

Final Rule

**MONTEREY BAY UNIFIED AIR POLLUTION CONTROL DISTRICT
REGULATION II
PERMITS**

RULE 201. SOURCES NOT REQUIRING PERMITS

(Adopted 9-1-74; Revised 7-9-75, 9-11-75, 11-21-76, 1-19-77, 7-26-78, 3-17-82, 12-13-84, 5-15-85, 12-17-86, 9-16-87, 9-21-88, 6-14-89, 10-16-91, 4-21-93, 5-14-97, 12-13-00, 4-18-01, 5-21-03, 2-16-05, 3-21-07, and 10-15-14.)

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PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is to provide a list of source and equipment categories which are exempt from the requirements of District Rule 200 (Permits Required) to obtain an Authority to Construct (ATC) or Permit to Operate (PTO).

1.2 Applicability

1.2.1 The exemptions provided in Part 3 of this Rule apply to the requirements of Rule 200 (Permits Required) to obtain an Authority to Construct (ATC) or Permit to Operate (PTO). The exemptions do not apply to any requirement for facility operators to register with the District, for purposes of emission or source inventoring, or to any other District requirements.

1.2.2 The exemptions in this Rule, as well as the permit requirements of Rule 200 (Permits Required), apply to individual articles of equipment or process lines, unless otherwise indicated.

1.3 Exceptions

1.3.1 An Authority to Construct (ATC) or a Permit to Operate (PTO) shall always be required for any of the following sources:

1.3.1.1 Any source subject to a:

1.3.1.1.1 New Source Performance Standard; or

1.3.1.1.2 National Emission Standard for Hazardous Air Pollutants (NESHAP) except for the Demolition and Renovation requirements of the Asbestos NESHAP (40 Code of Federal Regulations Part 61, §61.145 - §61.147); or

1.3.1.1.3 federal Maximum Achievable Control Technology standard (MACT); or

1.3.1.1.4 state air toxic control measure (ATCM).

1.3.1.2 Any source providing offsets to which Section 6.11 of District Rule 207 (Review of New or Modified Sources) applies.

1.3.1.3 Any Large Confined Animal Facility as defined in the California Code of

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Regulations in Title 17, Division 1, Chapter 1, Section 86500.

1.3.2 A Federal Operating (Title V) Permit shall always be required for any source that is a *Major Source* as defined in District Rule 218 (Title V: Federal Operating Permits).

1.4 Effective Date

This Rule as revised is effective on October 15, 2014.

1.5 References

The requirements of this Rule arise from the provisions of the California Clean Air Act and amendments (Health and Safety Code Sections 40910 *et seq.*) and Health and Safety Code Section 42300. Referenced or related District Rules include: 101 (Definitions); 200 (Permits Required); 207 (Review of New or Modified Sources); 218 (Title V: Federal Operating Permits); 423 (New Source Performance Standards); 424 (National Emission Standards for Hazardous Air Pollutants (NESHAPs)); 426 (Architectural Coatings); 429 (Applications of Nonarchitectural Coatings); 438 (Open Outdoor Fires); 500 (Orchard, Field Crop or Citrus Grove Heaters: Definitions); 1000 (Permit Guidelines and Requirements for Sources Emitting Toxic Air Contaminants); 1008 (Air Toxic Control Measures).

PART 2 DEFINITIONS

Reserved.

PART 3 REQUIREMENTS

An Authority to Construct (ATC) or a Permit to Operate (PTO) shall not be required for any source or equipment described in the categories listed in Part 4 of this Rule, except as provided in Section 1.3 of this Rule. Sources exempt from permits are still required to comply with all other applicable District Rules and Regulations.

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PART 4 CATEGORIES

4.1 Abrasive Blasting

The following equipment or any exhaust system or collector serving exclusively such equipment:

- 4.1.1 Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.
- 4.1.2 Blast cleaning equipment using a suspension of abrasive in water.
- 4.1.3 Blast cleaning equipment with a manufacture's sand capacity rating of 100 pounds or less (45.4 kg), or 1 cubic foot or less.
- 4.1.4 Blast cleaning equipment that uses no more than a total of 800 pounds (360 kg) of new or recycled abrasive material in any calendar year.

