

Resolution No.: 20-118
Meeting Date: 07/08/2020 (AP1)

**RESOLUTION ADOPTING AMENDMENTS TO RULE 69.2.1 – SMALL BOILERS,
PROCESS HEATERS, STEAM GENERATORS, AND LARGE WATER HEATERS, OF
REGULATION IV OF THE RULES AND REGULATIONS OF THE SAN DIEGO
COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Jacob, seconded by Member Gaspar, the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board (Board), pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been held relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code and Section 51.102 of Title 40 of the Code of Federal Regulations; and

WHEREAS, pursuant to Section 40727 of the Health and Safety Code, the San Diego County Air Pollution Control Board makes the following findings:

- (1) (Necessity) The adoption of proposed amended Rule 69.2.1 is necessary in order to implement federal requirements for Reasonably Available Control Technology and state requirements for all feasible control measures to achieve the ambient air quality standards for ozone in San Diego County;
- (2) (Authority) The adoption of proposed amended Rule 69.2.1 is authorized by Health and Safety Code Section 40702;
- (3) (Clarity) Proposed amended Rule 69.2.1 can be easily understood by persons directly affected by it;
- (4) (Consistency) The adoption of proposed amended Rule 69.2.1 is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and state and federal regulations;
- (5) (Non-duplication) The adoption of proposed amended Rule 69.2.1 will not duplicate existing District, state, or federal requirements;
- (6) (Reference) The adoption of proposed amended Rule 69.2.1 is necessary to comply with: federal law, Clean Air Action Section 182(b)(2), which requires implementation of Reasonably Available Control Technology on stationary sources of oxides of nitrogen emissions; and state law, California Health and Safety Code

Section 40914(b)(2), which requires adoption of every feasible control measure to reduce ozone-precursor emissions;

WHEREAS, the Board further finds pursuant to Health and Safety Code Section 40001 that adoption of proposed amended Rule 69.2.1 will facilitate the attainment of ambient air quality standards; and

WHEREAS, the Board further finds that an analysis comparing proposed amended Rule 69.2.1 with applicable requirements of federal and local regulations has been prepared pursuant to Health and Safety Code Section 40727.2; and

WHEREAS, the Board further finds that an incremental cost-effectiveness analysis pursuant to Health and Safety Code Section 40920.6(a) has been prepared for proposed amended Rule 69.2.1 and has been made available for public review and comment, and has been actively considered; and

WHEREAS, the Board further finds that an assessment of socioeconomic impacts of proposed amended Rule 69.2.1, as required by Section 40728.5 of the Health and Safety Code, has been prepared and has been made available for public review and comment, and that the socioeconomic impacts of the proposed amended rule have been actively considered and the proposed amended rule will not have adverse socioeconomic impacts.

NOW THEREFORE IT IS RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be, and hereby are amended as follows:

1. Proposed amended Rule 69.2.1 is to read as follows:

RULE 69.2.1 SMALL BOILERS, PROCESS HEATERS, STEAM GENERATORS, AND LARGE WATER HEATERS (Adopted *(date of adoption)*;
Effective July 1, 2021)

(a) APPLICABILITY

Except as otherwise provided in Section (b), this rule shall apply to any person who manufactures, sells, offers for sale or distributes for use within San Diego County, or installs within San Diego County a new unit (boiler, process heater, steam generator, or water heater) with a heat input rating from 75,000 Btu per hour to 2 million Btu per hour.

(b) EXEMPTIONS

- (1) The provisions of this rule shall not apply to the following:

- (i) Any waste heat recovery boilers that are used to recover heat from the exhaust of gas turbines, internal combustion engines, or other combustion equipment.

(ii) Furnaces, kilns, and any combustion equipment where the material being heated is in direct contact with the products of combustion.

(iii) Thermal oxidizers and associated waste heat recovery equipment.

(iv) Hot water pressure washers.

(c) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

(1) **"Boiler"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water.

(2) **"Btu"** means British thermal unit.

(3) **"Furnace"** means any enclosed structure in which heat is produced by the combustion of any fuel.

(4) **"Gaseous Fuel"** means natural gas or liquefied petroleum gas.

(5) **"Heat Input Rating"** means the maximum steady state heat input capacity of a unit, in Btu per hour, as specified by the manufacturer.

(6) **"Hot Water Pressure Washer"** means a high-pressure cleaning machine in which the hot water discharge line (spray nozzle) is hand supported and is intended for commercial and industrial applications.

(7) **"Installed"** means a unit is located onsite at the final destination and is capable of operation.

(8) **"Instantaneous Water Heater"** means a water heater that heats water only when it flows through a heat exchanger.

(9) **"Kiln"** means an oven, furnace, or heated enclosure used for processing a substance by burning, firing, or drying.

(10) **"Liquefied Petroleum Gas (LPG)"** means a gas, consisting primarily of propane, propylene, butane, and butylene in various mixtures, that is stored as a liquid at high pressure.

(11) **"Liquid Fuel"** means any fuel which is a liquid at standard conditions, including distillate oils.

(12) **"New Unit"** means a unit installed, manufactured, or sold on or after July 1, 2021.

(13) **"Process Heater"** means any combustion equipment fired with liquid and/or gaseous fuel and which transfers heat from the combustion gases to water or process streams. Pool heaters used for swimming pools, spas and/or therapy pools shall be considered process heaters.

