

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

**DRAFT PROPOSED AMENDMENTS TO
RULE 11 – EXEMPTIONS FROM RULE 10 PERMIT REQUIREMENTS
AND RELATED CHANGES TO
RULE 67.6.1 – COLD SOLVENT CLEANING AND STRIPPING OPERATIONS
AND RULE 67.6.2 – VAPOR DEGREASING OPERATIONS**

WORKSHOP REPORT

A workshop notice on draft proposed amendments to Rule 11 – Exemptions from Rule 10 Permit Requirements and related changes to Rule 67.6.1 – Cold Solvent Cleaning and Stripping Operations and Rule 67.6.2 – Vapor Degreasing Operations was mailed to each permit holder, applicant, registration holder, chamber of commerce in the region, interested parties through the County of San Diego’s electronic mail service, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (CARB), other interested parties, and posted on the website of the San Diego County Air Pollution Control District (District).

The workshop was held on November 28, 2018, and was attended by 45 people. Oral and written comments were received before, during, and after the workshop. A summary of the comments and the District’s responses follows:

RULE 11 COMMENTS

1. WORKSHOP COMMENT

Rule 11, Subsection (d)(16)(i), currently exempts from permit requirements cold solvent degreasing operations that exclusively use water-based materials with a volatile organic compound (VOC) content that does not exceed 50 grams per liter, as applied. This exemption is proposed for amendment to exempt all materials with a VOC content of 25 grams per liter of material or less, as used. The District should consider keeping the water-based exemption at a higher VOC content.

DISTRICT RESPONSE

The District disagrees. The proposed language will no longer require a permit for degreasing operations that use low VOC cleaning solvents containing exempt compounds, such as siloxanes and acetone. There are a number of cleaning materials available that will meet the VOC content limit of 25 grams per liter of material, providing facilities with more flexibility in their operations from the use of exempt compounds as compared to water-based materials.

2. WORKSHOP COMMENT

Rule 11, Subsection (d)(16)(ix)(E)(2), states that solvent cleaning operations not associated with any permitted operation and using 550 gallons per consecutive 12-months or less are exempt from permitting. Is this exemption applicable to cold solvent cleaning operations?

DISTRICT RESPONSE

No, the existing 550-gallon exemption for surface preparation and solvent cleaning does not apply to cold solvent cleaning, stripping operations, or vapor degreasing operations. The District has added language to this subsection to clarify.

3. WORKSHOP COMMENT

Rule 11, Subsection (d)(19)(xi), states that operations producing pharmaceutical products by chemical processes that emit less than an average of 15 pounds of uncontrolled VOC per operating day are exempt from permit requirements. Would cannabis products be considered pharmaceutical products and thus exempt from permit requirements?

DISTRICT RESPONSE

No, cannabis products, including but not limited to cannabinoid extracts, are not considered pharmaceutical products by the District. The District has added a proposed definition to Section (c) to clarify that cannabis products are not considered pharmaceutical products.

4. WORKSHOP COMMENT

Rule 11, Subsection (d)(19)(xxi), is proposed for amendment to exempt from permit requirements municipal wastewater pump stations that have an annual average actual throughput of less than one million gallons of wastewater per day. If the current activity of the permitted equipment is below the exemption limit, can the permit be retired? If so, what is the procedure for retiring a permit? If a permit application has been submitted, what will become of the application and fees associated with that application?

DISTRICT RESPONSE

Yes, if the facility can demonstrate an annual average actual throughput of less than one million gallons of wastewater per day, the permit holder can request, in writing to the District, to have the permit retired.

If the Rule 11 amendments are adopted as proposed, any fees submitted with an existing permit application that are in excess of the District's actual costs incurred will be refunded and the application will be voided.

5. WORKSHOP COMMENT

How did the District determine the existing exemption threshold of one million gallons of wastewater per day in Rule 11, Subsection (d)(19)(xxi)? If a facility has a pump station that pumps over one million gallons per day, but there are no public complaints of odor, is a permit still necessary?

DISTRICT REPOSE

The existing exemption threshold was established in the mid-1990s, based on testing that was completed at two local wastewater treatment plants. The health risks to the surrounding communities at certain thresholds were evaluated.

The exemption threshold is not based on odor compliance. There are constituents within the wastewater that will volatilize and create health risks. The one million gallon threshold level was established to be protective of public health.

6. WORKSHOP COMMENT

For the Rule 11, Subsection (d)(19)(xxi), exemption, how will the annual average actual throughput of less than one million gallons of wastewater per day be determined? For example, some pump stations do not have flow meters; can periodic readings (e.g., quarterly or semi-annual) be used, or can design curves for the pump run times be used? Also, will wet weather conditions be considered in the annual average actual throughput calculation?

DISTRICT REPOSE

The annual average actual throughput will be determined by the total annual flow going into the facility averaged over the days of operation over the course of a year.

The District is aware that some facilities are not staffed and do not have flow meters installed. For these instances, the facility is encouraged to discuss the situation with the District's Engineering Division to determine the best solution. Design curves for pump run times is a potential way of determining flow rate for the facility.

Wet weather conditions will be considered in the calculation of annual average actual throughput.

7. WORKSHOP COMMENT

For the Rule 11, Subsection (d)(19)(xxi), exemption, will the recordkeeping requirements involve daily readings or will average readings for the entire year be acceptable? If the station is unattended, are the records still required to be kept onsite for three years or can the records be

supplied to the District at its request? Also, will the records need to be a rolling three year timeframe?

DISTRICT REPOSE

Facilities should maintain daily throughput records and keep them onsite and readily available whenever possible. The District is aware that some facilities are unattended, making it difficult to keep records onsite. For these instances, if the records are readily available upon request, the requirement is met. Records should be kept for a rolling three year timeframe, as this will enable you to demonstrate continued compliance with the exemption.

8. WRITTEN COMMENT

The preamble of Rule 11, Subsection (d)(5), identifies certain equipment replacements that require an application for permit revision to be submitted to the District prior to such replacement. Among these are “rim seal replacements for bulk gasoline floating roof tanks subject to the Best Available Control Technology (BACT) requirements of Rule 61.1.” The District should consider allowing all rim seal replacements to be exempt from the requirement to submit an application.

DISTRICT RESPONSE

The District disagrees. Rule 61.1 – Receiving and Storing Volatile Organic Compounds (VOCs) at Plants and Bulk Terminals, requires that rim seals meet BACT requirements at the time of replacement. Requiring an application for permit revision ensures evaluation by the District and a finding that the rim seal replacement meets the most current BACT requirements.

9. WRITTEN COMMENT

Rule 11, Subsection (d)(7)(xiv), states that equipment used for anodizing, plating, polishing, stripping, or etching is exempt from permit requirements if the VOC content of the aqueous material does not exceed 10% by weight. The District should consider expanding this exemption to include equipment used for chemical processing including, but not limited to, anodizing, plating, etc.

DISTRICT RESPONSE

The District disagrees. This exemption was established to protect public health. Expanding it to cover undefined chemical processing equipment could result in unacceptable health risks.

10. CARB COMMENT

No comments at this time.

11. EPA COMMENT

No comments at this time.

RULES 67.6.1 AND 67.6.2 COMMENTS

EPA provided numerous comments on the draft proposed amendments to Rules 67.6.1 and 67.6.2. Due to the nature of these comments and the recent shutdown of the EPA, the District has temporarily suspended its effort to update Rules 67.6.1 and 67.6.2. The District will resume its work on these rules – including holding another public workshop, if warranted – at a later date. In the meantime, the District will continue moving forward with its proposed amendments to Rule 11.

AMO:JS;jlm
01/30/19