

Rule 401 Exemptions  
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**RULE 401****1 PURPOSE:**

This rule specifies emissions units that are categorically or conditionally not required to obtain written authorization, an Authority to Construct, or a Permit to Operate from the Air Pollution Control Officer (APCO). This rule also specifies recordkeeping requirements to verify exemption criteria and outlines a compliance schedule for emission units and sources that exceed the exemption status or otherwise become subject to Rule 400.

**2 APPLICABILITY:**

- 2.1** This Rule is applicable to any article, machine, equipment, or other contrivance that emits or may emit air contaminants which would otherwise be subject to Rule 400, *Permit Requirements*.
- 2.2** This Rule shall not exempt equipment, operations, or processes described in Section 4 from meeting all other applicable requirements of these Rules and Regulations.
- 2.3** This Rule may not apply to any equipment, operation, or process if the Air Pollution Control Officer (APCO) determines the emissions unit may violate these Rules and Regulations, including Rule 200, *Nuisance*. When the APCO makes such a determination and written notification is given to the owner or operator, the equipment, operation, or process may thereafter be subject to Rule 400.
- 2.4** This Rule shall not apply to any equipment, operation, or process in Section 4 that emits or may emit more than the Best Available Control Technology (BACT) thresholds established in Rule 430-*New Source Review* in pounds per day of any one of the following criteria air pollutants: particulate matter (PM10), oxides of nitrogen (NOx), volatile organic compound (VOC), oxides of sulfur (SOx), carbon monoxide (CO), or lead (Pb).
- 2.5** The exemptions set forth also do not supersede the provisions of Rule 1101-*Title V-Federal Operating Permits* of these rules and regulations.
- 2.6** This Rule shall not apply to any equipment, operation, or process that is subject to the provisions of the National Emissions Standards for Hazardous Air Pollutants (NESHAP), 40 CFR 63, or the New Source Performance Standards (NSPS), 40 CFR 60, unless the equipment is an internal combustion engine with a manufacturer's maximum power rating at less than 50 horsepower.

**2.7** This Rule is not applicable to any source determined by the APCO that emits or may emit toxic air contaminants in quantities that exceed the significance risk thresholds of one potential excess cancer cases in one million population or an acute or chronic non-carcinogenic hazard index of 1.0 as determined in accordance with the methodologies specified in "The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments," Office of Environmental Health Hazard Assessment, August 2003.

**3 REQUIREMENTS:**

**3.1 Permit Application:** Unless otherwise noted in the exemption description, a permit application is not required to claim the exemption provided the required documentation and recordkeeping is performed.

**3.2 Required Information:** The APCO may require from any owner or operator claiming exemption under this Rule any information, analyses, plans, or specifications which will disclose the nature, extent, quality, or degree of air contaminants which are or may be discharged by the source for which the exemption is claimed.

**4 EXEMPT SOURCE CATEGORIES:** An Authority to Construct and Permit to Operate shall not be required for:

**4.1 Combustion and Heat Transfer Sources:**

**4.1.1** Equipment used exclusively for steam cleaning.

**4.1.2** Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

**4.1.3** Steam generators, water boilers or water heaters fired exclusively by natural gas, liquefied petroleum gas or a combination thereof, having a maximum fuel input heating value of less than one million (1,000,000) British thermal units (Btu) per hour or thirty (30) boiler horsepower.

**4.1.4** Equipment used for space heating, other than boilers.

**4.1.5 Internal Combustion Engines:**

**4.1.5.1** Any reciprocating internal combustion engine with a brake horsepower rating of less than 50.

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

**4.1.5.3** Any natural gas, propane, or LPG fueled engine rated at 250 brake horsepower or less and operating less than 200 hours per calendar year for non-emergency purposes. Engines with a rated capacity greater than 250 brake horsepower which have a physical limitation such that the maximum rated

capacity is less than or equal to 250 brake horsepower may also qualify for exemption as determined by the APCO.

**4.1.5.4** Engines exempt from District permit requirements in accordance with California Health & Safety Code Section 42301.16 (engines used at agricultural operations).

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

**4.1.6 Process Heaters:**

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

**4.1.6.2** Kilns used exclusively for firing ceramic ware, heated exclusively with natural gas, liquefied petroleum gas, and/or electricity.

**4.2 Food and Beverage Processing Equipment:**

**4.2.1** Equipment used in or in conjunction with eating establishments for the purpose of preparing food for human consumption, except coffee roasters.

**4.2.2** Coffee roasters with a manufacturer's maximum throughput rating of 25 pounds per hour or less.

**4.2.3** Barbecue equipment not used for commercial purposes.

**4.2.4** Ovens at bakeries provided the total production from the bakery is less than 5,000 pounds of product per day and the oven is rated at less than 1 MMBtu/hr.

**4.2.5** Breweries with an annual production of less than 1 million gallons, unless boilers or other heating sources are in excess of the capacities in Section 4.1.3.

**4.3 Commercial Surface Coating Operations:** Non-automotive coating operations using less than 1 quart per day and 8 gallons per year of spray coatings, including those operations that use non-refillable handheld aerosol spray cans.

**4.4 Solvent Cleaning Operations:** Unheated, non-conveyORIZED cleaning equipment with an open surface area of 10.0 square feet or less and internal volume of 92.5 gallons or less.

**4.5 Composting Operations:** Operations that receive and compost less than 125 tons (1000 cubic yards) of green waste annually. "Green waste" is any

organic waste material generated from gardening, agriculture, or landscaping activities including, but not limited to, grass clippings, leaves, tree and shrub trimmings, and plant remains.

**4.6 Vehicles and Mobile Equipment:**

**4.6.1** Vehicles as defined by the Vehicle Code of the state of California, but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.

