enforceable requirements that become effective during the term of a permit.

(4011) "**Application Shield**" means the protection from enforcement of the requirement to have a permit provided pursuant to Rule 1410(a).

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

(4213) **"Complete Application"** means an application for which the applicant has provided all information required under Rule 1414(f), or an application deemed to be complete pursuant to Rule 1414(i)

(4314) **"Contiguous Property"** means two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public or private right-of-way. Non-adjoining parcels of land separated solely by bodies of water designated "navigable" by the U. S. Coast Guard shall not be considered contiguous properties.

(4415) **"Emission Unit"** means any non-vehicular article, machine, equipment, contrivance, process or process line, which emit(s) or reduce(s) or may emit or reduce the emission of any air contaminant.

(4516) **"Exempt Compound"** means, with regard to the definition of volatile organic compounds, any of the following:

Chlorodifluoromethane (HCFC-22)

Dichlorotrifluoroethane (HCFC-123)

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

Pentafluoroethane (HFC-125)

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

Tetrafluoroethane (HFC-134a)

Dichlorofluoroethane (HCFC-141b)

Chlorodifluoroethane (HCFC-142b)

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

1,1-difluoroethane (HFC-152a)

Cyclic, branched, or linear, completely fluorinated alkanes

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

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

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

Methylene chloride

1,1,1-trichloroethane

Trifluoromethane (HFC-23)

Trichlorofluoromethane (CFC-11)

Dichlorodifluoromethane (CFC-12)

Trichlorotrifluoroethane (CFC-113)

Dichlorotetrafluoroethane (CFC-114)

Chloropentafluoroethane (CFC-115)

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

~~(4617)~~ **"Federal Hazardous Air Pollutant"** means any air pollutant which is listed pursuant to Section 112 of the federal Clean Air Act.

~~(4718)~~ **"Federal Non-Attainment Pollutant"** means any air pollutant for which San Diego County, or portion thereof, has been classified as exceeding a national ambient air quality standard (NAAQS) by the federal EPA.

~~(4819)~~ **"Federally Enforceable Requirement"** for purposes of this regulation, means all of the following as they apply to emission units at a stationary source. Requirements that have been promulgated or approved by the federal EPA through rule making at the time a permit to operate is issued, but which have future effective compliance dates, are federally enforceable requirements if listed below:

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

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

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

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

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

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

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

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

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

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

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

~~(1920)~~ **"Federally Mandated New Source Review (NSR)"** means new source review that would be required using emission thresholds specified in federal law or in the approved State Implementation Plan (SIP), or any requirements in Rules 20.1 through 20.4 that are in the approved SIP and apply to the source, and does not include new source review that is required solely as a result of state law or these Rules and Regulations.

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

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

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

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

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

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

(i) 50 tons per year of volatile organic compounds or oxides of nitrogen.

(ii) 10 tons per year of any federal hazardous air pollutant.

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

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

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

~~(A) coal cleaning plants (with thermal dryers);~~

~~(B) kraft pulp mills;~~

~~(C) portland cement plants;~~

~~(D) primary zinc smelters;~~

~~(E) iron and steel mills;~~

- ~~(F) — primary aluminum ore reduction plants;~~
- ~~(G) — primary copper smelters;~~
- ~~(H) — municipal incinerators capable of charging more than 250 tons of refuse per day;~~
- ~~(I) — hydrofluoric, sulfuric, or nitric acid plants;~~
- ~~(J) — petroleum refineries;~~
- ~~(K) — lime plants;~~
- ~~(L) — phosphate rock processing plants;~~
- ~~(M) — coke oven batteries;~~
- ~~(N) — sulfur recovery plants;~~
- ~~(O) — carbon black plants (furnace process);~~
- ~~(P) — primary lead smelters;~~
- ~~(Q) — fuel conversion plants;~~
- ~~(R) — sintering plants;~~
- ~~(S) — secondary metal production plants;~~
- ~~(T) — chemical process plants;~~
- ~~(U) — fossil fuel boilers (or combination thereof) totaling more than 250 million British thermal units (Btu) per hour heat input;~~
- ~~(V) — petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;~~
- ~~(W) — taconite ore processing plants;~~
- ~~(X) — glass fiber processing plants;~~
- ~~(Y) — charcoal production plants;~~
- ~~(Z) — fossil fuel fired steam electric plants of more than 250 million British thermal units (Btu) per hour heat input; or~~
- ~~(AA) — all other stationary source categories regulated by a standard promulgated under Section 112 of the federal Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.~~

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

- (i) Causes a violation of any applicable requirement;
- (ii) Involves significant relaxation to monitoring, recordkeeping, or reporting requirements;
- (iii) Requires the establishment of, or requires a change in an existing federally mandated source-specific emission limitation or standard (e.g., a case-by-case

determination of control requirements for federal hazardous air pollutants under Section 112 of the federal Clean Air Act), or a federally mandated source-specific determination for temporary sources of ambient impacts on air quality, or a visibility or air quality increment analysis;

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

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

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

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

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

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

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

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

(B) use of an alternate raw material;

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

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

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

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

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

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

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

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

(3233) **"Particulate Matter (PM₁₀)"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns as measured by an applicable reference test method or methods found in Article 2, Subchapter 8, Title 17, of the California Code of Regulations Section 94100 et seq.

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

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

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

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

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

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

(i) Oxides of nitrogen and volatile organic compounds.

(ii) Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the federal Clean Air Act.

(iii) Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the federal Clean Air Act.

(iv) Any ozone-depleting compound specified as a Class I or Class II substance pursuant to Title VI of the federal Clean Air Act.

(v) Any federal hazardous air pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the federal Clean Air Act.