(14) **"PUC Quality Natural Gas"** means California Public Utility Commission Quality Natural Gas that is any gaseous fuel, gas-containing fuel where the sulfur content is no more than one-fourth (0.25) grain of hydrogen sulfide per one hundred (100) standard cubic feet and no more than five (5) grains of total sulfur per one hundred (100) standard cubic feet. PUC quality natural gas also means high methane gas of at least 80% methane by volume.

(15) **"Stationary Source"** means the same as defined in Rule 2 - Definitions.

(16) **"Steam Generator"** means any combustion equipment fired with gaseous and/or liquid fuel and used to produce steam or to heat water.

(17) **"Tank Type Water Heater"** means a water heater with an integral closed vessel in which water is heated and stored for use external to the vessel.

(18) **"Thermal Oxidizer"** means combustion equipment fired with gaseous fuel and used to control emissions of air contaminants from industrial or commercial processes.

(19) **"Unit"** means any boiler, steam generator, process heater, or water heater.

(20) **"Water Heater"** means a closed vessel in which water heated by combustion of natural gas is withdrawn for use external to the vessel at pressures not exceeding 160 psig. Water heater consists of the apparatus by which heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210°F (99°C). Types of water heaters include instantaneous and tank type water heaters.

(d) STANDARDS

Except as otherwise provided in Section (b), effective July 1, 2021, no person shall manufacture, distribute, sell, offer for sale, or install within San Diego County any new unit that has emissions that exceed the following levels:

Equipment Type	Fuel	Heat Input Rating (Btu per hour)	Concentration of NOx ¹ (ppmv)	Concentration of CO ² (ppmv)
New unit	Natural gas	75,000 to 400,000	20	N/A
New pool heater	Natural gas	75,000 to 400,000	55	N/A

New unit	Natural gas	Greater than 400,000 to 2,000,000	20	400
New unit	Non PUC Gas or Liquid fuel	75,000 to 400,000	77	N/A
New unit	Non PUC Gas or Liquid fuel	Greater than 400,000 to 2,000,000	30	400

¹Calculated as nitrogen dioxide at 3% oxygen on a dry basis.

²Calculated as carbon monoxide at 3% oxygen on a dry basis.

(e) CERTIFICATION STATEMENT

(1) A manufacturer of any new unit to be offered for sale within San Diego County shall submit to the Air Pollution Control Officer a statement certifying that each model of boiler, process heater, steam generator, or water heater subject to the requirements of Section (d) complies with the provisions of this rule.

(i) The statement shall be signed, dated, and attested to the accuracy of all information by a representative of the manufacturer.

(ii) The statement shall be submitted at least 30 days before the unit model is offered for sale, sold, or installed within San Diego County.

(iii) The statement shall include:

(A) Name and address of manufacturer,

(B) Brand name,

(C) Model number,

(D) Description of the model unit being certified, including burner type,

(E) Heat input rating as specified on the nameplate, and

(F) Oxides of nitrogen and carbon monoxide emission test results of each model being certified.

(2) A manufacturer shall submit to the Air Pollution Control Officer a new certification statement for any unit model whose design is changed in any manner which may alter oxides of nitrogen or carbon monoxide emissions.

(3) Alternatively, to comply with Subsections (e)(1) or (e)(2), a manufacturer may submit to the Air Pollution Control Officer a certification statement for the unit model as required in the South Coast Air Quality Management District (SCAQMD) Rule 1146.2, Section (d) – Certification.

(f) LABELING

A manufacturer shall display on the shipping carton and the nameplate of every unit to be offered for sale within San Diego County, the model number and certification status of the unit complying with Section (e), or alternatively, the most current requirements of the-SCAQMD Rule 1146.2.

(g) RECORD KEEPING

A manufacturer shall keep test records for oxides of nitrogen and carbon monoxide emissions and certification records for as long as the new unit model is offered for sale or sold within San Diego County, or for three calendar years after date of manufacture, whichever is longer. Such records shall be provided to the District upon request.

(h) TEST METHODS

When more than one test method or set of test methods are specified in this Section, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of this rule.

(1) To determine compliance with Section (d), the manufacturer shall obtain measurements of oxides of nitrogen and carbon monoxide contents conducted by an independent testing laboratory in accordance with:

(i) San Diego County Air Pollution Control District Test Method 100, Test Procedures for the Determination of Nitrogen Oxides, Carbon Monoxide and Diluent Gases by Continuous Emission Monitoring, May 1995, or its most current version approved by the U.S. Environmental Protection Agency (EPA), or

(ii) SCAQMD Test Method 100.1, Instrumental Analyzer Procedures for Continuous Gaseous Emission Sampling, March 1989, or its most current version approved by EPA.

(2) For natural gas-fired units, emission tests shall be performed in accordance with the procedures and methods outlined in the SCAQMD Protocol: Nitrogen Oxides Emissions Compliance Testing for Natural Gas-Fired Water Heaters and Small Boilers, January 1998.

(3) Other test methods which are determined to be equivalent to the test methods specified in this rule and approved, in writing, by the Air Pollution Control Officer, California Air Resources Board and EPA.

IT IS FURTHER RESOLVED AND ORDERED that proposed amended Rule 69.2.1 of Regulation IV shall take effect on July 1, 2021.

**APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL**

BY: Paula Forbis, Senior Deputy

The foregoing Resolution was passed and adopted by the Air Pollution Control District, County of San Diego, State of California, on this 8th day of July, 2020, by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond
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STATE OF CALIFORNIA)
County of San Diego)^{SS}

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the San Diego County Air Pollution Control Board.

ANDREW POTTER
Clerk of the Air Pollution Control Board

By: _____


Joana Santiago, Deputy



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