4.2 Agricultural Operations

- 4.2.1 Equipment used in agricultural operations for the growing of crops or the raising of fowl or animals where the agricultural operation has actual emissions less than 50% of the *Major Source* threshold as defined in District Rule 218 (Title V: Federal Operating Permits).
- 4.2.2 Orchard heaters as defined in Rule 500 (Orchard, Field Crops or Citrus Grove Heaters: Definitions).

4.3 Architectural Coatings

Equipment used for the application of architectural coatings, as defined in Rule 426 (Architectural Coatings).

4.4 Contaminated Soil or Water Aeration

- 4.4.1 Contaminated Soil or Water Aeration projects which contain diesel fuel only, or less than 25 pounds of Total Petroleum Hydrocarbons (TPH) and less than 0.05 pounds of benzene.

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4.4.2 Pilot tests for determining contamination levels for designing a soil or water remediation system provided:

4.7.2.1 the pilot test will not last more than 5 days; and

4.7.2.2 the effluent stream from the pilot test is controlled by carbon canisters, a thermal or catalytic incineration/oxidation unit, or an internal combustion engine.

4.5 Crude Oil Production

4.5.1 Well heads and electric motor driven well pumps.

4.5.2 Crude Oil and natural gas pipeline electric motor driven transfer pumps.

4.5.3 Crude oil tankage and truck loading facilities where the total production is less than 3,650 barrels per year at a stationary source.

4.6 Educational or Recreational Usage

The following equipment or any exhaust system or collector serving exclusively such equipment:

4.6.1 Equipment used for instruction at educational institutions (excluding correctional facilities) or by amateur hobbyists for buffing (except automatic or semi-automatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, fiberglass, leather, metals, plastics, rubber, fiberboard, masonry, carbon or graphite.

4.6.2 Equipment used for instruction at educational institutions (excluding correctional facilities) or by amateur hobbyists for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.

4.6.3 Equipment used for laboratory or science instruction at primary and secondary schools, i.e., Kindergarten and Grades 1 through 12.

4.7 Equipment Rendered Inoperable

4.7.1 Any equipment rendered inoperable or removed from service.

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4.8 External Combustion Equipment

4.8.1 Any steam generator, steam superheater, water boiler, water heater, or closed heat transfer system at a stationary source that has an aggregated heat input rate of less than:

4.8.1.1 2 million British Thermal Units (BTU) per hour (gross) when fired with natural gas or liquefied petroleum gas or any combination thereof.

4.8.1.2 250,000 British Thermal Units (BTU) per hour (gross) when fired on any other fuel than that identified in Subsection 4.7.1.1.

4.8.2 Process heaters or any combustion equipment at a stationary source that has an aggregated heat input rate of less than:

4.8.2.1 2 million British Thermal Units (BTU) per hour (gross) when fired with natural gas or liquefied petroleum gas or any combination thereof.

4.8.2.2 250,000 British Thermal Units (BTU) per hour (gross) when fired on any other fuel than that identified in Subsection 4.7.2.1.

4.9 Fabric and Textiles

4.9.1 Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.

4.9.2 The following equipment or any exhaust system or collector serving exclusively such equipment:

Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

4.9.3 Lint traps used exclusively in conjunction with dry cleaning tumblers.

4.9.4 Wastewater evaporators associated with dry cleaning equipment.

4.10 Fermentation

4.10.1 Wineries in operation as of May 14, 1997 with an annual production rate less than

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1.25 million gallons (4.7 megaliters).

4.10.2 New or reconstructed, as defined in District Rule 207 (Review of New or Modified Sources), wineries with an annual production rate less than 150,000 gallons (570 kiloliters).

4.10.3 Breweries with an annual production rate less than 2.5 million gallons (9.5 megaliters).

4.11 Food Processing

4.11.1 Barbecue equipment which is not used for commercial purposes.

4.11.2 Equipment used in eating establishments and by portable food vendors for the purpose of preparing food for human consumption.

4.11.3 Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.

4.11.4 The following equipment or any exhaust system or collector serving exclusively such equipment:

4.11.4.1 Ovens, mixers, and blenders used in bakeries where the products are edible and intended for human consumption.

4.11.4.2 Confection cookers where the products are edible and intended for human consumption.

4.12 Fuel Cells

Fuel cells which use phosphoric acid, molten carbonate, proton exchange membrane or solid oxide technologies.