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

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

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

(i) For a corporation:

(A) corporation president,

(B) corporation secretary,

(C) corporation treasurer,

(D) corporation vice-president,

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

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

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

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

(ii) For a partnership or sole proprietorship:

(A) a general partner, or

(B) the proprietor, respectively.

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

(A) the principal executive officer, or

(B) a ranking elected official.

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

(iv) For affected sources (Acid Rain):

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

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

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

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

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

(ii) Involves significant change in existing monitoring permit terms or

conditions or relaxation to monitoring, recordkeeping, or reporting requirements; or

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

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

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

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

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

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

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

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

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

Nothing in this regulation shall provide relief from the requirement of Rule 10 of these Rules and Regulations to obtain an authority to construct.

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED AMENDED RULE 1410

Proposed amended Rule 1410 to read as follows:

RULE 1410. PERMITS REQUIRED

(a) APPLICATION SHIELD

Any source that submits a timely and complete application for permit issuance or renewal under this regulation shall not be in violation of the requirement to have a permit to operate under this rule until the Air Pollution Control Officer takes final permit action on the permit application or the permit expires. If a timely and complete application is submitted and the Air Pollution Control Officer does not issue a permit renewal prior to the expiration of the term of the existing permit, then the permit shall not expire and the terms and conditions of the permit, including any permit shield, shall remain in effect until the permit renewal is issued or denied. These protections shall cease to apply if, subsequent to the permit application being determined to be complete or being deemed complete, the applicant fails to submit by the deadline specified in writing by the Air Pollution Control Officer, pursuant to Rule 1414 (h), any additional information identified as being needed to process the application.

(b) PERMIT TO OPERATE

Except as provided in Section (a) above and Subsection (b)(2) below, no source subject to this regulation may operate after the time that it is required to submit a timely and complete application for a permit to operate unless the source is operating in compliance with permit(s) issued pursuant to this regulation.

(1) Multiple Emission Unit Permits to Operate and Multiple Permits to Operate. Nothing in these Rules and Regulations shall prohibit the Air Pollution Control Officer from issuing more than one permit to operate to a stationary source or from grouping more than one emission unit under a single permit to operate, which will supersede any permits to operate previously issued to the affected emission units, provided the Air Pollution Control Officer determines that:

- (i) Such units or groupings of units comply with the applicable requirements of these Rules and Regulations,
- (ii) The units or grouping of units included under a single permit to operate are adequately and clearly described,

(iii) The applicability of particular conditions within such a permit to operate to one or more units is clearly specified, for all alternative operating scenarios applicable to the source,

(iv) All conditions of such a permit to operate are reasonably enforceable, and

(v) All emission units, excluding insignificant units, are covered by a permit to operate or a timely application for a permit to operate.

The Air Pollution Control Officer shall group units into a single permit to operate if such a grouping is proposed by the applicant for a permit to operate, unless the Air Pollution Control Officer determines that such grouping will violate the conditions set forth above, or will not facilitate operational flexibility at the source, or will result in violation of any applicable requirement of these Rules and Regulations.

(2) **Temporary Authorizations, Duration.** The Air Pollution Control Officer may grant a temporary authorization to operate any new or modified emission unit for which a complete application for a Title V permit to operate must be submitted within 12 months after operation has been commenced pursuant to Rule 1414(c) provided all of the following have been met:

(i) Construction or modification has been completed in accordance with an Authority to Construct issued pursuant to Rule 10.

(ii) Construction or operation of the new or modified unit is not prohibited by any existing permit issued pursuant to this regulation.

(iii) The Air Pollution Control Officer finds that operation of the new or modified emission unit is expected to comply with all applicable requirements of these Rules and Regulations and all terms and conditions of the Authority to Construct.

A temporary authorization may be issued if the operator of a source subject to this regulation submits or proposes to submit a complete application for a permit to operate that includes permit terms and conditions and if the operator demonstrates to the satisfaction of the Air Pollution Control Officer that the proposed new terms and conditions create a need for research and development, or additional testing or evaluation, before the proposed terms and conditions can be approved. A temporary authorization may also be issued to a source that is subject to this regulation to allow development, advancement and field testing of technology to meet pending and anticipated regulations or best available control technology (BACT) standards.

An application for a permit to operate shall not be found to be incomplete solely because research and development, testing or evaluation is determined to be necessary

before a permit can be issued, and any source whose application for a permit to operate is otherwise timely and complete shall have the benefit of the application shield set forth in Section (a) of this rule. If the Air Pollution Control Officer determines that additional information is needed to take final permit action on an application that was determined or deemed to be complete, the Air Pollution Control Officer may request such information and require the applicant to furnish the information within a reasonable time. The ability of a source to operate under an application shield shall cease to be in effect if the source fails to provide the required information within the specified time.

Issuance of a temporary authorization shall not relieve the owner or operator of a source from the obligation to file a timely and complete application for a permit to operate or a permit revision, nor from the obligation to comply with all federally enforceable requirements.

A temporary authorization issued pursuant to this regulation shall expire on the date that a timely and complete application for a permit to operate or modification is due.

(3) Availability and Effects of Appeals. An owner or operator may appeal any permit action proposed by the Air Pollution Control Officer in response to an application for a permit to operate or modification. Appeals shall be made to the Hearing Board in accordance with Rule 1425, before the proposed permit action is noticed for public review and comment or before it is forwarded to the federal EPA and affected states for consideration. A proposed permit to operate shall not be noticed for public review or forwarded to the federal EPA and affected states for review while any permit action or proposed permit action is being appealed before the Hearing Board. No final permit to operate shall be issued during this period or during the time for public review and comment and the federal EPA review set forth in Rule 1415. An appeal to the Hearing Board shall be resolved in a timely manner and in no case shall an appeal delay final permit action on a permit beyond 45 days from receipt of a request for an administrative permit amendment, 60 days for a minor permit modification, or 18 months for a significant permit modification, initial permit, permit reopening or permit renewal.

