

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

**PROPOSED NEW RULE 69.5.1 – NATURAL GAS-FIRED WATER HEATERS AND
REPEAL OF EXISTING RULE 69.5 – NATURAL GAS-FIRED WATER HEATERS**

WORKSHOP REPORT

A workshop notice was mailed to manufacturers, distributors and installers of water heaters for use in San Diego County. Notices were also mailed to all Economic Development Corporations and Chambers of Commerce in San Diego County, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), and other interested parties.

The workshop was held on January 16, 2014, and was attended by 7 people. Written comments were also received after the workshop. The workshop comments and District responses are as follows:

1. WORKSHOP COMMENT

Proposed Rule 69.5.1 should include an explicit date, e.g. January 1, 2015, after which water heater manufacturers cannot ship non-compliant equipment for distribution and use in San Diego County. In addition, distributors (wholesalers and retailers) should be allowed a sell-through period of three months after the manufacturer shipment date, e.g. April 1, 2015, to sell their inventory of non-compliant equipment. Contractors should also purge their inventory and have all non-compliant equipment installed by the same date (April 1, 2015). After the sell-through date, any excess inventory can only be sold for use outside of the County.

The aforementioned distribution and sell-through dates are suggested, so that manufacturers can adequately forecast and plan for shipment of non-compliant water heaters that can be sold during the sell-through period.

DISTRICT RESPONSE

The District disagrees. The suggestion to include in the rule a specific shipping deadline for non-compliant equipment is not feasibly enforceable by the District, and therefore cannot be added to the rule as suggested.

Instead, the proposed rule has been revised to take effect 12 months after the rule adoption date. This 12-month period, which is an extension of the 6-month period as originally proposed in the workshopped draft version of the rule, provides additional time and flexibility to adequately plan for the shipment, sale and installation of non-compliant equipment prior to the rule's effective date.

2. WORKSHOP COMMENT

Non-compliant water heaters should be allowed to be stored in San Diego County, if they are to be sold outside the County.

DISTRICT RESPONSE

Proposed Rule 69.5.1 does not preclude the storage of non-compliant water heaters in San Diego County if such units are to be sold for use only outside the County.

3. WRITTEN COMMENT

Proposed Rule 69.5.1 should also apply to larger residential and commercial units with a rated heat capacity of 75,000 Btu/hr to less than 600,000 Btu/hr. This size of equipment is already regulated by other California air districts. In San Diego County, there are approximately more than 100,000 of such units currently installed. Also, because these larger units typically operate more frequently than the smaller residential water heaters, there would be an additional reduction in air pollution.

DISTRICT RESPONSE

The District disagrees. Water heaters subject to the proposed rule (with a heat capacity of less than 75,000 Btu/hr) are typically used at residences. Larger units rated between 75,000 Btu/hr and 600,000 Btu/hr are mostly used in commercial or small industrial installations, and therefore would be more appropriately regulated under a separate rule. In the future, the District will consider the feasibility of regulating water heaters rated between 75,000 and 600,000 Btu/hr.

4. EPA COMMENT

EPA recommends revising an exemption in Subsection (b)(iv), for instantaneous water heaters. For example, San Joaquin Valley APCD Rule 4902 requires that instantaneous water heaters comply with the emission limit of 14 nanograms of NO_x per joule of heat output.

DISTRICT RESPONSE

The District disagrees. A review of product information from instantaneous water heater manufacturers indicates that the majority of units currently available are rated above 75,000 Btu/hr. Only two manufacturers were found to produce instantaneous water heaters rated below 75,000 Btu/hr (the applicability level of the proposed rule).

Small instantaneous water heaters (rated below 75,000 Btu/hr) are designed primarily to quickly provide hot water supply on demand to a single point of use, such as a water faucet. Unlike storage tank water heaters, small instantaneous water heaters do not have the heating capacity to

provide an adequate supply of hot water to serve multiple points of use at the same time. Due to their limited and infrequent use, and substantially smaller portion of the market compared to larger instantaneous water heaters and storage tank water heaters, any excess emissions that may result by the exemption of small instantaneous water heaters rated less than 75,000 Btu/hr are expected to be minimal.

For these reasons, the instantaneous water heater exemption in proposed Rule 69.5.1 has not been revised. However, in the future, the District will consider the feasibility of regulating large instantaneous water heaters rated above 75,000 Btu/hr.

5. EPA COMMENT

EPA recommends revising Subsection (b)(ii) – Exemption, for water heaters used exclusively for swimming pools and hot tubs. San Joaquin Valley APCD Rule 4902 requires that pool heaters comply with the emission limit of 40 nanograms of NO_x per joule of heat output.

DISTRICT RESPONSE

The District disagrees. A review of product information from pool and hot tub manufacturers indicates that units rated below 75,000 Btu/hr (the applicability level of the proposed rule) are currently not available. However, in the future, the District will consider the feasibility of regulating water heaters for pools and hot tubs.

6. EPA COMMENT

It is recommended to include the full title of the EPA-approved test methods in Section (h)(1) and (h)(2), according to EPA's Guidance Document for Correcting Common VOC & Other Rule Deficiencies (The Little Bluebook).

DISTRICT RESPONSE

The District agrees. Subsections (h)(1) and (h)(2) have been revised as suggested.

7. EPA COMMENT

Section (h) of the proposed rule should contain the statement, "A violation determined by either test method shall constitute a violation of the rule," as recommended in the Little Bluebook.

DISTRICT RESPONSE

The District agrees. Section (h) has been revised as suggested.

8. ARB COMMENTS

ARB reviewed and had no comments on the proposed rule.

RC:RR:jlm
08/07/14