4.13 Heating and Cooling

4.13.1 Comfort air conditioning, comfort ventilating systems, or evaporative condensers or cooling towers associated with HVAC systems, which are not designed to remove air contaminants generated by or released from specific units or equipment.

4.13.2 Refrigeration units except those used as, or in conjunction with, air pollution

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control equipment.

4.13.3 Equipment used exclusively for space heating other than boilers.

4.13.4 Cooling towers or evaporative condensers which do not use chromium additives and where the total combined water recirculation rate of the unit(s) is less than 5000 gallons (19 kiloliters) per minute.

4.13.5 Natural draft hoods, natural draft stacks or natural draft ventilators associated with structural heating or cooling.

4.14 Internal Combustion Engines

4.14.1 Any stationary piston-type internal combustion engine of less than 50 brake horsepower (bhp).

4.14.2 Turbines

Any turbine at a stationary source that has a heat input rate of less than 3 million British Thermal Units (BTU) per hour (gross), and is fired exclusively with natural gas or liquefied petroleum gas or any combination thereof.

4.15 Low Emitting Unit

4.15.1 Any process not identified in any other category within this Rule which has emissions of less than 2 pounds per day of any affected pollutant unless the affected pollutant is defined as a Toxic Contaminant in District Rule 1000.

4.16 Manufacturing, Fabrication, and Processing

4.16.1 Ceramic

4.16.1.1 The following equipment or any exhaust system or collector serving exclusively such equipment:

Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.

4.16.2 Metal and Glass

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- 4.16.2.1 Crucible type or pot type furnaces with a brimful capacity less than 450 cubic inches (7,400 cubic centimeters) of any molten metal.
- 4.16.2.2 Tumblers used for the cleaning or deburring of metal products without abrasive blasting that are not equipped with dust collection systems.
- 4.16.2.3 Shell core and shell mold manufacturing machines.
- 4.16.2.4 Molds used for the casting of metals.
- 4.16.2.5 Equipment used exclusively for heat treating glass or metals or used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing or diffusion treating of metal objects.
- 4.16.2.6 Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds (450 kg) or less each, in which no sweating or distilling is conducted and from which only the following materials are poured or in which only the following materials are held in molten state, provided these materials do not contain alloying elements of arsenic, beryllium, cadmium, chromium and/or lead:
 - 4.16.2.6.1 aluminum or any alloy containing over 50 percent aluminum;
 - 4.16.2.6.2 copper;
 - 4.16.2.6.3 magnesium or any alloy containing over 50 percent magnesium;
 - 4.16.2.6.4 tin or any alloy containing over 50 percent tin;
 - 4.16.2.6.5 zinc or any alloy containing over 50 percent zinc;
 - 4.16.2.6.6 precious metals; and
 - 4.16.2.6.7 glass.
- 4.16.2.7 The following equipment or any exhaust system or collector serving exclusively such equipment:
 - 4.16.2.7.1 Equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.
 - 4.16.2.7.2 Die casting machines.

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- 4.16.2.7.3 Atmospheric generators used in connection with metal heat treating processes.
- 4.16.2.7.4 Brazing, soldering, or welding equipment.
- 4.16.2.7.5 Oxygen gaseous fuel, plasma arc, or laser cutting equipment.
- 4.16.2.7.6 Electrical Discharge Machining (EDM) equipment.
- 4.16.2.7.7 Equipment used exclusively for the sintering of glass or metals.
- 4.16.2.7.8 Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.
- 4.16.2.7.9 Foundry sand mold forming equipment to which no heat is applied.
- 4.16.3 Miscellaneous Manufacturing, Fabrication, and Processing
 - 4.16.3.1 Processes used exclusively for extruding metals, minerals, plastics, and wool.
 - 4.16.3.2 Equipment used exclusively to mill or grind coatings and molding compound where all materials charged are in a paste form.
 - 4.16.3.3 Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.
 - 4.16.3.4 Equipment used exclusively for bonding lining to brake shoes.
 - 4.16.3.5 Batch mixers of five cubic feet rated working capacity or less.
 - 4.16.3.6 Equipment used exclusively for the packaging of lubricants or greases.
 - 4.16.3.7 Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.
 - 4.16.3.8 Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.
 - 4.16.3.9 Platen presses used for laminating.
 - 4.16.3.10 Equipment used for buffing (except automatic or semi-automatic tire buffers)

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or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, fiberglass, leather, metals, plastics, rubber, fiberboard, masonry, carbon or graphite which is not vented to a dust control system.