In the case of an appeal of any permit action for equipment proposed to be installed in conjunction with existing equipment operating under a permit to operate to comply with new requirements of District Rules and Regulations or other applicable law, District enforcement of the new requirements shall be deferred until the appeal is resolved. This paragraph applies only to any permit action taken before the effective date of the new requirements.

In the case of an appeal of any permit terms and conditions proposed to be deleted from or added to permits to operate, such permit actions and District enforcement thereof shall be deferred until the appeal is resolved.

(c) POSTING OF PERMIT TO OPERATE

A person who has been granted a valid permit to operate shall firmly affix such permit, a true copy of such permit, or other approved identification bearing the permit number upon the emission unit in such a manner as to be clearly visible and accessible. In the event that the emission unit is so constructed or operated that the permit to operate cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within 25 feet of the emission unit, or maintained readily available at all times on the operating premises.

(d) ALTERATION OF PERMIT

A person shall not willfully deface, alter, forge, counterfeit or falsify any permit issued under these Rules and Regulations.

(e) RESERVED

(f) EXISTING REQUIREMENTS

The terms and conditions of permits to operate shall be maintained in the permit, except as provided in Rule 1420(b).

(g) CONTROL EQUIPMENT

Nothing in this rule shall be construed to authorize the Air Pollution Control Officer to require the use of machinery, devices or equipment of a particular type or design, if the required emission standard may be met by machinery, device, equipment, product or process changes otherwise available unless a regulation promulgated by the federal EPA and required to be enforced through this regulation specifies the use of specific machinery, device, equipment, product or process change.

(h) RENEWAL OF PERMITS TO OPERATE

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

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

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

Permits to operate may be renewed only upon:

(1) Submission of a complete application for permit, including required statements and certifications, as set forth in Rule 1414.

(2) Payment of appropriate renewal fees as prescribed in Rule 40.

(3) Annual submittal of a supplemental statement certified by a responsible official setting out the status of the source with respect to past and current compliance with substantive requirements of the existing permit to operate, as evidenced by monitoring or other compliance reports (including progress reports if any are required under an applicable schedule of compliance).

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

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

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

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

The condition prohibiting operation of the equipment and suspending the effect of other permit conditions, shall be removed by the Air Pollution Control Officer, notwithstanding Rule 1421, upon receipt of an application and payment of the appropriate renewal fees pursuant to these Rules and Regulations. At the same time, the permit will be modified and conditions added, as appropriate, to reflect any new requirements that have become applicable to the emission unit as a result of changes in these Rules and Regulations during the period the unit was inactive. Operation of equipment on inactive

status without prior authorization from the District shall constitute a violation of Rules 1410(b) and 1421. No changes shall be made to the emission unit without the source applying for and obtaining any necessary approval to change the unit pursuant to the permit modification procedures of this rule.

Any inactive status permit that when returned to active status is modified to reflect new applicable requirements requires reopening of the permit if there are three years or more years remaining on the term of the five-year permit.

(i) **ADMINISTRATIVE PERMIT AMENDMENTS**

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

- (1) Address changes that do not result in physical relocation of equipment.
- (2) Correction of typographical errors and updates to information such as phone numbers.
- (3) Incorporation of Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permits issued through an Authority to Construct pursuant to federal EPA approved new source review and prevention of significant deterioration rules, provided that such Authority to Construct has been issued in accordance with the provisions of Section (q) of this rule.
- (4) Transfer of ownership of Any emission unit that is the subject of a Title V permitting requirements or a Title V permit to operate and which is transferred from one person to another shall, provided the emission unit is not modified except in a manner exempt under this regulation and the emission unit is not be operated until application is made to the Air Pollution Control Officer for a revised permit and such permit is issued unless a temporary authorization pursuant to Rule 1410(b)(2) has been

issued to the new owner or operator. ~~Such revisions shall be administrative permit amendments.~~ The revision shall specify a date for the transfer of permit responsibility, coverage and liability between the prior and the new permittee. ~~If such transfer is accompanied by modification of the emission unit, which modification is not exempt under this regulation, an application for permit modification shall be required.~~

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

- (5) A change to require more frequent monitoring or reporting by the permittee;
- (6) Revisions to equipment descriptions which reflect identical replacements or like kind replacements made pursuant to Rule 11 (d)(5).
- (7) Revisions to conditions identified as District-only enforceable requirements.
- (8) An emission unit permit change to inactive status.

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

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

(j) **MINOR PERMIT MODIFICATIONS**

The owner or operator of any emission unit that is the subject of a permit to operate may make changes in the operation and physical characteristics of the subject equipment if the changes qualify as a minor permit modification, and the following requirements are met:

- (1) Minor permit modifications that do not also require new source review under these Rules and Regulations are subject to the following procedural requirements:
 - (i) The application may be approved with or without public notification, as requested by the applicant. Minor permit modifications shall not be eligible for

the permit shield provided by Rule 1410(p). However, any permit shield specified in permit terms or conditions that are not affected by an application for minor permit modification shall remain intact.

(ii) An application for a minor permit modification shall include all information consistent with Rule 1414(f) for each emission unit being modified and for each emission unit affected by the modification. The application shall also include:

(A) a description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(B) the source's suggested draft permit;

(C) certification by a responsible official of the source stating that, based on information and belief formed after reasonable inquiry, the proposed modification meets the criteria for use of minor permit modification and that the statements and information contained in the application in support of this determination are true, accurate, and complete, and a request that such procedure be used; and

(D) completed forms for the District to use to notify the federal EPA and affected States.

(iii) The applicant may make the change as soon as a complete application is filed. If the source makes a change prior to a permit action, and until the District takes final permit action on the change, the source must comply with both the applicable requirements governing the change and the terms and conditions proposed by the source. During this time period the source need not comply with existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions the source seeks to modify may be enforced against it.