**4.6.2** Vehicles, locomotives, airplanes, and watercraft used to transport passengers or freight.

**4.6.3** Self-propelled mobile construction equipment other than pavement burners.

**4.7 Residential and Commercial Uses:**

**4.7.1** Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four (4) families, including incinerators used exclusively in connection with such a structure.

**4.7.2** Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

**4.7.3** Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.

**4.7.4** Any architectural or industrial coatings that are subject to the requirements of these Rules and Regulations when applied to structures and their appurtenances.

**4.8 Portable handheld equipment:** Handheld equipment used for buffing, polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding, or turning of metal, wood, plastic, or similar material.

**4.9 Abrasive Blasting Equipment:**

**4.9.1** Blast cleaning equipment using a suspension of abrasive in water.

**4.9.2** Abrasive blasting cabinets with a confined volume of less than 100 cubic feet that are vented through a control device.

**4.10 Agricultural Sources:** Any equipment used in agricultural operations in the growing of crops or the raising of fowl or animals at any agricultural source except when the agricultural source is:

**4.10.1** A major stationary source or major modification at a stationary source as defined in Rule 432, *Federal New Source Review*, or

**4.10.2** A stationary source that emits in any 12-month period air contaminant emissions equal to or more than the following quantities of emissions:

- 4.10.2.1 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs);
- 4.10.2.2 5 tons per year of a single HAP;
- 4.10.2.3 12.5 tons per year of any combination of HAPs; and
- 4.10.2.4 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

**4.11 Replacement of Equipment:**

- 4.11.1 Identical replacement in whole or part of any article, machine, equipment or other contrivance for which a Permit to Operate has previously been granted for such equipment. Identical means the same manufacturer, model number, and type and resulting in emissions less than or equal to those from the original equipment or device and not requiring a change in permit conditions.
- 4.11.2 Like-kind replacement in whole or part of any article, machine, equipment, or other contrivance where a Permit to Operate has previously been granted for such equipment, and the Air Pollution Control Officer determines that the replacement equipment meets the following requirements:
  - 4.11.2.1 Is identical in function, and
  - 4.11.2.2 Is similar in design, and
  - 4.11.2.3 The actual air contaminant emissions are the same in nature, and
  - 4.11.2.4 Has a capacity, production rate, and actual air contaminant emissions that are equal to or less than those of the currently permitted equipment.

In order to claim the applicability of Section 4.11.2 and prior to replacing any equipment, an application for permit modification, the information required to make the determinations listed above, and the application fees specified in Rule 500 must be submitted to the District.

- 4.12 Printing and Reproduction Equipment:** Any graphic arts operation or group of graphic arts operations located at a stationary source, that emit less than an average of 15 pounds of VOCs per operating day for each calendar month from all such operations. All records necessary to calculate average daily VOC emissions, such as emission factors or mix ratios, VOC content of each material used, number of operating days per month, and daily or monthly records of material usage, shall be maintained on-site for 2 years and be made available to the District upon request.

- 4.13 Wastewater treatment facilities, water reclamation facilities, and wastewater pump stations:** Facilities with a design throughput capacity of less than one million gallons of wastewater per day.

- 4.14 Portable Equipment:** Any portable equipment that is registered in accordance with District Rule 440 or any portable equipment registered in accordance with the Statewide Portable Equipment Registration Program. This exemption does not apply to any equipment while in use for screening of soils in contaminated soil remediation projects.
- 4.15 Woodworking and Other Fabrication Operations:** Operations that utilize shop dust collection systems that do not vent outside the working area of the facility and doors, windows and other outlets can remain closed during normal business operations.
- 4.16 Pilot Tests:** Pilot tests for the purposes of determining contamination levels for designing a soil remediation system providing:
- 4.16.1** The pilot test will not last more than five (5) days; and
  - 4.16.2** The effluent stream from the pilot test is controlled by carbon canisters, a thermal or catalytic incinerator/oxidation unit, or an internal combustion engine.
- 4.17 Low Emitting Sources:** As determined by the APCO, other low emitting sources with an uncontrolled emissions rate of:
- 4.17.1** Carbon monoxide at less than the daily BACT threshold; and
  - 4.17.2** Particulate matter (PM10), oxides of nitrogen (NOx), volatile organic compound (VOC), and/or oxides of sulfur (SOx) at:
    - 4.17.2.1** less than or equal to two pounds per day or,
    - 4.17.2.2** if greater than two pounds per day, is less than or equal to 75 pounds per year.

In order to claim the applicability of Section 4.17, a permit application, the information required to make the determinations listed above, and the application fees specified in Rule 500 must be submitted to the District.

- 5 RECORDKEEPING:** All records necessary to calculate daily emissions, of daily operating parameters, or equipment size, ratings, or capacity to demonstrate compliance with any exemption requirements in Section 4 above shall be maintained on-site for 2 years and be made available to the District upon request. Such records may include: emission factors, VOC content of each material used, amount of fuel used, number of operating hours per day and days per calendar month, and daily or monthly records of material usage; manufacturer's brochures, operating logs and any other specific records as noted in the exemption subsection.

## **6 COMPLIANCE SCHEDULE:**

- 6.1** The owner or operator of an emissions unit or operation, that was exempt from written permit requirements that becomes subject to the requirements of Rule 400-Permit Requirements through the loss of the exemption upon adoption of this Rule, shall apply for a Permit to Operate within six (6) months from the date the Rule adoption.

- 6.2** For sources that are exempt from the requirements of Rule 400-Permit Requirements and subsequently exceed the standards and/or thresholds of this rule, the owner or operator of an emissions unit or operation shall apply for a Permit to Operate within thirty (30) days of the date of the loss of exemption.