

**RULE 202** Permit Exemptions - Adopted 4/18/72, Amended 3/19/74, 12/17/74, 6/30/80, 12/15/80, 4/25/83, 11/18/85, 8/22/89, 4/30/90, 8/19/91, 5/2/96, 1/8/98, 3/13/03, 1/8/04, 1/13/2011

**I. California Health and Safety Code (CH & SC) Exemptions**

An Authority to Construct (ATC) or a Permit to Operate (PTO) shall not be required for the following unless an ATC or PTO is required pursuant to Section III.A of this Rule:

- A. Any structure designed for and used exclusively as a dwelling for not more than four families and any incinerator used exclusively in connection with such structure (CH & SC, Sections 42310(a) (1) and (3));
- B. Any Vehicle as defined in Rule 102, but not including any source operation mounted on such vehicle that would otherwise require a permit under provisions of the District Rules and Regulations (CH & SC, Section 42310 (a)(1));
- C. Repairs or maintenance not involving structural changes to any source operation with a Permit to Operate (CH & SC, Section 42310(a) (5)); and
- D. Portable engines and/or equipment associated with such engines qualifying for and in compliance with CARB's statewide registration system (CH & SC, Section 41753).

**II. Additional Exemptions**

An ATC or a PTO shall not be required for the following unless a written permit is specifically requested by the owner/operator or an ATC or PTO is required pursuant to Section III of this Rule:

- A. Combustion Equipment:
  - 1. Steam generators, steam superheaters, water boilers, water heaters, steam cleaners, and closed heat transfer systems with a total burner(s) maximum input heat rating of less than 5,000,000 Btu per hour (gross) and equipped to be fired exclusively with natural gas, liquefied petroleum gas, or any combination thereof, provided the fuel contains no more than 5 percent by weight hydrocarbons heavier than butane (as determined by test method ASTM E-260-73) and no more than 0.30 grains of total sulfur per 100 standard cubic feet of gas (as determined by test method ASTM D-1072-80);
  - 2. Piston-type internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower (bhp) or less; and
  - 3. Gas turbine engines with a maximum heat input rating of 3,000,000 Btu per hour or less at *Standard Conditions* as defined in Rule 102, Definitions ; and
  - 4. Natural gas or liquefied petroleum gas fired equipment used exclusively for space heating, except boilers.

- B. Locomotives, Airplanes, and Watercraft: Used to transport passengers or freight. This exemption is not intended to apply to equipment used for dredging of waterways or to equipment used in pile driving adjacent to or in waterways.
- C. Cooling Towers: Except as required by Rule 429.1, water cooling towers with a circulation rate of less than 1,000 gallons/minute and not used for cooling liquids containing volatile organic compounds such as process water, water from barometric jets, or water from barometric condensers.
- D. Printing and Reproduction Equipment: Printing, coating, or laminating facilities using less than 2 gallons per day of graphic arts materials. Graphic arts materials are any ink, coating, adhesive, fountain solution, thinner, retarder, or cleaning solution.
- E. Food Processing Equipment:
1. Mixers and blenders used in bakeries producing edible foodstuffs intended for human consumption;
  2. Ovens used in bakeries producing less than 1,000 pounds of product per operating day, if exempted by Subsection II.A.1.; or if electrically heated;
  3. Smokehouse used for preparing food with a maximum horizontal inside cross-sectional area not exceeding 20 square feet; and
  4. Non-chain driven commercial use BBQ grill 20 square feet or less.
- F. Plastic/Rubber Processing Equipment: Source operations used exclusively for extruding or compression molding of rubber products or plastics, if no plasticizer or blowing agent is present.
- G. Liquid Storage Vessels: Containers, reservoirs, or tanks used exclusively for:
1. Storage of JP-8, NATO F-34, NATO F-35, and JP-8+100 engine fuels as defined in military specification number MIL-DTL-83133;
  2. Storage of unheated organic material with a capacity of 250 gallons or less;
  3. Storage of unheated organic material not used as a fuel with an initial boiling point of 150° C (302° F) or greater as measured by test method ASTM D-86;
  4. Storage of organic liquids as measured by test method API 2547 or ASTM D-1298-80 that include:
    - a. Storage of petroleum distillates used as engine fuel with 0.8251 specific gravity or higher (40° API or lower) and with a capacity of 19,800 gallon (471 bbls) or less;
    - b. Storage of unrefined oil with specific gravity of 0.8762 or higher (30° API or lower) and with a capacity of 100 bbl or less;