(iv) The Air Pollution Control Officer must notify affected states and the federal EPA within five days of receipt of a complete application.

(v) The preliminary decision by the Air Pollution Control Officer to approve a minor permit modification shall be subject to a 45-day period for comments or objection by the federal EPA.

(vi) The Air Pollution Control Officer must act on an application within 90 days of receipt, or within 15 days of the expiration of the federal EPA's 45-day review period, whichever is later. An application for a minor modification shall

remain pending until action is taken on the application, or the application is canceled or withdrawn.

(2) A change that would otherwise be processed as a minor permit modification under this section but which has been approved in an Authority to Construct in accordance with the procedures prescribed in Section (q) of this rule, may be processed as an administrative permit amendment.

(3) If a source implements a minor permit modification without waiting for final approval, and the permit modification is disapproved, the source shall be subject to enforcement action for operating outside the terms and conditions of its permits to operate while the proposed permit modification was under review.

(4) Nothing in this Section (j) shall provide immunity from enforcement of any applicable requirement (whether the requirement arises under an applicable permit, these Rules and Regulations, or state or federal law), for operations that are not the subject of an application for a minor permit modification, or if the application for a minor permit modification is denied.

(k) SIGNIFICANT PERMIT MODIFICATION

(1) **Procedures for Significant Permit Modifications.** A modification that would be a significant permit modification under this regulation that is also subject to new source review shall first be processed under the new source review rules. This process shall include an opportunity for public review and comment, and notice and review by the federal EPA and affected states, whether or not such procedures would otherwise be required under the new source review rules. Permit terms and conditions that otherwise would be significant permit modifications but have been approved through the enhanced procedures for Authorities to Construct specified in Section (q) of this rule shall be incorporated into the permit to operate as administrative permit amendments.

A person shall not make a modification to a source requiring a significant permit modification unless such modification is authorized by the Air Pollution Control Officer and such modification is made a part of the permit to operate or a temporary authorization has been issued pursuant to Rule 1410(b)(2).

Any significant permit modification that is not subject to enhanced procedures for Authorities to Construct shall be subject to all provisions of this regulation for initial permit to operate, including provisions for application, completion of form used by the Air Pollution Control Officer to notify the federal EPA and affected states, public notice and comment, review by affected states, and review by the federal EPA, as prescribed for initial permit issuance and five-year permit renewal.

Applications for significant permit modifications shall remain pending until approved, canceled, or denied.

(2) **Action on Significant Permit Modifications.** The Air Pollution Control Officer shall make every effort to act on a complete application for a significant modification within 12 months of receipt but in no case shall final permit action be taken more than 18 months from the date a complete application is received or an application is deemed complete.

(3) **Change of Location.** Any person who possesses a permit to operate any emission unit at a source that is subject to this regulation and desires to change the location of such emission unit shall first apply to the Air Pollution Control Officer for a significant modification to the permit to operate pursuant to this section. The provisions of this paragraph shall not apply to any change of location for any portable emission unit provided such change will not violate a term or condition of the permit or cause or exacerbate violation of any national ambient air quality standard, air quality increment, or visibility requirement and the owner or operator has notified the Air Pollution Control Officer at least 10 days in advance of each change in location. Any change of location of a non-portable emission unit within a contiguous parcel of land in the possession of, or owned by, or recorded as the property of, the same person shall not be considered a change of location.

(1) **OPERATIONAL FLEXIBILITY: SECTION 502(b)(10) CHANGES**

The owner or operator of any emission unit that has a permit to operate may make changes in the operation and physical characteristics of the subject equipment, without seeking or receiving approval for a modification, provided such operational or physical changes:

(1) Are not "modifications" under any provision of Title I of the federal Clean Air Act, and

(2) Do not cause a violation of any applicable requirements, and

(3) Do not contravene federally enforceable requirements that are monitoring, recordkeeping, reporting, or compliance certification requirements, including requirements related to test methods, and

(4) Do not result in exceedance of emissions allowed under the permit, whether expressed therein as a rate of emissions or in terms of total emissions, or implied by a specific permit term that has the effect of limiting emissions from one or more emission units at the source.

For each such change, notification shall be provided to the Air Pollution Control Officer at least 45 days prior to implementation of such operational or physical changes. This notice

shall be in writing and must include a brief description of the change, the date on which the change will occur, any change in emissions, and a listing of any permit term or condition affected. The notice shall be attached to copies of affected permits to operate maintained by the source.

A source may make a change within 45 days after notice to the Air Pollution Control Officer provided such change meets the requirements of this section. If the Air Pollution Control Officer subsequently determines that the change does not qualify as a Section 502 (b)(10) change, enforcement action may be taken against the source for making the change without prior approval. If the operator requests an affirmative determination by the Air Pollution Control Officer that the proposed change qualifies as a Section 502(b)(10) change, and agrees not to implement that change until a determination is made, the Air Pollution Control Officer shall make a determination and notify the operator within 60 days of receipt of notice of the proposed change.

The permit shield if any provided pursuant to Section (p) of this rule, shall not be applicable to changes made pursuant to this Section (l).

The Air Pollution Control Officer may determine that a planned or implemented Section 502(b)(10) change does not meet the requirements of this section at any time. Any such determination must be in writing setting out the specific reason or reasons that the change does not qualify as a Section 502(b)(10) change. Any determination by the Air Pollution Control Officer that a proposed change is not a Section 502(b)(10) change may be appealed to the Hearing Board. If notice of an adverse determination is received by the operator from the Air Pollution Control Officer before the 45-day notice period has expired, the operator may not implement the proposed change, unless an appeal is taken to the Hearing Board and resolved in favor of the operator. If notice is received by the operator after the 45-day period for notice has expired and after the change has been implemented, and if the operator appeals the Air Pollution Control Officer's determination to the Hearing Board within 30 days of notice by the Air Pollution Control Officer, the change may remain in place until the matter is decided upon by the Hearing Board. In no case shall an appeal to the Hearing Board or decision by the Hearing Board affect or abridge the authority of EPA to object to a change or to determine that a change does not qualify as a Section 502 (b)(10) change.