4.16.3.11 The following equipment or any exhaust system or collector serving exclusively such equipment:

4.16.3.11.1 Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.

4.16.3.11.2 Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.

4.16.4 Plastics, Resins, and Rubber

4.16.4.1 Presses used for the curing of rubber products and plastic products.

4.16.4.2 Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.

4.16.4.3 Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.

4.16.4.4 Equipment used exclusively for conveying and storing plastic pellets.

4.16.4.5 The following equipment or any exhaust system or collector serving exclusively such equipment:

4.16.4.5.1 Ovens used exclusively for curing potting materials or castings made with epoxy resins.

4.16.4.5.2 Equipment used for compression molding and injection molding of plastics.

4.16.4.5.3 Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.

4.16.4.5.4 Roll mills or calendars for rubber or plastics where no organic solvents, diluents, or thinners are used.

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4.16.5 Wood

4.16.5.1 Stationary equipment used for drilling of wood.

4.16.5.2 Stationary equipment used for carving, cutting, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, in which the total aggregated electrical horsepower of such equipment does not exceed 50 horsepower at a stationary source. The aggregated electrical horsepower does not include any dust collection equipment horsepower.

4.16.5.3 All hand-held equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood.

4.16.5.4 Wood chippers powered by engines less than 50 brake horsepower (bhp).

4.17 Miscellaneous Equipment

4.17.1 Asphalt roofing tar pots.

4.17.2 Earth-moving or grading equipment at construction sites unless subject to the Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations.

4.17.3 Floor stripping.

4.17.4 Freon recycling.

4.17.5 Landfills which are not subject to the requirements of the State's Regulation to Reduce Methane Emissions From Municipal Solid Waste Landfills.

4.17.6 Quarries without stationary equipment unless subject to the Asbestos Air Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations.

4.17.7 Equipment used exclusively for steam cleaning. For any boiler or steam generator providing steam to the system to be exempt, it must be exempted by Section 4.7 of this Rule.

4.17.8 Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes except such systems which handle hazardous materials regulated by Rule 424 (NESHAPs).

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4.17.9 The following equipment or any exhaust system or collector serving exclusively such equipment:

Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by this Rule.

4.17.10 Mechanized burn equipment issued a burn permit under the provisions of Rule 438 (Open Outdoor Fires). This exemption does not extend to ancillary equipment (i.e. engines and generator sets) necessary for operation of the mechanized burn equipment.

4.17.11 Negative air machine with operational HEPA filtration system at asbestos abatement sites.

4.17.12 Blasting with explosives.

4.17.13 Nail salon operations.

4.17.14 Any abatement device which is used solely to abate equipment that does not require a permit.

4.18 Portable Equipment

Any engine-driven portable equipment which has been registered as portable equipment in accordance with the California Statewide Portable Engine Registration Program authorized under Title 13, Article 5, Sections 2450 through 2465, California Code of Regulations unless the equipment is providing functional operating power or is part of a process or product line that would qualify for a District permit and the equipment is not being used for maintenance or emergency purposes.

4.19 Printing and Reproduction Equipment

4.19.1 All sheet-fed printing presses and all other printing presses without dryers, which emit less than 10 pounds (4.5 kg) per day of any organic solvent or coating.

4.19.2 The following equipment or any exhaust system or collector serving exclusively such equipment:

4.19.2.1 Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

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4.19.2.2 Furnaces for the melting of lead or any alloy where the metal is used exclusively in printing processes.

4.20 Repairs and Maintenance

4.20.1 Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

4.20.2 Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

4.20.3 Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a Permit to Operate (PTO) has previously been granted for such equipment under Rule 200 (Permits Required) are exempt from the requirement to obtain an Authority to Construct (ATC), except that an application shall be filed for issuance of a revised Permit to Operate (PTO). A revised permit would only be required if such an identical replacement resulted in the need to change the information stated in the original permit.