- c. Storage of fuel oils or non-air-blown asphalt with 0.9042 specific gravity or higher (25° API or lower).
  - 5. Storage of refined lubricating oils and greases;
  - 6. Storage of liquefied gases in unvented (except for emergency relief) pressure vessels; and
  - 7. Transporting of liquids on streets or highways.
- H. Loading Racks and Equipment: Loading racks (as defined in Rule 102) used exclusively for transfer of:
- 1. Unheated organic materials not used as a fuel with an initial boiling point of 150° C (302° F) or greater as measured by test method ASTM D-86;
  - 2. Petroleum distillates with 0.8251 specific gravity or higher (40° API or lower) as measured by test method API 2547 or ASTM D-1298-80;
  - 3. Unrefined oil, asphalt, or residual oil from tanks not requiring permits in accordance with this Rule;
  - 4. Unrefined oil with 0.8762 specific gravity or higher (30° API or lower) as measured by test method API 2547 or ASTM D-1298-80;
  - 5. Unrefined oil, asphalt, or residual oil from a delivery vehicle if loading equipment is attached to such vehicle; and
  - 6. Refined lubricating oil.
- I. Surface Coating and Solvent Cleaning Operations:
- 1. Equipment used for application of architectural surface coatings. Architectural surface coating is defined as any coating applied to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs; and
  - 2. Unheated, nonconveyorized cleaning equipment (not including emission control enclosures):
    - a. with an open surface area of 10.0 ft<sup>2</sup> or less, and internal volume of 92.5 gallons or less;
    - b. using only organic solvents with an initial boiling point of 120° C (248° F) or greater as determined by ASTM 1078-78; and
    - c. located at a stationary source losing less than 25 gallons of solvent per year to the atmosphere from all such equipment at the stationary source. Solvent lost shall not include solvent recycled or disposed of properly. Any person claiming exemption pursuant to this subsection shall maintain adequate monthly records to document his exempt status.

J. Abrasive Blasting Equipment:

1. Blast cleaning cabinets in which a suspension of abrasive in water is used;
2. Any manually-operated abrasive blast cabinet, vented to a dust-filter, where the total internal volume of the blast section is 50 cubic feet or less;
3. Enclosed equipment used exclusively for shot blast removal of flashing from rubber and plastics at sub-zero temperatures;
4. Shot peening operations, provided no surface material is removed; and
5. Portable sand/water blaster equipment and associated piston type internal combustion engine, provided water in the mixture is maintained at 66% or more by volume during operation of such equipment. Piston type internal combustion engines must be exempt pursuant to Subsection II.A.2.

K. Agricultural Sources: An Agricultural Facility or Confined Animal Facility (CAF) (as defined in Rule 102, Definitions) that meets all of the following requirements:

1. Actual emissions are less than one-half the Major Source thresholds as defined in District Rule 201.1, Permits to Operate for Sources Subject to Title V of the Federal Clean Air Act Amendments of 1990, Section II.U; and
2. Houses quantities of each class of animal less than:
  - 1,000 milk-producing dairy cows;
  - 2,500 horses;
  - 3,000 swine;
  - 3,500 beef cattle;
  - 7,500 calves, heifers, or other cattle;
  - 15,000 sheep, lambs, or goats;
  - 30,000 rabbits or other animals not in this list;
  - 100,000 turkeys;
  - 650,000 chickens other than laying hens;
  - 650,000 laying hens;
  - 650,000 ducks.