Nothing in this section shall prohibit an operator from applying for a revision to a permit or the Air Pollution Control Officer from revising a permit to reflect the change made. Any such permit application shall be processed pursuant to the applicable permit processing provisions of this regulation. If the permit is revised pursuant to the provisions of this regulation for a significant permit modification, reopening of the permit to operate, or renewal of the permit to operate, the permit shield, if any provided to a source pursuant to Section (p) of this rule, may thereafter apply to the revised permit.

(m) OPERATIONAL FLEXIBILITY: TRADING UNDER AN EMISSIONS CAP

An applicant that has sought and received permit terms and conditions to allow internal trading of emissions solely for the purpose of complying with a federally enforceable emissions cap established independent of otherwise applicable requirements, may make any trade that is consistent with those permit terms and conditions upon seven days notice to the Air Pollution Control Officer.

This notice shall be in writing and must include a brief description of the trade, the date or dates on which the trade will occur, and information on any change in emissions.

The Air Pollution Control Officer may determine that a planned trade is not within the scope of the applicable permit at any time. Any such determination must be in writing setting out the specific reason or reasons that the proposed trade is not within the scope of the permit. Upon such a determination, the trade shall not proceed.

(n) OPERATIONAL FLEXIBILITY: ALTERNATIVE OPERATING SCENARIOS

Any applicant that identifies alternative operating scenarios in an application for permit pursuant to this regulation may exercise such alternative operating scenarios without prior notice to the Air Pollution Control Officer provided:

- (1) The Air Pollution Control Officer determines during issuance of the permit to operate that such alternative operating scenarios do not violate any provisions or standards of these Rules and Regulation or of state, or federal law.
- (2) Each alternative operating scenario is identified in all affected permits to operate.
- (3) The applicant maintains current operating logs, in the manner and form prescribed by the Air Pollution Control Officer, identifying which alternative operating scenario the operation is under, and all information necessary to determine compliance as specified in the permit to operate.

(o) REOPENING OF A PERMIT TO OPERATE

Any permit to operate issued pursuant to this regulation shall be reopened prior to expiration following written notice of intent by the Air Pollution Control Officer to the permit holder at least 30 days prior to reopening, if any of the following occur:

- (1) Additional requirements promulgated under the federal Clean Air Act become applicable for a major stationary source with at least three years remaining on the permit term. Such reopening shall be completed within 18 months after promulgation of the applicable requirement.

(2) Additional requirements (including excess emissions requirements) become applicable under the federal Clean Air Act Acid Rain Program.

(3) The Air Pollution Control Officer or the Administrator of the federal EPA determines that the permit must be revised or revoked:

(i) to correct a material mistake, or because inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

(ii) to assure compliance with all applicable requirements.

The procedures for reopening and revising or reissuing a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists.

Reopenings by the Administrator of the federal EPA shall be performed in accordance with Section 70.7 (g) of 40 CFR Part 70.

Any source whose permit is partially reopened may request that the entire permit be reopened and reissued for a new five-year term.

In-scope permit actions, Section 502(b)(10) changes, trades under an emissions cap, administrative permit amendments, and minor permit modifications shall not require the use of permit reopening procedures.

(p) **PERMIT SHIELD**

Any source seeking a permit pursuant to this regulation may request that a permit shield be provided, to preclude enforcement of specific enumerated requirements where the Air Pollution Control Officer has determined in writing that such requirements are not applicable to the source and summarized the determination in the permit, or to limit enforcement to permit conditions for specified applicable requirements where the Air Pollution Control Officer has determined that compliance with such conditions may be deemed compliance with the underlying specified applicable requirements and the requirements are specifically identified as such in the permit.

No shield may apply to requirements promulgated after the permit to operate is issued nor to permit modifications or Section 502(b)(10) changes implemented without public notice and comment and an opportunity for review by the federal EPA and affected states.

A permit shield shall exist only as stated in the permit to operate. A permit shield shall not be in effect if the source is not in compliance with the terms and conditions of the permit that provide the permit shield.

The Air Pollution Control Officer may grant or deny permit shields, or limit the scope of such shields. District determinations may be based on the applicant's circumstances, the level of effort that would be required to identify or verify all requirements applicable to a source, the state of the law in the area where the shield is proposed, and other relevant considerations.

Nothing in this section shall alter or affect the following:

- (1) The provisions of Section 303 of the federal Clean Air Act including the authority of the Administrator under that section,
- (2) The liability of a source for any violation of applicable requirements prior to or at the time of permit issuance,
- (3) The applicable requirements of the acid rain program consistent with Section 408 (a) of the federal Clean Air Act, and
- (4) The ability of EPA to obtain information from a source pursuant to Section 114 of the federal Clean Air Act.

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

At the request of an applicant, the Air Pollution Control Officer shall process applications for permit modifications that would otherwise be considered minor permit modifications or significant permit modifications to a permit to operate, issued pursuant to this regulation, using the Administrative Permit Amendment procedures prescribed in Rule 1410(i) provided that the change for which the permit modification is sought has been previously approved by the Air Pollution Control Officer by issuance of an Authority to Construct as required by Rule 10 and provided that:

- (1) The application for Authority to Construct includes:
 - (i) A compliance plan containing the elements specified in Rule 1414(f)(3)(viii) for any new or modified emission units.
 - (ii) A description of the methods the applicant proposes to use to determine compliance of the new or modified units with any applicable requirements, including descriptions of monitoring, recordkeeping and reporting requirements and test methods. Such compliance determination methods shall not be less stringent than the minimum standards contained in any applicable requirements.
 - (iii) A schedule for submission of initial compliance certifications for each new or modified unit. Such compliance certifications shall be submitted not later

than one year after construction or modification of a unit is completed or sooner if specified by an applicable requirement or by the Air Pollution Control Officer.