4.21 Research and Testing

4.21.1 Equipment used for hydraulic or hydrostatic testing.

4.21.2 The following equipment or any exhaust system or collector serving exclusively such equipment:

Laboratory equipment used exclusively for chemical or physical analysis and bench scale laboratory equipment, which is *not* vented by a dedicated ventilation system separate from general room ventilation.

4.21.3 Laboratory equipment used exclusively for chemical or physical analysis and bench-scale laboratory equipment, which is vented by a dedicated ventilation system separate from general room ventilation and meets all of the following criteria:

4.21.3.1 is not vented through an air pollution control device; and

4.21.3.2 does not use any carcinogenic toxic air contaminant, as defined in Rule 1000 (Permit Guidelines and Requirements for Sources Emitting Toxic Air Contaminants); and

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4.21.3.3 uses no more than 0.1 quart (100 mL), excluding water, per day of any single toxic air contaminant (TAC), as defined in Rule 1000; and

4.21.3.4 uses no more than 1 quart (1 L), excluding water, per year of any single TAC; and

4.21.3.5 emits no more than 0.3 pounds (0.1 kg), excluding water, per day of any single TAC.

4.21.4 Equipment used for inspection of metal products.

4.22 Residential Structures

Equipment utilized exclusively in connection with any structure which is designed for and used exclusively as a dwelling for not more than four families, including an incinerator used exclusively in connection with such structure.

4.23 Storage and Transfer Equipment

4.23.1 Equipment used exclusively to compress or hold dry natural gas.

4.23.2 Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of fresh commercial or purer grades of:

4.23.2.1 sulfuric acid with an acid strength of 99 percent or less by weight, and,

4.23.2.2 phosphoric acid, any strength.

4.23.3 Containers, reservoirs, or tanks used exclusively for:

4.23.3.1 storage of liquefied gases;

4.23.3.2 unheated storage of liquid fertilizers and organic materials with an initial boiling point of 300°F (150°C) or greater, or with an organic vapor pressure of 0.1 psi (0.5 mm Hg) absolute or less at 70°F (21°C);

4.23.3.3 storage of lubricating oils;

4.23.3.4 storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings, and having a capacity of 250 gallons (950 liters) or less;

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- 4.23.3.5 storage of liquid soaps, liquid detergents, waxes, wax emulsions, or vegetable oils;
- 4.23.3.6 unheated storage of asphalt;
- 4.23.3.7 unheated solvent dispensing containers of 250 gallons (950 liters) or less;
- 4.23.3.8 transporting of materials on streets or highways, but not including the stationary use of portable equipment which may contain materials when transported; and
- 4.23.3.9 storage of gasoline in tanks having a capacity of less than 250 gallons (950 liters).

4.24 Surface Coating, Cleaning, and Adhesive Operations

- 4.24.1 Hand application such as hand lay, brush, daubers and roll up of nonarchitectural coatings as defined in Rule 429 (Applications of Nonarchitectural Coatings), solvents, and adhesives.
- 4.24.2 Application of nonarchitectural coatings as defined in Rule 429 (Applications of Nonarchitectural Coatings), solvents, and adhesives applied from non-refillable handheld aerosol cans.
- 4.24.3 Application of nonarchitectural coatings as defined in Rule 429 (Applications of Nonarchitectural Coatings), solvents, and adhesives via an airbrush with a cup size of 2 ounces or less.
- 4.24.4 Equipment used for the application of any coatings or adhesive with a VOC content of less than 20 grams/liter.
- 4.24.5 Powder Coating Operations where total usage is less than 10 pounds per day of powder coatings.
- 4.24.6 Containers, reservoirs, or tanks used exclusively for:
 - 4.24.6.1 dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents or thinners are used;
 - 4.24.6.2 dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

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4.24.7 Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks with capacities of 250 gallons (950 liters) or less.

4.24.8 Unheated, non-conveyorized washers utilized solely for cleaning spray equipment used for applying surface coatings.

4.25 Vehicles

4.25.1 Motor vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.

4.25.2 Equipment used to transport passengers or freight.

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