

KERN COUNTY AIR POLLUTION CONTROL DISTRICT

**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)*

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

Neither an Authority to Construct nor a Permit to Operate shall be required for the following:

- 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(b) and (c));
- B. Motor vehicles as defined by the Vehicle Code of the State of California (CH & SC, Section 42310 (a)), but not including any source operation mounted on such vehicle that would otherwise require a permit under provisions of the District Rules and Regulations;
- C. Repairs or maintenance not involving structural changes to any source operation with a Permit to Operate (CH & SC, Section 42310(f)); and
- D. Portable engines and/or equipment associated with such engines qualifying for and complying with CARB's statewide registration system (CH & SC, Section 41753).

**II. Additional Exemptions**

Neither an Authority to Construct nor a Permit to Operate shall be required for the following unless a written permit is specifically requested by the owner/operator:

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 ISO Standard Day Conditions.

B. Vehicles

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

1. Mixers and blenders used in bakeries producing edible foodstuffs intended for human consumption. Ovens at bakeries with total production less than 1,000 pounds of product per operating day if exempted by Subsection II.A.1., and if other than electrically heated; and
2. Smokehouses used for preparing food with a maximum horizontal inside cross-sectional area not exceeding 20 square feet.

F. Plastic/Rubber Processing

Source operations used exclusively for extruding or compression molding of rubber products or plastics, if no plasticizer or blowing agent is present.

G. Storage Vessels

Containers, reservoirs, or tanks used exclusively for:

1. Storage of oil with specific gravity of 0.8762 or higher (30° API or lower) as measured by test method API 2547 or ASTM D-1298-80 with a capacity of 100 bbl or less;
2. Storage of unheated organic material with a capacity of 250 gallons or less;
3. Storage of unheated organic material with an initial boiling point of 150°C (302°F) or

greater as measured by test method ASTM D-86;

4. Storage of fuel oils or non-air-blown asphalt with 0.9042 specific gravity or higher (25°API or lower) as measured by test method API 2547 or ASTM D-1298-80;
5. Storage of petroleum distillates used as motor fuel with 0.8251 specific gravity or higher (40° API or lower) as measured by test method API 2547 or ASTM D-1298-80 and with a capacity of 19,800 gallon (471 bbls) or less;
6. Storage of refined lubricating oils;
7. Storage of liquefied gases in unvented (except for emergency relief) pressure vessels; and
8. Transporting of materials 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 with an initial boiling point of 150°C (302°F) or greater as measured by test method ASTM D-86;
2. Fuel oil with 0.8251 specific gravity or higher (40°API or lower) as measured by test method API 2547 or ASTM D-1298-80;
3. Crude oil, asphalt, or residual oil from tanks not requiring permits in accordance with this Rule;
4. Crude 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. Crude 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.
2. Unheated, non-conveyorized 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. 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 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 operations otherwise requiring permits is not exempt.
3. Fugitive emissions sources, such as valves and flanges, associated with a source operation exempt from permit.
4. Unvented (except for emergency pressure relief) pressure vessels associated with a source operation exempt from permit.
5. Fugitive emissions sources and pressure vessels associated with a source operation requiring a permit shall be included on such permit. A separate permit for the fugitive source or pressure vessels shall not be required.
6. Source operation operated at one stationary source for not more than 45 days, which is not a replacement for a specific application which lasts or is intended to last for more than 45 days at one stationary source, and which emits less than two tons per year of any air contaminant. To qualify for this exemption, a written request shall be made to the Control Officer including: identification of the source operation, documentation emissions will not exceed two tons per year of any air contaminant, and proposed form and location of records to be used to verify qualification for exemption. If the Control Officer does not respond to such request within 30 days, it shall be deemed approved. To retain such exemption, the owner of a source operation shall reapply biannually. Each request for exemption or reapplication shall be accompanied by a \$104 filing fee.
7. Comfort air conditioning or comfort ventilating systems not designed to remove air contaminants generated by or released from a source operation.

8. Any source operation if the uncontrolled emission of any air contaminant, except Nitrogen Oxides and Volatile Organic Compounds, is not expected to exceed 2 pounds in any 24-hour period; or
9. Other sources of air contaminants for which an exemption is requested in writing, and which have been documented with a written analysis by the Control Officer to:
  - a. emit no more than 10 pounds uncontrolled in any 24 hour period,
  - b. emit no more than 180 pounds in any quarter, and
  - c. not interfere with provisions of the newest adopted Air Quality Attainment Plan.

### **III. Provisions for Permitting Otherwise Exempt Equipment**

Notwithstanding provisions of Section II, an Authority to Construct and a Permit to Operate shall be required for the following source operations:

- A. Those subject to EPA 40 CFR, Part 60, New Source Performance Standards (NSPS), or EPA 40 CFR, Part 61, National Emission Standards for Hazardous Air Pollutants (NESHAPS);
- 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
- C. Those proposed as part of soil or groundwater remediation projects.

### **IV. Recordkeeping**

Recordkeeping shall be required to verify or maintain any exemption if such exemption is based on a maximum daily emission limitation.