(iv) Any other information deemed necessary by the Air Pollution Control Officer to determine compliance with all applicable requirements.

(2) The Authority to Construct includes:

(i) For each new or modified unit not in compliance with an applicable requirement or for which an applicable requirement becomes effective before issuance of a modified permit, a compliance schedule specifying the increments of progress under which the new or modified units will be brought into compliance and containing the elements specified in Rule 1421(b)(2)(ii). The compliance schedule shall also require periodic compliance progress reports to the Air Pollution Control Officer, to be submitted not less frequently than semi-annually.

(ii) A requirement for submission of initial compliance certifications for each new or modified unit consistent with the elements specified in Rule 1421(b)(2)(iii). Such compliance certifications shall be submitted not later than one year after construction or modification of a unit is completed or sooner if specified by an applicable requirement or by the Air Pollution Control Officer. Each compliance certification shall contain a description of the monitoring methods, data, records, reports and test methods used to determine compliance.

(iii) A requirement that the new or modified unit not be operated until a modified permit is granted unless such operation can be allowed under the provisions of Sections (b), (i) or (j) of this rule.

(iv) A requirement that representatives of the District shall be allowed access to the source and all required records pursuant to State Health and Safety Code Section 41510.

(v) Requirements for monitoring, recordkeeping, testing and reporting as specified by applicable requirements or by these Rules and Regulations, or as determined necessary by the Air Pollution Control Officer to ensure compliance with all applicable requirements, and consistent with the elements specified in Rule 1421(b)(1)(iii).

(3) Prior to issuance of the Authority to Construct, the Air Pollution Control Officer has done all of the following:

(i) Publicly noticed the proposed issuance of an Authority to Construct and made available a draft of the proposed Authority to Construct for public review and comment for 45 days, following the procedures specified in Sections

(a), (d), (e), (j) and (k) of Rule 1415 as if the Authority to Construct were a permit to operate.

(ii) Conducted a public hearing when, as a result of a petition from the public, the Air Pollution Control Officer has determined that there is reasonable cause to hold such a hearing. All public hearings shall be publicly noticed at least thirty days prior to the hearing. The public notice shall contain all of the information specified in Rule 1415(d) as if the Authority to Construct were a permit to operate.

(iii) Submitted a draft of the proposed Authority to Construct to any affected states and to the federal EPA Region IX, for a period of 45 days for review and comment. In the event the proposed Authority to Construct is substantively changed after submittal to EPA, such changes shall be resubmitted to EPA for a new 45-day review and comment period.

(4) All comments received from the public, affected states and federal EPA notification procedures described above have been considered and responded to by the Air Pollution Control Officer.

(5) The Administrator of the federal EPA has not objected to the issuance of the proposed Authority to Construct within the review periods prescribed in Subsection (3)(iii) above.

(6) The provisions of Rule 1425 with regard to appeals to the Hearing Board, petitions to the Administrator of the federal EPA and judicial review shall also apply to the granting of such Authority to Construct.

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED AMENDED RULE 1415

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

RULE 1415. PERMIT PROCESS-PUBLIC NOTIFICATION

(a) PUBLIC NOTICE

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

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

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

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

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

(b) PUBLIC HEARINGS . . .

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

(d) CONTENTS OF PUBLIC NOTICE . . .

(e) COORDINATED PROCESSING OF RELATED PERMITS . . .

(f) EXCEPTIONS . . .

(g) NEW APPLICATION LISTS . . .

(h) **CONSIDERATION OF COMMENTS**

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

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

(i) **COPIES OF PERMIT ACTION . . .**

(j) **PUBLIC INSPECTION . . .**

(k) **TRADE SECRETS . . .**

(l) **ACTION ON APPLICATIONS . . .**

(m) **TRANSMITTAL OF PERMIT DOCUMENTS TO THE FEDERAL EPA . . .**

SAN DIEGO AIR POLLUTION CONTROL DISTRICT

PROPOSED AMENDED APPENDIX A

Proposed amended Appendix A to read as follows:

APPENDIX A INSIGNIFICANT UNITS

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

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

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

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

(d) The following equipment:

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

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

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

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

~~(iiiiv) Any stationary gas turbine engine with a power rating of less than 1.0 megawatt (MW) which was installed and operating in San Diego County on or before September 27, 1994. Internal combustion engines used exclusively for purposes of educating students in the operation, maintenance, repair and rebuilding of such engines.~~

(2) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water, contaminated water or industrial waste water from barometric jets or from barometric condensers.

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

(4) Fuel-burning equipment as described below:

(i) Fuel-burning equipment, except internal combustion engines, with a maximum gross heat input rate of less than one million British Thermal Units (Btu's) (0.252 x 10⁶ Kcal) per hour when not part of a process, process line, line, equipment, article, machine or other contrivance for which a permit to operate is required by these Rules and Regulations.

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

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

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

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

(7) All printing or graphic arts presses located at a stationary source which emits a total of less than 15 lbs of volatile organic compounds, subject to Rule 67.16, on each day of operation. ~~It is the responsibility of any person claiming this exemption to~~

~~maintain all usage records, including any mixing ratios, necessary to establish maximum daily emissions and to make this information available to the Air Pollution Control Officer upon request.~~

(8) Inkjet and laser printing equipment.