L. Miscellaneous:

1. Brazing, soldering, or welding equipment. This exemption applies to conventional brazing, soldering, or welding operations only; any internal combustion engine or other equipment associated with these source operations that would otherwise require permits is not exempt;
2. Equipment used exclusively to compress or hold dry natural gas; any engine or other equipment associated with such source operation otherwise requiring permits is not exempt;
3. Unvented (except for emergency pressure relief) pressure vessels associated with a source operation exempt from permit; and

4. Comfort air conditioning or comfort ventilating systems not designed to remove air contaminants generated by or released from a source operation.
- M. Low Emitting Unit: A source operation that meets the emission limits specified in either Subsection 1 or 2 of this section and complies with Section IV, *Recordkeeping* of this rule.
1. A source operation with a potential to emit any uncontrolled affected pollutant at a rate of less than or equal to 2 pounds in any 24-hour period.
  2. A source operation with a potential to emit uncontrolled Oxides of Nitrogen (NO<sub>x</sub>) or Volatile Organic Compounds (VOCs) at a rate of less than or equal to 10 pounds in any 24-hour period and less than or equal to 180 pounds in any calendar year.
- N. Temporary Source Operation: Any source operation, as defined in Rule 102, Definitions that has not occurred in the previous 2 calendar years, will operate for less than 12 consecutive months, and expected to emit less than 500 pounds of affected pollutants during the operation period.

Any source seeking *Temporary Source Operation* exemption must comply with provisions 1 and 2 of this section.

1. An application and filing fee in accordance with District Rule 301 shall be submitted to the Control Officer to qualify for the exemption listed in this section. Additionally, application shall be subject to application processing and priority processing fees as stated in Rule 303. Such application shall include: identification of source operation, documentation of expected emissions, and proposed form and location of records to be used to verify qualification for exemption. Such requests shall be acted upon by the District within 30 days. Each request for reapplication shall be accompanied by filing fee in accordance with District Rule 301; and
2. Sufficient records verifying compliance with *Temporary Source Operation* limits shall be collected and maintained in accordance with Section IV.A (Recordkeeping) of this rule.

### **III. Provisions for Permitting Otherwise Exempt Source Operation**

Notwithstanding provisions of Sections I and II of this Rule, an Authority to Construct and a Permit to Operate may be required for the following source operations:

- A. Those subject to EPA 40 CFR, Part 60, New Source Performance Standards (NSPS), EPA 40 CFR, Parts 61 and 63, National Emission Standards for Hazardous Air Pollutants (NESHAPS and MACT); or any source specific prohibitory Rule;
- B. Those for which the Control Officer makes a determination a permit shall be required because such source operation may not operate in compliance with all District rules and regulations, or has the potential to emit hazardous air pollutants in such quantity as to pose a significant risk to public health; and

- C. Those proposed as part of soil or groundwater remediation projects.

#### IV. **Recordkeeping**

- A. Recordkeeping shall be required to verify or maintain any exemption if such exemption is based on a maximum emission limitation or is a provision of a specific section of this rule. Such records may include but are not limited to: number of days of source operation, type(s) of affected pollutant emitted in pounds per day, Material Safety Data Sheets, product data sheets, specification sheets, purchase records, VOC content data for coatings, emission factors used for calculations, and any other pertinent information.
- B. Source operation that qualifies as *Low Emitting Unit* in accordance with Section II.M.1 of this rule may satisfy the recordkeeping provision by maintaining records for the source operation sufficient to demonstrate uncontrolled emissions of any affected pollutant do not exceed 2 pounds for 24-hour period of maximum operation for the calendar year.
- C. Source operation that qualifies as *Low Emitting Unit* in accordance with Section II.M.2 of this rule may satisfy the recordkeeping provision by:
  - 1. Maintaining records for the source operation sufficient to demonstrate uncontrolled emissions of NO<sub>x</sub> and VOC do not exceed 10 pounds in any 24-hour period of maximum operation for the calendar year; and
  - 2. Maintaining records to demonstrate emissions of NO<sub>x</sub> and VOC do not exceed 180 pounds in the calendar year: and
  - 3. Maintaining records for the source operation sufficient to demonstrate uncontrolled emissions of any affected pollutant other than NO<sub>x</sub> and VOC do not exceed 2 pounds for 24-hour period of maximum operation for the calendar year.
- D. Such records shall be maintained on-site for at least 3 years (Title V sources must retain records for 5 years), and shall be submitted to District Staff upon District's request.

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