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

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

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

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

(4013) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 2500 cubic inches or less each, in which no sweating or distilling is conducted and from which only non-ferrous metals except yellow brass, are poured or non-ferrous metals are held in a molten state.

(4114) Shell core and shell-mold manufacturing machines.

(4215) Molds used for the casting of metals.

(4316) Foundry sand mold forming equipment except those to which heat, sulfur dioxide or organic material is applied.

(4417) Shot peening cabinets where only steel shot is employed and no scale, rust, or old paint is being removed.

(4518) Die casting machines.

(4619) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

(4720) Metalizing guns, except electric arc spray guns, where the metal being sprayed is in wire form.

(4821) Brazing, welding equipment including arc welding equipment.

(4922) Hand soldering equipment and solder-screen processes. Solder-screen means those processes which use a process similar to silk-screening to apply solder

and which subsequently undergo a reflow process other than a vapor phase solder reflow process.

(23) Solder levelers, hydrosqueegees, wave solder machines, and drag solder machines which use less than an average of 10 pounds of any material containing VOCs per operating day each calendar month.

~~(2024)~~ Equipment used exclusively for the sintering of glass or metals.

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

~~(2126)~~ Atmosphere generators and vacuum producing devices used in connection with metal heat treating processes.

~~(2227)~~ Dry batch mixers of 0.5 cubic yards (0.38 cubic meters) rated working capacity or less. Dry batch means material is added in a dry form prior to the introduction of a subsequent liquid fraction or when no liquid fraction is added.

~~(2328)~~ Batch mixers (wet) of 1 cubic yard (0.765 cubic meter) capacity or less where no organic solvents, diluents or thinners are used.

~~(2429)~~ Equipment used exclusively for the packaging of lubricants or greases.

~~(2530)~~ Portable conveyors (belt or screw type) where there is no screening.

(31) Fire extinguishing equipment using halons.

(32) Equipment used exclusively for the purposes of flash-over fire fighting training, or hand-held fire extinguisher training operations.

~~(2633)~~ Roofing kettles (used to heat asphalt) with a capacity of 85 gallons (322 liters) or less.

~~(2734)~~ Abrasive blasting equipment with a manufacturer's-rated sand capacity of less than 100 pounds (45.4 kg) or 1 cubic foot or less.

~~(2835)~~ Abrasive blast cabinets which vent through control devices and into the buildings in which such cabinets are located.

~~(2936)~~ Blast cleaning equipment using a suspension of abrasive in water.

(~~3037~~) Equipment used for buffing (~~except automatic or semi-automatic tire buffers~~) or polishing, carving, cutting, drilling, machining, routing, shearing, sanding, sawing, surface grinding, or turning of: ceramic artwork, ceramic precision parts, leather, metals, rubber, fiberboard, masonry, or non-fiberglass ~~except fiber reinforced plastics unless the process involves the use of water as a means for cutting and is equipped with a control device that does not emit to the atmosphere.~~

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

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

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

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

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

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

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

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

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

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

~~(3848) Laboratory equipment used exclusively for chemical or physical analyses and bench-scale laboratory equipment provided such bench-scale equipment is not used for production purposes to directly produce a deliverable product or service, other than the first article product or service, and provided the emissions of organic compounds from such bench-scale equipment, do not exceed five (5) pounds per day and provided such bench-scale equipment does not emit detectable levels of compounds listed as Acutely Hazardous by Section 25532 of the California Health and Safety Code.~~

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

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

~~"First Article Deliverable Product or Service" shall mean the first product or service which is produced using bench-scale laboratory equipment and which is delivered to a potential intra-company or external customer for approval. First article deliverable product or service shall not exceed one (1) unit of product or service per customer.~~

Equipment that is used to conduct research and develop new or improved processes and products, where such equipment is operated by technically trained personnel under the supervision of a research director, and is not used in the manufacture of products for sale or exchange for commercial profit, other than the first product which is produced using

research and development equipment and which is delivered to a potential intra-company or external customer for approval and emissions from all such activities at a source are less than 100 pounds per day.

(49) Equipment used to manufacture:

(A) biotechnology pharmaceutical products for exclusive use in federal Food and Drug Administration (FDA) approved clinical trials, or

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

(C) bioagricultural products for exclusive use in field testing required to obtain FDA, Environmental Protection Agency (EPA), United States Department of Agriculture (USDA) and /or California Environmental Protection Agency (Cal-EPA) approval, provided the uncontrolled emissions of VOCs from all such operations located at the stationary source do not exceed five tons per calendar year.

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

(~~39~~51) Titanium chemical milling at temperatures below 110°F (43°C).

(~~40~~52) Orchard or citrus grove heaters.

(~~41~~53) Non-immersion dry cleaning equipment.

(~~42~~54) Alkaline chemical milling equipment for which construction or installation commenced prior to March 27, 1990, or alkaline chemical milling equipment used exclusively for the cleaning of internal combustion engine parts.

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

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

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

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

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

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

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

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

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

(47) Railway sweepers used for cleaning rail tracks.

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

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

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

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

(3) Used exclusively for the storage of organic solvents which are liquids at standard conditions and which are to be used as solvers, viscosity reducers, reactants, extractants, cleaning agents or thinners and not used as fuels.

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

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

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

(f) The following equipment:

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

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

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

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

(h) Liquid surface coating or adhesive application operations:

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

(2) Exclusively using materials with a VOC content of less than 20 grams per liter, less water and exempt solvents, and is located at a stationary source where less than an average of 30 gallons of such materials are applied per operating day for each calendar month;

- (23) Using non-refillable aerosol spray cans for application of coatings;
- (34) Conducted outside defined coating areas for the purpose of touch-up or maintenance of equipment;
- (45) Using hand-held brushes for application of a primer coating from containers of eight (8) ounces (236.6 milliliters) or less in size to fasteners to be installed on aerospace component parts;
- (56) Using air brushes with a coating capacity of two (2) ounces (59.1 milliliters) or less for the application of a stencil coating; or
- (67) Conducted in primary or secondary schools for instruction.

(8) Hot melt adhesive application equipment.

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

- (1) Foam manufacturing or application.
- (2) Reinforced plastic fabrication using resins such as epoxy and/or polyester.
- (3) Plastics manufacturing or fabrication.
- ~~(4) Ink mixing tanks.~~
- (54) Cold solvent degreasers used exclusively for educational purpose.
- (5) Golf grip application stations which exclusively use liquid materials with an initial boiling point of 450°F (232°C), or greater.
- (6) Batch-type waste-solvent recovery stills with batch capacity of 7.5 gallons or less for onsite recovery of waste solvent, provided the still is equipped with a device which shuts off the heating system if the solvent vapor condenser is not operating properly.
- (7) Peptide and DNA synthesis operations.
- (8) Equipment used for washing or drying articles fabricated from metal, cloth, fabric or glass, provided that no organic solvent is employed in the process and

that no oil or solid fuel is burned and none of the products being cleaned has residues of organic solvent.

(9) Hot wire cutting of expanded polystyrene foam.

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

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

(k) Back-pack power blowers.

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

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

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

Identical replacement may also include replacement in whole or part of any article, machine, equipment or other contrivance where a Permit to Operate has previously been granted for such equipment which the Air Pollution Control Officer determines is identical in function, capacity, production rate and design. In addition, the actual air contaminant emissions must be the same in nature and will not be increased. Replacement of equipment pursuant to other requirements of these Rules and Regulations shall not be considered an identical replacement.

Identical replacement does not include replacements in whole or part that in sum would constitute reconstruction or modification under District Regulation X - Standards of Performance for New Stationary Sources, or would constitute a major source.

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

(p) The following equipment:

- (1) Equipment used for hydraulic or hydrostatic testing.
- (2) Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.
- (3) Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in a paste form and no organic solvents, diluents or thinners are used.
- (4) Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.
- (5) Equipment used for inspection of metal products except metal inspection tanks utilizing a suspension of magnetic or fluorescent dye particles in volatile organic solvent which have a liquid surface area greater than 5 ft² and are equipped with spray type flow or a means of solvent agitation.
- (6) Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.
- (7) Equipment used exclusively for conveying and storing plastic pellets.
- (8) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.
- (9) Any coating and/or ink manufacturing operations located at a stationary source, which emit less than an average of 15 pounds of VOCs per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors, VOC content of each material used, number of operating days per calendar month, and daily or monthly records of material usage, shall be maintained on-site for five years and be made available to the District upon request.
- ~~(910)~~ Curing or baking ovens in which no organic solvents or materials containing organic solvents are charged.
- ~~(4011)~~ Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.
- ~~(4112)~~ Each process line at a stationary source, as defined in Rule 20.1, for coating of pharmaceutical tablets provided maximum emissions of volatile organic compounds (defined in Rule 67.15), are below 15.0 pounds on each day for all operations

~~subject to Rule 67.15. It will be the responsibility of any person claiming this exemption to maintain all records necessary to establish maximum daily emissions and to make this information available to the District upon request. Any operation producing or blending materials for use in cosmetic or pharmaceutical products and/or manufacturing cosmetic or pharmaceutical products by chemical processes, which emit less than an average of 15 pounds of VOC's per operating day for each calendar month from all phases of all such operations located at a single stationary source.~~

(~~12~~13) Roll mills or calendars for rubber or plastics and no organic solvents, diluents or thinners are used.

(~~13~~14) Vacuum-producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 11.

(~~14~~15) Natural draft hoods, natural draft stacks or natural draft ventilators.

(~~15~~16) Natural gas-fired or liquefied petroleum gas-fired or electrically heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

(~~16~~17) Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

(~~17~~18) Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

(~~18~~19) Equipment used exclusively for space heating, other than boilers.

(~~19~~20) Equipment used exclusively for bonding lining to brake shoes.

(~~20~~21) Lint traps used exclusively in conjunction with dry cleaning tumblers.

(~~21~~22) Equipment used exclusively to compress or hold dry natural gas.

(~~22~~23) Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.

(~~23~~24) Equipment used exclusively for the purposes of flash-over fire fighting training.

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

(26) Equipment used for washing or drying articles fabricated from cloth, fabric or glass, where no volatile organic solvents are employed in the process and none of the articles being cleaned have residues of volatile organic solvents.

(2427) Wastewater processing units associated with drycleaning operations using halogenated compounds provided the water being evaporated in the unit does not exceed 400 ppm (by weight) of halogenated compounds as determined by EPA Test Method 634.

(28) Nail salon operations.

(2529) Atmospheric organic gas sterilizer cabinets where ampules are utilized exclusively to dispense ethylene oxide gas into a liner bag and where total ethylene oxide emissions are less than five pounds per year.

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

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

(ii) a recovery system that vents all emissions through a properly operated and maintained carbon canister, provided not more than 500 cans are processed through the equipment per day.

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

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

(33). Solvent wipe cleaning operations, not associated with a significant activity, using a container applicator that minimizes emissions to the air, such as, but not limited to, squeeze containers with narrow tips, spray bottles, or dispensers with press down caps located at a facility where the uncontrolled emissions of VOCs from all such operations do not exceed five tons per calendar year, or the total purchase of solvents for such operations does not exceed 1,500 gallons per calendar year.

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

(35) Any portable equipment which is registered in accordance with District Rule 12.1.

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

(37). Any engine registered in accordance with the Statewide Portable Engine Registration Program adopted pursuant to California Health and Safety Code Section 41750, et seq.

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

(39) Military tactical support equipment.